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DECOMMISSIONING

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An Alliance Party Paper

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Section 1 - What is Decommissioning? Why is it desirable?

Decommissioning means 'to retire something from its current usage'. In the Northern Ireland peace process, the term has come to refer to the neutralization of the weaponry of various paramilitary groups, in the context of a developing resolution of the political problem. It is therefore something quite separate from the normal process of the security services obtaining of illegal weapons and other such materials, through searches, raids, and information gathering. Under the broad definition, as it refers in our current process, decommissioning is generally understood to encompass either the handover of weaponry to a third party, or its permanent disablement. The terms "demilitarization" and "disarmament" are much more commonly used to describe the neutralization of weapons after civil war or internal conflict, and the word "disarmament" rather than "decommissioning" is specifically used in the Mitchell Principles. Furthermore, the decommissioning measures advocated by the Mitchell Report, namely the destruction of weapons by either the paramilitaries themselves or the transfer (whether directly or indirectly) to the proper authorities, amount to disarmament.   The term "decommissioning" was suggested by ourselves at an early stage, to minimize the sense of military surrender which is implied by the other terms.   (We believed that it would be difficult enough to achieve the desired outcome, without adding to the problem by describing it in terms of military defeat.)

The possession of illegal arms is a symptom of a conflict, and a means of prosecuting it, but it is not the essence of the conflict. Decommissioning cannot of itself resolve a dispute. It can however enhance the prospects of a satisfactory resolution by generating trust and confidence as part of a broader political process. The removal of weapons is in itself no guarantee that conflict will not re-emerge in the absence of political progress. It is also difficult to verify that decommissioning has been complete, or to prevent further weaponry from being acquired. Decommissioning cannot therefore reliably be pursued, in isolation, as the means to ensure a peaceful society. Its main value lies in the *trust and confidence* that it can generate for a genuine political process. The Alliance Submission to the International Body on Decommissioning argued that the:

> *".....the continued existence of illegal weapons undermines the peace process by perpetuating communal fears of a return to violence, and casting doubt on the real intentions of those who say that they have given up violence......The retention of illegal weapons suggests a preparedness to return to violence, and presents to those involved a temptation to fall back to violence in the event of political frustration and disappointments."*

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Decommissioning can become a practical demonstration of the good intentions of those in illegal possession of arms.

It is tempting to believe that, once a conflict has been resolved, there is no need or urgency to remove weapons as there is little prospect of them being used. However a general reduction in the numbers of weapons in circulation, even if it is not the absolute removal of all materials, is likely to *reduce the number of acts of violence* in any society, by restricting the ease of access to weaponry. This provides a second rationale for decommissioning.

The nature of the Northern Ireland peace/political process seems to fall somewhere between two models. Which model one adopts determines much of how one regards the issue of decommissioning.

The first model could be termed the *RealPolitik* approach. In this model a conflict is resolved on the basis of the relative military power, capacity physically to disrupt, or ability to use force of arms, of the participants.

The second model can be termed the *Democratic* approach. In this model parties negotiate on the basis of their respective democratic mandates.

In practice, most attempts at conflict resolution throughout the world, fall between these two absolutes, but tend towards the former, because in most situations democratic practice does not have deep roots, and the main parties on both sides of the conflict have resorted to force of arms. We will see this later when we review some recent international experience. In contrast, in Northern Ireland there is a long-standing democratic tradition, albeit disputed, and only more extreme parties have clear links to the use of illegal arms.

Working on the basis of the latter model (which the Alliance Party has implicitly endorsed through its support for elections before the start of talks) decommissioning, as a process, has a positive contribution to make to negotiations. Successful decommissioning can help generate trust, and minimize the fear that parties with links to paramilitary groups could have a disproportionate influence on the outcome of negotiations, through their ability to resort to force or the threat of force, or to have acts of terrorism conducted on their behalf, should they find the outcome of the Talks unattractive.

It must of course be recognized that a requirement to decommission may deter the participation of some parties if they believe that the 'opportunity cost' of complying with such a demand, in terms of a restricted capability subsequently to use force, would be greater than any perceived benefit that could arise from entering into, or continuing in, negotiations.

Section 2 - The wider political context

There are a number of possible political scenarios in which this Talks Process could continue. It seems reasonable to assume that the continuance of the Loyalist cease-fire is a prerequisite for the continued participation of the PUP and UDP in the talks, whilst Sinn Fein will not be permitted to enter without, at minimum, a new IRA cease-fire.

There are then three obvious scenarios:

1. Both loyalist and republican paramilitaries are in a state of cease-fire and Sinn Fein, the PUP and the UDP are all involved in the talks process (provided, of course, that they all accept the Mitchell principles).

2. A cease-fire from only one set of paramilitaries (currently the loyalists).

3. No cease-fires from either set of paramilitaries, leaving no representatives of paramilitary groups present at the Talks.

The Mitchell Report established the framework in which decommissioning can occur. It concluded, at the time of its writing, that there was a sufficient commitment, from those parties in possession of weapons, to work for decommissioning as part of All-Party Negotiations, but not before (para. 25). As a compromise between those arguing for decommissioning **prior** to negotiations, and those arguing that it should not commence until the satisfactory **completion** of talks, the International Body chaired by Senator Mitchell recommended that decommissioning proceed **alongside** negotiations (para. 34). The report further suggested that the process be based on the mutual commitment and participation of the paramilitary organizations (i.e. that neither side would be expected to disarm unilaterally).

The British Government set a date (10 June 1996) for the commencement of All-Party Negotiations and staged elections to determine which parties would be represented at the Talks (providing, in respect of those parties which had links with paramilitaries, that those paramilitaries were in a state of cease-fire). Participants would then have to accept the Mitchell Principles and 'address' the issue of decommissioning, to the satisfaction of the other participants, at the beginning of Talks.

Given the acceptance of mutuality of decommissioning, only in the first of the above scenarios is there a reasonable prospect of actual decommissioning taking place. However, in the present circumstances, the latter two scenarios are the more plausible ones for the current talks. Questions regarding the modalities of decommissioning are therefore being addressed at this stage without any immediate prospect of their activation, but rather in anticipation of a possible scenario for decommissioning presenting itself in the future. Whilst the notion of 'all the parties around the table and everyone committed to peace' is the rubric which has sustained the peace strategy advanced since 1992, the

failure to achieve such a context, despite enormous expenditure of time and effort, must raise the possibility that no such scenario is likely to present itself in Northern Ireland. A decision must therefore be taken as to whether substantive political negotiations should be advanced in the absence of an activated process of decommissioning, and without at least one of the parties which achieved a mandate in the elections to All-Party Talks (Sinn Fein).

Whilst some would still maintain that the ideal context for Talks is one where all parties are present, and committed to achieving a realistic and honourable political compromise, and a resolution of the arms question, this may simply not be possible. A political process without certain groups, as distinct from a broader process in which all the representatives are present, is nevertheless of value. Indeed it is arguable that it would have a better chance of actually finding agreement than the 'ideal' process. Although the latter might have the advantage of binding the paramilitaries to the outcome, including the neutralisation of weapons, a political process in which some or all of the paramilitaries were not represented, provided it reaches agreement, could through addressing the fundamental divisions of Northern Ireland society, undermine the rationale of terrorism, consolidate peace and even open the way for at least some decommissioning of weapons.

Section 3 - Some Recent International Experience

The neutralisation of arms has been an issue in the process of resolution of most internal conflicts in other countries. Some common themes and features do exist, but what is most striking that every conflict resolution process is unique, with few hard and fast rules. Even to the extent that any common model can be generated, there are reasons to argue that the Northern Ireland peace process does not conform to it.

Let us look at some recent international experiences, which may help us to understand our own dilemma in a broader context.

State and non-State Arms

The state remains the cornerstone of the international system. While the practical ability of states to control events both within and beyond their borders has been substantially reduced by the forces of globalisation, the juridical sovereignty of states remains unchallenged. States retain a monopoly on the legitimate use of force. Therefore states have a right to bear arms. The rights of states to use force in their self-defence is well ingrained in international law. However, the right of states to take **whatever** action they deem appropriate against their own populations has been regularly challenged by the international community in the last decade. The actions of states have increasingly fallen under review and occasionally the sanction of the international community. When states engage in diplomacy on disarmament however, it is in an attempt to enhance international

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peace and security, rather than to remove illegal weapons. It is not, in our current parlance, 'decommissioning'.

Sub-state groups are generally **not** regarded as having a right to bear arms. In most of the following cases, sub-state groups are either in conflict with each other, or with government forces. Disarmament efforts have usually applied to all of the parties, especially when peace negotiations are designed to create new inclusive structures of governance. When a government includes itself in this process, it is implicitly acknowledging that its legitimacy and authority are questionable in part or all of its territory. This again is not the case in our own situation.

Angola

After Angola received its independence from Portugal in 1975, the rule of the Marxist MPLA was disputed by UNITA. Angola became a Cold War cockpit as Cuba and the Soviet Union backed the former, and South Africa and the United States supported the latter. Agreements made in December 1988 facilitated the removal of international elements of the conflict by 1990. In 1991, the MPLA government and the UNITA opposition negotiated and agreed a cease-fire, disarmament and demobilization of the factions, and the creation of a new integrated army in advance of presidential and legislature elections. The international community dispatched an under-resourced and poorly mandated United Nations force to observe implementation of these agreements. The parties however did not honour their disarmament pledges. The elections proceeded in an unstable atmosphere. The MPLA won the elections but UNITA alleged irregularities, and having unsuccessfully called for fresh elections, resumed the armed struggle. After two more years of bloody civil war, the peace process resumed in November 1994 with the conclusion of the Lusaka Accords. Once again the parties agreed a cease-fire, demobilization of armies, the creation of a new integrated army and to give UNITA a share of power. The United Nations agreed to deploy a more substantial force to implement demobilization. The process inevitably fell behind schedule, mainly due to lack of trust between the parties, and several cease-fire violations occurred. Demobilization did not start in earnest until this year.

Bosnia

The 1995 Dayton Agreements are noticeably very weak on requirements for the armies of the Bosnian Serbs, Bosnian Muslims and Bosnian Croats to disarm or to merge into a common force for a united Bosnia. The right of the Federation of Bosnia and Herzegovina and the Republica Srpska, the two "Entities" into which Bosnia was partitioned, to maintain its own forces, is one of many indications of the permanence of the division of that country. In the Dayton Agreement, the parties did, however, agree to a number of arms control measures. They agreed to notify I-For (the NATO force that implemented military aspects of the Dayton Agreement) of their military strengths and deployments, to withdraw their forces to "cantonment/barracks" areas and to demobilize those that could not be accommodated in the former. They further agreed not to acquire

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any further weapons pending a further agreement to be negotiated under the auspices of the OSCE (Organization for Security and Co-operation in Europe). This was intended to facilitate an agreement that balanced the military strength of the Entities in a 2:1 ratio.

Cambodia

Cambodia returned to civil war after Vietnam had ousted the Khmer Rouge in 1979. The latter joined with the Monarchists in fighting the Vietnamese puppet regime. The end of the Cold War and Vietnamese withdrawal opened up the possibility of a solution. That solution was fairly clear. It involved a transitional period, in which the parties would disarm, refugees would return. and there would be free and fair elections to determine the future government. Difficulties lay in the total absence of trust between the parties and disagreements over transitional arrangements. In the summer of 1991. the parties agreed to a cease-fire and to a United Nations plan which entailed UN intervention to conduct the elections and supervise the government in the interim. The UN initially expected the parties to convene in certain areas to be disarmed and demobilized. However, the parties only agreed to decommission 70% of their respective strengths. In practice, the parties had been pushed into the peace process without a sufficient commitment to national reconciliation. The Khmer Rouge quickly opted out of the process; the other parties naturally refused to disarm. The United Nations however managed to hold free elections on schedule despite the enormous threat to the process from the Khmer Rouge. **The process survived despite the opt-out of one of the parties.** The new and legitimate 'unity' government and army are still engaged in conflict with the Khmer Rouge, but the latter has now no international legitimacy.

El Salvador

In 1980 a right-wing military coup gave rise to left-wing guerrilla opposition, the FMLN. Their resistance continued after the return of civilian rule in 1982. The United States pushed for democratization but simultaneously aided the army, and the FMLN received aid from the Sandinistas in neighbouring Nicaragua. The army, and especially right-wing death squads, beyond civilian control. persecuted and murdered left-wing activists and frustrated the efforts of the government to achieve a political settlement based on the integration of the FMLN into the political system, in return for their demobilization. These prospects deteriorated as the right wing ARENA party assumed power in 1989. The United Nations took control of the peace process and addressed improvements in the overall human rights situation as a first priority in order to build confidence. The FMLN, deprived of aid from their allies in Nicaragua, and the government under pressure from the United States to cut a deal, reached an agreement in late 1991 for a cease-fire, FMLN disarmament by the end of 1992 and their transformation into a legitimate political party to compete in the 1994 elections. They ultimately did not gain any share of power. The government in return promised substantial reform of the security services. While disarmament did occur on schedule, strong evidence indicates that it was far from complete. The FMLN lied about their inventories and hid weapons. A number of low-scale incidents continued, and there is a serious crime problem.

Lebanon

The Lebanese civil war ended in 1989 with the Taif Accords. These accords, largely drafted by Syria, which had 40,000 troops in Lebanon to bolster its government, essentially acknowledged government control over all of Lebanon. They were endorsed in 1990 by the Lebanese Parliament. Many of the factions did not directly accept the accords. However, as they were militarily exhausted, they implicitly recognized the accords, and therefore their own lack of legitimacy, through complying with the Lebanese Government's decision that all militias should disarm and dissolve. They were given time to disarm voluntarily to a partner of their choice. The Christians handed their weapons to Israel and to the South Lebanese Army (Israel's proxy army based in the security zone established by Israel inside Lebanon). The Syrians had defeated the Christians in 1989 when General Aoun attempted to resist the Accords. The Druze gave some of their weapons to Syria and buried others. Hezbollah refused to disarm on the grounds that they were fighting a war of national liberation. The Lebanese Government accepted this argument because they did not have the ability to coerce Hezbollah into disarmament. The Palestinians also refused to disarm, but in July 1991, the Lebanese Army forcibly disarmed them. It is notable however that light arms were not removed from any of the groups.

Mozambique

Mozambique shares many similarities with Angola. It too got its independence from Portugal in 1975. Again a Marxist government, FRELIMO, was challenged, in a brutal civil war, by RENAMO which was backed by South Africa. This conflict slowly wound down in the wake of the end of the Cold War. A peace agreement once again provided for a cease-fire, disarmament and demobilization, and the creation of an integrated army before elections. A much stronger UN force was deployed to help implement the agreements. Disarmament did not take place on schedule due to both the inefficiencies of the UN and difficulties from the parties. Rather than hold elections in a potentially unfavourable environment, the United Nations, having learnt the lessons from Angola, postponed the elections, and insisted on disarmament prior to the elections. While, once again the disarmament process was not complete and RENAMO almost refused to participate in the elections, the strong international insistence on disarmament contributed to a more stable conclusion than Angola. Though rumours exist of hidden arms caches throughout the country, the leadership of RENAMO insists that there will be no return to violence.

Nicaragua

The civil wars in Central America of the 1980s were interrelated. The left-wing Sandinistas ousted the right-wing Somoza regime in Nicaragua in 1979. The "Contras", based on remnants of the latter, violently resisted the rule of the Sandinstas. The conflict quickly became a Cold War cauldron as the United States aided the Contras, and the Soviet Union, the Sandinistas. The Arias Plan, institutionalized in the Esquipulas

Agreement, in 1987 called for the five Central American countries (Nicaragua, El Salvador, Guatemala, Honduras and Costa Rica) to agree to end external assistance in the civil wars of others, to seek to end their civil wars and to start talks on the reduction of arms in the region. It further called for respect for human rights, cease-fires and elections. A cease-fire was established in Nicaragua in 1988, and the Contras promised to move into security zones and to begin negotiations on disarmament. The Contras had essentially collapsed after being deprived of military aid from the United States. The collapse of the Soviet Union pulled the plug on the Sandinistas. The five Central American Presidents in early 1989 decided that the Contras would be disarmed and that internationally supervised elections would be held in Nicaragua in February 1990. In the Tela Agreement (August 1989), they put forward a joint plan for the demobilization of the Contras. The Contras were supposed to be disarmed before the elections, but they did not consent to this until after the election in which the Nicaraguan opposition ousted the Sandinistas. Some would argue that the Contras would not have disarmed if the Sandinistas had won, however, in the event they did disarm inside designated security zones in Honduran territory under UN supervision. The process was completed inside a couple of months but it is unlikely that every weapon was handed over. There was no direct linkage between the disarmament of the 'guerrillas' and reductions in the army, unlike in El Salvador.

Somalia

In 1991, the regime of Siad Barre finally collapsed. Several armed factions competed to assume control. Somalia degenerated into anarchy, as no group became dominant. As famine broke out, the armed militias seriously hampered the efforts of the international community to address it. The United States led a multi-national coalition to create a secure environment to end the famine. Their presence aided the peacemaking process and the parties reached a tentative agreement on transitional arrangements and voluntary disarmament. The proliferation of arms was a major barrier to the reconstruction of Somalia. However the United States did not seek to coercively disarm the parties although arguably it had the capability to do so. The less capable United Nations operation that followed felt it did need to neutralise weapons. Furthering these goals, this mission became mired in, and ultimately lost, a small scale war with the General Aydid faction. The United Nations pushed disarmament too aggressively and undermined its ability to create a viable political settlement. While it is not clear that the United Nations could have rebuilt Somalia, it is probably to be regretted that the United States did not instigate the disarmament. Since the withdrawal of UNOSOM II, the various factions have continued in conflict though fears of a full-scale civil war have not yet been realized.

South Africa

Full Negotiations on the future of South Africa occurred in the context of a cease-fire from the ANC. The ANC suspended the use of violence in August 1990 but it was not until December 1991 that the negotiations began inside the framework of CODESA

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(Convention for a Democratic South Africa). Both sides had placed preconditions on the other before talks could commence. The government expected an ANC cease-fire; the ANC expected certain political reforms including the release of political prisoners. Parties operating within CODESA signed a Declaration of Intent which bound the parties to an all-inclusive and binding process, including commitments to work for multi-party democracy. However both the ANC and the National Party agreed to allow the PAC (the Pan African Congress) to join a wider framework of negotiations than those provided by CODESA without a cease-fire from its armed wing. Formal 'Armed Struggle' (as distinct from social violence) had in fact been a relatively minor factor in political violence and indeed political agitation in South Africa. Disarmament did not happen during the process. It was discussed during the talks but never properly implemented. This absence of decommissioning did not prevent generally free and fair elections occurring, and a peaceful transfer of power occurring. However, in the opinion of F.W. de Klerk, (given in answer to a question at the Forum for Peace and Reconciliation in Dublin) the absence of decommissioning has generally contributed to the maintenance of large scale violence in South Africa since the agreement. The National Party did raise the question of ANC arms during negotiation, but did not push the issue too hard. The greatest threat to the process came from ANC complaints that the NP government was trying to destabilize the process through support for Inkatha violence.

Common Themes

Several common themes can be identified.

Disarmament was a major issue in virtually all of the above conflict resolution exercises. It did not occur in anticipation of, or as a precondition to negotiations. Indeed only rarely were cease-fires prerequisites for talks processes, South Africa being one notable exception. However, the regulation of the armaments of the warring factions was a crucial element of many of the peace agreements brokered. Disarmament was usually seen as crucial before elections to decide new structures of governance.

This approach is not surprising. The conflicts were generally seen in RealPolitik terms because the major political players on each side were participating in a war. In most cases they had field armies, pitted against each other. The parties negotiated on the basis of their relative military strengths. After agreement, the players were supposed to move into an essentially Democratic phase in which their relative military capacity was not a factor.

These international comparisons suggest that although decommissioning is not generally pursued when conflict resolution processes are in a RealPolitik phase, it is usually a major issue, when moving into a Democratic phase.

Disarmament in these situations was usually seen as a means to neutralise the threat from the former armed factions in the post-conflict period rather than to generate trust during the process. The importance of disarmament before elections is illustrated by the

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problems experienced in both Angola and Cambodia. The aim is to reduce the danger of disappointed parties turning back from Democracy to violence.

Some of the above cases also illustrate the practical difficulties in guaranteeing that disarmament has been complete even with external verification. It is often the case that some of these arms find their way into criminal activity, and a high level of gang and criminal violence is often a post-conflict phenomenon. For this reason the reduction of weapons in circulation is always beneficial, though probably never complete.

It is sometimes said that decommissioning is impossible unless those holding the weapons are part of a settlement. However it is notable, that the Contras and certain parties in Lebanon decommissioned at some level without receiving many political concessions in return. They had essentially become marginalized by the ending of external assistance, by military defeat or by change within their societies which removed their *raison d'être*. These parties had minimal input into decisions that they would be decommissioned. **Precedents therefore exist for armed parties which were not integral to political processes accepting their dissolution without strictly having been militarily defeated.**

How do we Analyse the Northern Ireland situation?

There are many reasons for arguing that the Northern Ireland situation does not fit the RealPolitik model outlined above, and that it should not be manipulated in order to comply with it. Rather it needs to be addressed in terms closer to the Democratic model.

1.   In many of the above conflicts the main protagonists on both sides were armed. However, in Northern Ireland there is a lack of congruence between those parties which have links to organizations in possession of illegal arms, and other parties of central importance to the resolution of the political conflict. Northern Ireland has never been a classic civil war situation. Not only does this reality greatly complicate the resolution of the conflict, but it reinforces the argument that the conflict should be resolved by the parties seeking sufficient consensus in terms of their relative **democratic** mandates rather than the size of their arsenals. (The Sinn Fein analysis is to interpret the situation in terms of what we have called the 'RealPolitik model', in which the key protagonists are the PIRA and the Crown Forces. Other parties are of marginal importance in this analysis.)

2.   The international norm seems to be, a cease-fire, followed by negotiations, which produce an agreement that often includes commitments to disarm and subsequently to hold an election to determine the future government. These conflicts are resolved in a RealPolitik approach largely in terms of the relative military strengths of the parties. Consequently, at that stage, there is no urgency to create a level playing field for democratic parties through neutralizing the war-making capacity of the those parties

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whose strength derives from their military capacity rather than their electoral mandate. The post-agreement phase often entails elections to determine the future government. As the possession of arms means that the parties have the potential to interfere with the staging of free and fair elections, there is often some urgency to negotiate the requirement for parties to disarm at this point, in anticipation of elections.

The already strong case for the resolution of the Northern Ireland conflict in purely democratic terms was substantially reinforced both by the Mitchell Report and the elections of 30 May 1996. Through their acceptance of the Mitchell Principles, as a prerequisite for entry into the talks process, parties committed themselves to exclusively democratic means, to abide by any agreement produced, and not to seek to challenge any aspect of it through force of arms, and to verifiable decommissioning. The election reinforced the applicability of the democratic model, as the ballot box, rather than military might, determined which parties would be represented at the negotiating table. (Note the absence of IRSP/INLA in any discussions about participation.) This may not have been the primary motivation of those parties that advocated the election, and it must also be said that the singular nature of the electoral system, (created in order to ensure that certain parties obtained some representation), indicated a lingering presence of the RealPolitik approach. Furthermore the value of the Mitchell Principles has been undermined by the loose interpretation of the British and Irish Governments of their applicability, in reference to events over the summer of 1996.

3.   In many of the international comparisons, the non-governmental parties were guerrillas. They wore uniforms, fought pitched battles and sought to consolidate control of pieces of territory. While the dividing line between guerrillas and terrorists is not at all well defined, the Northern Ireland paramilitaries have little claim to the former status as they have not sought to directly confront their enemies in military fashion, and have not been able since the early 1970's to actually control territory, but instead they have engaged in politically motivated murders of their enemies and use civilians, in a random manner, as proxy targets to put pressure on their enemies. In the event of their members being killed in the conflict, even on avowedly active service, this is not accepted as a normal casualty of war. Rather republicans describe it as a breach of the civil law, as one would in a normal civil society. This expectation of their volunteers being treated as normal civilians with all due legal protection is not compatible with the conduct of war. It is striking, for example, to compare the demands for treatment of PIRA members in Northern Ireland during the current troubles, with the treatment of internees in the Southern state during the emergency after partition, when summary executions as reprisal by the state, was regarded as necessary, and acceptable by the State. The demands of republicans would appear to suggest that they do not actually accept all the demands of the RealPolitik model, but only in so far as it exalts their position and significance in the conflict.

4.   In many conflicts, the government was clearly a party to the conflict (El Salvador, Nicaragua, Angola, Mozambique). While at different occasions various parties describe the British Government as a help or a hindrance to the conflict resolution, only in the

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Sinn Fein analysis is the British Government a party to the conflict. (Unionists might assert that the Republic of Ireland is a party through territorial claim set out in its 1937 Constitution, but there is no suggestion that its military machine is a serious leverage in the equation.) The Mitchell Report has already stated that there can be no equivalence between government arms and paramilitary arms. It therefore implicitly acknowledges that the government is not a party to the dispute. It is also the case that while certain important differences remain between the British and Irish Governments, (eg exemplified in Articles 2 & 3 of the Republic's 1937 Constitution), there are a host of formal agreements, a very close working alliance, and no prospect whatever of armed dispute over Northern Ireland. The importance of this fact in comparison to other conflict situations, cannot be over-stated.

5.   The Northern Ireland conflict is complicated by the tripartite nature of the conflict which contrasts to the bipartite nature of many of the international comparisons. The IRA/INLA believe that the British presence, rather than the loyalist paramilitaries are their chief enemies. Loyalist paramilitaries are reactive against a Republican threat. Crown forces are directed against both the Republican threat and the Loyalists.

6.   In many of the processes, negotiations, and indeed the process itself, is consciously based on a 'fundamental agreement'. The 1993 Joint Declaration of the British and Irish Governments, is probably the equivalent agreement in our process. The fact that it is an inter-governmental agreement and not an agreement amongst all the parties, is however highly significant, in the long run. It the shorter term it was the refusal of the Republican Movement to accept this 'fundamental agreement', and in particular the 'principle of consent' so central to it, which led to a search for other bona fides in respect of their commitment to the process. This led ultimately to the elevation of decommissioning to the central position which it now occupies in our deliberations. Had Sinn Fein accepted the 1993 Declaration, or any of the subsequent formulations, there would have been a less persuasive argument for the process focussing on the issue of decommissioning.

Section 4 - Specific issues in any decommissioning process.

Assuming that the wider political situation becomes favourable to decommissioning there are practical difficulties, with respect to modalities, that remain unresolved. These largely revolve around the twinned concepts of equivalence and verification. An understanding of the gap to be bridged between agreement and implementation is important, if this issue is to be resolved.

Verification of Paramilitary Weapons.

The Mitchell Report states "whatever the options chosen......verification must occur to the satisfaction of the commission".

There are two components to this:- —

    1. Verifying the amounts of arms held by paramilitary groups.
    2. Verifying that these weapons have been decommissioned.

Both of these are problematic:-

1. Verifying the arms held by paramilitaries.

The Mitchell Report assumes the estimates of paramilitary arms given by British and Irish intelligence sources to be accurate. This may or may not be the case, but these estimates will also likely be the basis on which opposing paramilitaries judge the strength of one another's arsenals. If Republicans and Loyalists are to believe official estimations of their opponent's strength, then these figures must be substantiated by those who provided them. Would the intelligence organizations be willing to do this?

Paramilitaries will also insist that their own estimates be taken into account. These will naturally err on the side of caution in respect of themselves, and contrariwise in respect of their opponents.

Verification by field officers of an independent international commission may be the only possible modality, since paramilitaries are unlikely to permit security services, or paramilitary opposite numbers, to carry out on-site verification. Such work would require legal protection for the 'field officers', who would be dealing at this point with illegally held weapons. There would be a very high risk of surveillance and something of a gamble for any paramilitary organization involved.

Given the small size of most of the weapons involved, concealed storage has not proved an insuperable difficulty for these group as the RUC and Garda well know. It is generally thought that only in the case of the IRA is it likely that there are large stores of weapons routinely held in centralized stores under the supervision of quartermasters. Less organised groups have their weapons distributed throughout their membership, greatly complicating any process of surrender.

Groups involved in decommissioning could cheat the verification issue by:-

- Claiming estimates are inaccurate and inflated by an 'unfriendly power.'
- Distributing weapons further among their membership and sympathizers.
- Arranging for those in possession of weapons to 'defect' to allied paramilitary organizations not participating in the peace process.

A problem particular to the decommissioning of explosives is that reducing the amount of high explosives (in the NI context mainly Semtex) does not significantly decrease the potential a terrorist group has for causing explosions. A small amount of Semtex is often all that is required, either as the basis for a fragmentation bomb or as the charge to ignite a much larger amount of home made explosive on a mobile platform (e.g. the Manchester truck-bomb). As trucks, fertilizer and commercially used chemicals cannot easily be outlawed there will always be the potential for devastating explosive devices to be created.

2. Verifying that weapons have been decommissioned.

The Mitchell Report offers a range of options by which weapons may be completely destroyed. These include the transfer of weapons to an independent commission or to the British or Irish Governments. The least impractical option is the destruction of weapons by the groups themselves. However any process must provide assurances of trust that this destruction has actually taken place. The key section of the report is paragraph 42 where the proposed international commission requires the resources to *"receive and audit armaments and to observe and verify the decommissioning process."*

The term *"audit"* underlies the problem here. For the process to be workable there must be immunity in respect of the possession of those weapons, for those who surrender them, and no forensic examination of the weapons upon surrender. However it must be clearly stated that immunity cannot reach further than this.

Much is made of the issue of forensic investigation. It is indeed the case that some investigation of weapons is possible. Any weapon surrendered may have a 'history' of incidents where it has been fired. This can be determined by test-firing under controlled conditions, and examination of unique characteristics, possessed by even a mass produced weapon. This type of forensic investigation can of course be prevented by immediate destruction after surrender.

The same weapon will also have a history in terms of the type of weapon, the means by which it has been produced, manufacturers marks etc. This history will be determined by any competent auditing process and could lead investigators back to the original source of the weapons. In the case of weapons obtained from the British and Irish armies/police forces and American sources this could be highly embarrassing and could theoretically suggest sympathizers, in positions of trust, who would not be immune from retaliatory action. In the case of home-made weapons, intelligence could be obtained on the sophistication of paramilitary munitions workshops. It is unlikely however that any of this material would be of other than very general informative value. The view of the RUC has been that little of value is obtained from forensic examination of weapons which are not obtained shortly after their use, at least in respect of information usable in obtaining convictions.

If there is to be trust in the decommissioning process then paramilitary groups must be willing to have informed sources verify that their weapons are what they say they are. This could leave them vulnerable to greater awareness about their sources of supply then they would want, and would curtail any possible rearmament, but to abandon "auditing" would be even more problematic, as there would be no way to verify that what was being 'tossed in the fire' was a real functioning weapon and not just a hollow (easily replaceable) shell with the precision machined components removed. This issue becomes even more acute in the light of problems surrounding equivalence.

The Equivalence of Paramilitary Weapons

Loyalist and Republican groups do not have equivalent stockpiles of armaments. Republicans have larger stockpiles and weapons of both greater sophistication, and destructiveness. One group does not want to be left 'defenceless' whilst their counterpart is still well armed.

Any decommissioning process therefore cannot be a one to one exchange. The phrase "parallel decommissioning" cannot be given a simplistic 'quid pro quo' interpretation in the light of this disparity. The issue is complicated further by the 'trilateral' nature of the conflict, as detailed above. The Mitchell Report accurately states: "There is no equivalence between [paramilitary] weapons and those held by the security forces". However, despite the British Government's impartial approach to the parties, republicans regard them as their principal enemy, ahead of the loyalists. They would undoubtedly continue to argue for any decommissioning being organised alongside changes in the deployment and armament of the security forces.

A final twist is the manufacture of home made armaments, which encompasses both firearms, mortar devices and explosive charges. Both Loyalists and Republicans have the ability to re-arm significantly from their own internal resources. This constitutes an additional hurdle to building trust and assuring re-armament does not occur.

A simple exchange mechanism for the disposal of paramilitary arms is unacceptable. In effect it could be an amnesty through which terrorists could unload unwanted, defective materials. All that such decommissioning could achieve would be to remove obsolete weapons from circulation.

An obvious way around this difficulty is an 'exchange ratio' between firearms with different degrees of lethality. An appropriate ratio could be determined by the independent commission, who would then arrange for equivalent collections of firearms to be surrendered simultaneously and destroyed in tandem. Proportionality between opposing groups could in theory be maintained until they were both entirely bereft of arms.   (This notion of proportionality was used for example, with heavy weapons in Bosnia.)

Most of the points raised above do not make the implementation of a satisfactory decommissioning process at all easy. However to view the modalities themselves as the obstacle in the way of progress, is to put the cart before the horse. If the political process were to generate sufficient momentum and consensus around the issue, then the desire for progress could over-ride practical difficulties. The difficulties surrounding modalities provide excuses to avoid a commitment to decommissioning, rather than unassailable obstacles which would rule out such a process.

Section 5 - Proposals for a Decommissioning Process

Principles of Decommissioning

Our thinking might be summarized in the following principles:

1.　　In the context of a negotiating process which involves parties associated with the use of 'armed struggle', the central importance of decommissioning lies in providing the necessary reassurance to other parties to the talks (and to the community at large), which will facilitate political progress to be made, and a settlement acceptable to all be achieved.　　Changes in security arrangements can be publicly observed.　This is not so with illegal weapons.　Given the suffering of all sections of the community over the past twenty-five years, and the hurt, anger and fear which are the inevitable residue of that experience, it is vital that the whole community be satisfied that there can be no going back to violence, if trust is to be established, and lasting political progress achieved, in talks with such parties.

2.　　There can be no equivalence of terrorist weapons, and those of the legitimate security services.　　A clear permanent end to terrorism would of course result in reductions in security force levels of deployment, and other normalization, including a change in the role of policing towards an avowedly community policing function.

3.　　If the decommissioning process is to succeed we recognize that sufficient assurances will be required to those involved, that they will not compromise themselves by participating in it.　　This would include legal protections for various participants.

4.　　Entering a serious process of decommissioning will not be an easy step for organizations which took great trouble to establish illegal arsenals.　　It is however necessary to provide proof of their good intentions, to those who necessarily profoundly distrust them.　It is also the only way of ensuring that they make an irrevocable choice about their future activities.

5.　　The issue needs to be addressed now, but in the current context no actual decommissioning is possible because of the absence of the republican movement from the process.

6.　　The objective must be the removal of all illegal weapons and the standing down of the organizations which have held and used them.　　While it may be that this is unlikely to happen in a complete or comprehensive way in advance of overall political agreement, steady progress towards that end is an essential if trust is to be developed.　A plan or developing menu of action should be constructed to this end.

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7.   In Ireland the long history of the use of violence for political purposes must be brought to an end.   The long detour in the Talks Process since 1992 will only be worthwhile if as a result of it no future generation can look to this generation for justification of the use of violence as a political instrument.

Methods of Decommissioning

1.   In order to be accepted, the procedures will need to be practical, and regarded as relatively non-threatening to those involved.   The actual operation will therefore need to be carried out by an independent, and that almost certainly means, international agency. The present commission, or another similar body, would be very suitable, but additional resources, and technical and field staff would be required, and its legal position would need to be adequately defined in both jurisdictions, so that its officers could deal with those possessing illegal weapons, and the weapons themselves, without fear of prosecution or other legal prejudice.

2.   Initial work by this commission, in collaboration with the police and security services in both jurisdictions would attempt to establish expected inventories of materials. Work with the paramilitary organizations involved would need to construct inventories from their records and information.   Comparisons could provide some initial verifications.

3.   Inspection of stored materials by field officers would provide further verification of fact, and commitment to the process.

4.   Physical de-commissioning and destruction of armaments and materials could be accomplished by commission field officers, or be carried out in their presence and under their supervision.

5.   Forensic examination of surrendered weapons would not be conducted.

6.   Many people in Northern Ireland have legally held weapons.   Some have been acquired for personal security purposes, often on the recommendation of the police.   It would be useful if such weapons could also be taken out of circulation, and consideration might be given to the paying of financial compensation in such circumstances.

Commitments

1.   Commitment to an irreversible cessation of violence, is not congruent with continued activity preparatory to a recommencement. Training, targetting, etc would therefore be seen as breach of such a commitment.

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2. Statements by parties which claim to speak authoritatively for the paramilitary organizations, unequivocally ruling out any justifiable return to violence, or stating that a violence could never in the future be seen as a legitimate means to further political end, would clearly be helpful, as would commitments to solely democratic methods, and an acceptance of the principle of consent as described in the 1993 Joint Declaration.

3. Affirmative intelligence assessments on the activities of the organizations involved, especially in respect of matters outlined in item 1. may be of assistance.

4. The production and verification of inventories, and locations would be an important and persuasive indicator of commitment.

5. Site inspections, and ultimately the actual commencement of de-commissioning would be a primary indicator of commitment.

Some of these indicators are available to the public. The continuing reality of intimidation and violence against persons will weigh heavily in the public assessment of commitment, and would weigh against the significance of some otherwise persuasive indicators of commitment.

International Commission

The Mitchell Report implicitly recommends the creation of an international commission to facilitate the decommissioning process. The three-man International Body on Arms Decommissioning does not currently have any mandate to engage in substantial verification. The report does not explicitly suggest that that Body be expanded but leaves this possibility open.

It would be a matter of regret if some or all of the members of the International Body were unwilling for whatever reason to undertake such work. If this were the case, then other internationally respected figures could be engaged, however, the most practical and desirable approach must surely be to expand the mandate and resources of the current international body. Its leaders have already established their credibility with the parties and generated a wide degree of acceptance. They currently lack the resources to undertake the necessary tasks, but these could be provided. There are precedents for such ad hoc international operations. It would appear that such an international commission would have the acceptance of the British and Irish Governments. It could therefore be established, in outline, without delay.

Relationship with the Three Stranded Talks Process

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It is clear that there must be some link or liaison with the Three-Stranded Talks. if the process of decommissioning, and the negotiations are to be pursued in parallel. It is questionable however whether it is at all helpful for a direct coupling to be created. There would be a real danger if progress in one track (the substantive political track), were too directly related to progress in the other (the decommissioning track), on an item by item, rather than in a general sense. This would be a recipe for endless delays, and arguments. It would also suggest that unless there was progress on decommissioning (and in the absence of a ceasefire from the PIRA, there will be none), some other matters (such as policing) could not be addressed at all, because they were tied in to individual developments on the decommissioning agenda. We would therefore see a liaison arrangement, rather than a tight authority line as the preferred option. At present however, the whole issue is regrettably academic.

Section 6 - **Conclusion**

The possession of arsenals of weapons is not the core of the conflict within Northern Ireland. Like terrorism itself. it is only a symptom of the much wider political problem that is the inability of the people of the Northern Ireland to live together politically and agree common institutions of governance. The neutralisation of these weapons will not in itself be the end of the conflict. Indeed a settlement of the dispute could be achieved by political parties, not associated with terrorism at all, but representative of majorities within unionism, nationalism, and other traditions within the community. The involvement of all the parties, and the decommissioning of weapons, if it were possible would however contribute enormously to progress in building a secure and peaceful settlement.

There are clear practical limitations to decommissioning. There can never be any guarantee that either set of paramilitaries has completely decommissioned or that they cannot acquire or manufacture fresh weapons. Decommissioning can never be absolute. However decommissioning is a desirable process, both as a means of reducing a potential terrorist threat in combination with political progress and more specifically as a confidence-building measure that indicates the commitment of the political representatives of exclusively peaceful means.

The minimum conditions for a decommissioning process to begin would seem to be mutual cease-fires from both sets of paramilitaries and the participation of their political representatives in the talks process, combined with an international commission, working under rules and procedures that were sensible, realistic and acceptable to all parties.

International experience does not provide many relevant lessons. Even to the extent that a common approach to disarmament can be discerned. there are good reasons for arguing that it is not applicable to Northern Ireland. Northern Ireland has many features that militate against the resolution of the conflict in an approximation to the RealPolitik

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model. This reality has already been acknowledged by the Mitchell Report and particularly in its six principles of democracy and non-violence. The Alliance Party's advocacy of an election before talks and its ultimate occurrence provides an important reinforcement of this argument. While the Mitchell Report acknowledges the difficulties in demanding decommissioning in advance of negotiations, it does clearly indicate that military arsenals and political violence must not be factors that influence the course of negotiations:

> These commitments, when made and honoured, would remove the threat of force before, during and after all-party negotiations. They would focus all concerned on what is ultimately essential if the gun is to be taken out of Irish politics: an agreed political settlement and the total and verifiable disarmament of all paramilitary organizations. That should encourage the belief that the peace process will truly be an exercise in democracy not one influenced by the threat of violence (para. 23).