

DECOMMISSIONING: SPEAKING NOTE

(Delivered by the Secretary of State for Northern Ireland,
30 October)

1. I welcome this opportunity to set out the British Government's position on decommissioning. There is clearly not, at present, a complete identity of outlook on the issue. But I believe these expositions will be useful, permitting us to identify clearly areas where there is agreement, and to dispel misconceptions about others' positions. After these opening statements, I agree with Mr Robinson that it would be sensible to provide opportunities to probe and clarify each participant's written and oral presentations.

2. I am arranging to circulate a written statement of the British Government's position on the issue of decommissioning. That will set out our view of how the issue should be handled in the context of these negotiations. I will be describing that in detail myself in a moment or two. The paper also goes into a little more detail about our views on the International Body's proposals on the modalities of decommissioning; the features of our draft legislation on decommissioning; and our comments on some of the "confidence building measures" listed in the Report of the International Body.

3. For the moment I want to describe the British Government's general approach to the decommissioning of terrorist weapons. This is a fundamental issue, for a number of reasons:

- no government can tolerate the existence within its jurisdiction of illegal arms which could be used to attack democratic institutions or for other criminal purposes;
- the retention of such arms by terrorist organisations associated with political parties with a mandate to participate in these negotiations is inimical to the

confidence and trust, the development of which is necessary if the negotiations, with those parties, are to proceed to a successful conclusion;

- conversely, a start to decommissioning of those arms would demonstrate a practical commitment to exclusively peaceful methods, so helping to build the necessary trust and confidence;
- as the International Body noted: "Everyone with whom we spoke agrees in principle with the need to decommission. There are differences on the timing and context but they should not obscure the **nearly universal support** which exists for the total and verifiable disarmament of all paramilitary organisations." (paragraph 17)

4. The Government's desire for the decommissioning of illegal arms does not, of course, signify any lessening of our resolve that the full resources of the law should continue to be used to **seize** such arms and to prosecute those who possess them. The security forces in both jurisdictions have extensive powers in this area. But clearly, those efforts have not been completely successful. The process of **decommissioning** will be a different and distinct procedure, necessarily voluntary in character, designed to secure the removal of those illegally held arms on both sides of the border which have not been seized and may never be seized.

5. The Government's position is squarely based on the Report of the International Body, which we fully endorse. We therefore agree that the total and verifiable disarmament of all paramilitary organisations "**must continue to be a principal objective**" (paragraph 17) and that:

"Decommissioning should receive a high priority in all-party negotiations." (paragraph 38)

6. At the same time, we also accept that decommissioning is one of a number of important issues on which progress needs to be made during these negotiations. As the International Body noted:

"Success in the peace process cannot be achieved solely by reference to the decommissioning of arms". (paragraph 51)

7. It is for these reasons that the Government endorses, and has done so since January, the **compromise approach** to decommissioning described in the report of the International Body, which envisages some decommissioning taking place during the process of negotiations. The report explains, in paragraph 35 that such an approach

"..... offers the parties an opportunity to use the process of decommissioning to build confidence one step at a time during negotiations. As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps in a progressive pattern of mounting trust and confidence."

8. The Government will play a full part in putting in place the necessary machinery and building the right political context in which decommissioning can go ahead. Thus (in parallel with the Irish Government) we have prepared draft **legislation** which will permit the maximum flexibility in taking forward the decommissioning process. We intend to introduce this legislation in the near future. It will provide for a decommissioning scheme to be made by the Secretary of State and overseen by an independent Commission which will verify that the decommissioning process results in the safe and complete destruction of armaments. The Bill will also provide for an immunity from prosecution in respect of certain (mainly possession-related) offences for those acting in accordance with the decommissioning scheme. This will be a very narrow amnesty - in no sense a general one for crimes committed in the past.

There will also be provisions dealing with the exemption from forensic examination of armaments made available for decommissioning, and restrictions on the use in evidence of information obtained as a result of the process.

9. I have referred to the building of confidence as the basis for progress across a broad front. The prospects for a process of mutual decommissioning, as called for in the International Body's report, have undeniably been set back by the abandonment of the IRA's ceasefire, and their continuing attempts to perpetrate large-scale violence. We urge the loyalist parties to continue their efforts to ensure the maintenance of the CLMC ceasefire, which has enabled the valuable participation of the PUP and the UDP in these negotiations, in fulfilment of their electoral mandate and as parties committed to peaceful means. We appreciate the acute strains created by recent developments: but it remains overwhelmingly in the interests of all the people of Northern Ireland, including the communities from which the loyalist paramilitaries come, that the latter maintain their much-admired restraint and discipline.

10. The abandonment in February 1996 of the IRA ceasefire has served to emphasise that if there were a restoration of that ceasefire there would, as the International Body noted, need to be reassurance

".....that the commitment to peaceful and democratic means by those formerly supportive of politically motivated violence is genuine and irreversible, and that the threat or use of such violence will not be invoked to influence the process of negotiations or to change any agreed settlement." (paragraph 30)

The best way to build confidence in any claim by Sinn Fein to be committed to democratic politics would, of course, be for the IRA to make an immediate start to decommissioning its illegal arms. If they are unwilling to take that step now, let me reiterate that, under the legislation, there must be an unequivocal restoration of

the IRA ceasefire before Sinn Fein can be invited to nominate a negotiating team. The actions of the IRA have made it progressively more difficult for the rest of us to believe them. But if they did demonstrably so change their ways that Sinn Fein were to come to this table, then, like all the other participants, they would need to make clear their total and absolute commitment to the principles of democracy and non-violence set out in the Report of the International Body. And like the International Body (paragraphs 19 and 23), the Government regards these as commitments which, having been made, all participants must adhere to and take steps to honour.

11. The Government equally accepts, of course, the need for reassurance:

"that a meaningful and inclusive process of negotiations is genuinely being offered to address the legitimate concerns of [all] traditions and the need for new political arrangements with which all can identify." (paragraph 31)

12. We believe that these negotiations, which offer a comprehensive agenda under which it is open to the various negotiating teams to raise any significant issue of concern to them, and receive a fair hearing for those concerns, should meet that need for reassurance. As our rules set out, any participant in the format in question will be free to raise any aspect of the three relationships, including constitutional issues and any other matter which it considers relevant. No negotiated outcome is either predetermined or excluded in advance or limited by anything other than the need for agreement.

13. Given our acceptance of the International Body's Report, including its recommended guidelines on modalities, and the establishment of these comprehensive and democratic negotiations, how in practical terms might the decommissioning issue now be taken forward? Having reflected on the views of participants we set out a possible approach in our "suggested conclusions" for the opening plenary, which we circulated to delegations on 30 September.

14. What we proposed was the establishment of a clear structure of purposive action to take forward decommissioning alongside political negotiations within the Talks process. Perhaps I could summarise the key elements.

15. First, a commitment by both Governments to introduce enabling legislation early in the coming session with the aim of getting it enacted by Christmas.

16. Second, a commitment, binding on all present and future participants, to work constructively to implement all aspects of the Report of the International Body, in the context of an inclusive and dynamic process in which mutual trust and confidence is built as progress is made on all the issues of concern to all participants. The reality for all present and future participants is that progress in the Talks will only be possible on this basis.

17. Third, the legislation would make provision for an Independent Commission as a key part of the decommissioning process. However, the formal establishment of this Commission, with appropriate privileges and immunities, would have in practice to await the passage of the legislation and must also be based on essential preparatory work. We envisage a Committee of the Plenary being set up as the vehicle for that work. The Committee would also address the context in which a decommissioning scheme could be developed (including the progressive confidence building measures outlined in the Report), and the implications of the requirement for decommissioning to be mutual as between Republicans and Loyalists.

18. This Committee would of course require appropriate resources to get on with its essential tasks, which would include working out the precise role of the Independent Commission proposed in the Report of the International Body and provided for in the draft legislation. For this purpose, and to ensure continuity between the work of the Committee and the operation of the Commission, the Governments would provide to the Committee a range of expert personnel, whose work and

expertise will then be available to the Commission when it is established. The Governments would in addition invite to assist the Committee **independent experts of international standing**, whom we would envisage playing an important and appropriate part in the work of the Commission when it is set up.

19. We have therefore accepted the value both in terms of **practicality and confidence-building** of establishing a clear programme of work to be conducted initially by the Committee and subsequently taken forward by the Commission once it is established. The Committee would continue in being alongside the Commission as a vehicle for liaison between the plenary and those engaged in taking forward decommissioning;

20. The key point is that given the impossibility of establishing the Commission forthwith, the proposed Committee could actively pursue **from day one** the necessary programme of essential preparatory work. This would include

- (a) supervising the working up by relevant experts into a **series of alternative schemes** the different options for decommissioning outlined in the Report of the International Body;
- (b) supervising a parallel and rigorous practical analysis by the same experts of the precise role, powers and privileges of the **Independent Commission**, as required by each of the possible schemes, as an essential preliminary to agreement on the modalities and the formal establishment of the Commission with the appropriate personnel, resources, privileges, immunities and so on;
- (c) considering the necessary timing and sequencing of decommissioning.

21. The Committee would meet regularly and, once the necessary basis of agreement existed, make recommendations to the Governments. The Governments would then finalise and promulgate a scheme for decommissioning, and precise arrangements for the Commission, as soon as they were satisfied that a workable scheme of decommissioning had been identified. It would have to be capable of finding broad acceptance among the parties and among those expected to decommission.

22. The Governments also propose that a special Plenary session should be convened in December to take stock of progress in the negotiations as a whole, including the work of the Committee. Regular reviews of this kind might become a feature of the talks process, giving confidence to all that the negotiations as a whole are proceeding in a balanced manner.

23. Thus, in our proposals, the Committee would have a clear work programme and the resources to carry it through, leading rapidly to the point at which the Commission could be established. Its work could not be stalled by the absence of any party. Moreover, the commitment which the Governments would be seeking from all parties to the negotiations would be to work constructively to secure implementation of all aspects of the report of the International Body. When that commitment is made, everyone will expect it to be honoured in good faith, in the context of an overall process of negotiations which builds mutual trust and confidence. The regular plenary reviews would act as a check on progress.

24. Those were the proposals we put forward. They were based on a careful analysis of the different participants' views; and as such they still seem to us to offer the best prospect for making progress. We shall want to reflect further on what is said by others, and would welcome an opportunity to probe others' thinking and explain our own in more detail as this debate develops.