



21 October 1996

decommissioning

PAPER 1

Position Paper

WHY DECOMMISSION?

The process of destroying illegal weapons in Northern Ireland is based upon the recognition that groups that claim to be committed to peace and democracy do not need an arsenal for murder and destruction and their sincerity is better demonstrated by a tangible gesture such as decommissioning than by glib rhetoric.

The curious and controversial logic of talking to terrorists advocated by both the British and Dublin governments, upon which the present Talks process is constructed, was sold to the public with the suspect sweetener that the participation of terrorists in negotiations would :-

"involve a permanent end to the use of, or support for, paramilitary violence."

In these circumstances the British and Dublin governments confirmed in the Downing Street Declaration that:-

"democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead."

Having set down the principles that would guide their behaviour on this issue the government soon realised they had two problems:-

1. some terrorist groups were unlikely to become democratically mandated
2. the terrorists were unwilling to cast away the *modus operandi* that had brought them recognition by and concessions from government.

The government quickly resolved the first problem - they turned the electoral system on its head by inventing a voting method which provided minor parties with seats in spite of the meagre level of their support.

The second problem of having all terrorists commit themselves "*to use exclusively peaceful methods*" simply could not be resolved. Instead the government has engaged in *incremental adjustments* to its position. These *modifications* are likely to continue until the government's position corresponds to that of the terrorist groups.

When the IRA refused to commit itself to a "permanent end to the use of violence" as required in the Joint Declaration, the government responded by diluting its position. The government instead made "a working assumption that the IRA ceasefire was permanent". Time, and the IRA's subsequent actions, have shown how wrong-headed the government were to make that assumption.

The other element in terrorists committing themselves to exclusively peaceful methods was the requirement to hand over their illegal weapons. Here too the government watered down the preconditions they had first set in order that the terrorists could take part in negotiations.

GOVERNMENT DILUTE REQUIREMENTS

Sir Patrick Mayhew in October 1993 on RTE said:-

"The IRA will have to give up its guns and explosives to prove violence is over"

The Secretary of State again set out the government's position just before the IRA ceasefire:-

"the idea that I will talk to them now, or those who represent them and argue for them, is one that would turn the stomach of decent people through the length and breadth of this Province. If you bring a bomb with you then don't expect the British Government to dignify you with the status of a constitutional politician."

However, it was not long before the government lowered its sights and indicated it would settle for:-

"substantial progress on decommissioning."

Soon the Prime Minister was telling the House of Commons:-

"The paramilitaries may be intransigent or unwilling to begin decommissioning, which - I remind the House - is what is asked for. No one has asked for the total decommissioning of all weapons before talks begin. We have told Sinn Fein and the loyalist paramilitaries, in order to provide confidence for the people of Northern Ireland and the political parties and their representatives in Northern Ireland, 'Show your determination to seek peace by beginning to decommission.'"

So the government's position at that time was that a start to decommissioning was required before paramilitaries participate in talks. As to how the government intended this line to operate was spelled out by the Secretary of State in a letter to MP's:-

"On the separate issue of Sinn Fein's participation in substantive political talks, as distinct from exploratory dialogue, this cannot happen until there has been substantial progress on decommissioning of arms. I explained in Washington last week that this would need to include at least:

- a declared willingness in principle to disarm progressively;*
- a common practical understanding of what decommissioning would entail; and*
- in order to test practical arrangements and to demonstrate good faith, the actual decommissioning of some arms as a tangible confidence building measure and to signal the start of a process."*

[Words underlined by Secretary of State]

Since these positions were stated the government has reacted to the International Body's Report on Decommissioning by indicating that it now accepts all aspects of the Report.

THE UNIONIST POSITION

The DUP and the UKUP fought the Forum election on the basis of requiring guns to be handed over before the 3-Stranded process began.

That remains the position of both parties. Equally, the Ulster Unionist Party publicly committed itself to this position. In full knowledge that the IRA had ended the tactical cessation of its murder campaign in February and that the requirement to decommission would in these circumstances fall first to the CLMC, the leader of the Ulster Unionist Party, Mr Trimble, gave a lengthy interview on decommissioning to the Belfast Telegraph on 7 June 1996:-

"Our position is quite clear. The issue must be tackled at the beginning, with clear commitments given which will be honoured by actual decommissioning beginning in a short period thereafter.

In any event, we will not allow the process to move beyond the opening session of the negotiations without this matter being settled to our satisfaction.

According to the Communiqué of February 28, the opening session includes the issues of Mitchell, the agenda and the procedures.

If towards the end of that session paramilitary parties have not established their good faith by beginning decommissioning, we will insist that they be excluded from further participation in the negotiations, and we will not allow them to proceed to substantive negotiations."

While Mr Trimble then clearly required actual decommissioning before the end of the Opening Plenary, irrespective of any mutuality condition, contrary views have been expressed by his deputy, Mr Taylor. On 30 July 1996 Mr Taylor said:-

"We emphasise that there cannot be any partial decommissioning by loyalist paramilitaries unless there is similar decommissioning at the same time by republican paramilitaries."

Again, Mr Taylor on 2 October 1996 said:-

"Accepting that the British and Irish Governments will deliver upon their assurances that they will proceed with the necessary enabling legislation for decommissioning, we are prepared to enter into negotiations on the three relationships and are prepared to accept that upon the establishment of a genuine ceasefire, Sinn Fein could

enter plenary sessions prior to decommissioning. However they could not enter into the three-stranded mode until, as required by the Mitchell Report, there is some mutual decommissioning by loyalist and republican paramilitaries."

Time will show whether Mr Trimble's view or that of Mr Taylor prevails within the UUP.

THE MITCHELL REPORT

The International team were faced with two opposite views - one, held by the DUP, calling for all weapons to be surrendered before terrorists could join the talks, the other, held by Sinn Fein, the PUP and the UDP, demanding that there should be no decommissioning until there is a result to the negotiations which they accept. Not unexpectedly the International Body chose not to decide the issue on what outcome was ethically proper or morally correct, but instead it opted for a compromise between the two positions. The result - "parallel decommissioning".

The International Body's Report has many failings. One weakness is that even its suggestion of decommission during all-party negotiations is not a recommendation for complete decommissioning. The Report only urges that;

*"The parties **should consider** an approach under which **some** decommissioning would take place during the process of all-party negotiations"*

The reference to "some decommissioning" leaves the quantity of illegal weapons to be decommissioned during the process unspecified.

THE DUP MANDATE

The DUP holds to its electoral commitment:-

IRA/Sinn Fein and all terrorists made to hand over their illegal weaponry and dismantle their terrorist machines.

The terrorist killing machines are still intact. None of the sinews of war have been dismantled. What is needed is

the defeat of armed terrorists, not some accommodation with them.

We believe that total decommissioning should take place before paramilitaries are permitted to enter negotiations. We could not accept any approach that did not provide a programme for total decommissioning with the actual start of full decommissioning prior to the launch of the three-stranded process and precise agreement reached for the handing-over of all weapons. Moreover, no matter what other parties may do, the DUP will not be sitting in negotiations with Sinn Fein/IRA before the total surrender of illegal weapons has occurred.

In keeping with the principle outlined above, there can be no question of Sinn Fein/IRA entering the Talks process without actual prior decommissioning on their part.

Our proposals recognise that there should be a distinction between the treatment of, and requirements to be met by, those who, on the one hand, though faced with considerable provocation, have maintained a ceasefire and, on the other hand, those who have continued to bomb, shoot and kill. Though even the loyalist paramilitaries have tarnished their ceasefire with serious infringements there is a clear distinction between their position and that of Sinn Fein/IRA, but they too must engage in the programme of total decommissioning before engaging in substantive talks.

❖ **Affirmation of the principle of decommissioning**

It is already agreed that on entering the process each participant must accept the Mitchell principles which includes declarations:-

- To the total disarmament of all paramilitary organisations;
- To agree that such disarmament must be verifiable to the satisfaction of an independent commission;

❖ **Agreement to a programme of decommissioning**

During the Opening Plenary all participants shall commit themselves to a specific programme for total disarmament agreed after discussion on the issue but before the mechanisms are established. This programme would include a timetable and the percentage of each organisation's

stockpile of weapons is to be handed over at each stage. The stages for decommissioning of weapons should be linked to the calendar and not triggered by the paramilitary organisation receiving concessions within the Talks Process

❖ The practice of decommissioning

While it is the DUP's position that total decommissioning should take place before paramilitaries are permitted to enter negotiations the Secretary of State argued that:--

"in order to test practical arrangements and to demonstrate good faith, the actual decommissioning of some arms as a tangible confidence building measure and to signal the start of a process."

If this less satisfactory position were to be adopted then, at least, the quantity initially deposited must be such as to provide evidence of the beginning of a serious and genuine process to ensure that the commitment given by all delegations to the second Mitchell Principle is to be honoured.

The DUP will submit a slate of detailed proposals on decommissioning when the proceeding in the Opening Plenary reaches the appropriate point.