

ANNEX B

INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

General John de Chastelain

Brigadier Tauno Nieminen

Ambassador Donald C. Johnson

Dublin Office

Dublin Castle
Block M, Ship Street
DUBLIN 2

Tel No: (01) 4780111

Fax No: (01) 4780600

Belfast Office

Rosepark House
Upper Newtownards Rd
BELFAST BT4 3NR

Tel No: (01232) 488600

Fax No: (01232) 488601

INITIAL REPORT

I. THE COMMISSION
LEGAL MANDATE, OVERALL STRATEGY AND GUIDING PRINCIPLES

A. Establishment

1. The Independent International Commission on Decommissioning was established by the Governments of the United Kingdom and Ireland on September 24th 1997. The Commission's mandate and status is codified in the Northern Ireland Arms Decommissioning Act 1997 (United Kingdom) and the Decommissioning Act 1997 (Ireland).
2. Legislation to create the Commission follows on recommendations made in the January 22nd 1996 Report of the International Body, in which paragraph 40 states:

"The decommissioning process should take place to the satisfaction of an independent commission acceptable to all parties. The commission would be appointed by the British and Irish Governments on the basis of consultations with the other parties to the negotiating process"

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3. The legislation which created the Commission results from considerable effort by the two Governments, and the Commission believes it appropriate at the outset to acknowledge that circumstance. Two Governments, with significantly different structures, have produced separate but compatible legislation which enables the decommissioning process to go forward. They have gone to considerable effort to provide the Commission with every assistance, including offices in Belfast and Dublin. This accommodation was made ready for the Commission several weeks in advance of the formal launching of the Commission's work, and as a result the Commission was able to get down to business immediately after September 24th.

B. Commission Mandate

4. The two Governments have tasked the Commission to perform four broad tasks:
- a. To consult with the participants in political negotiations in Northern Ireland, including both Governments, and others whom it deems relevant, on the type of scheme or schemes for decommissioning including the role it might play in respect of each scheme;
 - b. To present to the two Governments proposals for schemes for decommissioning, having due regard to the views expressed by those it has consulted;
 - c. To undertake, in accordance with any regulations or arrangements made under the Decommissioning Act 1997, and any decommissioning schemes within the meaning of Section 1, and in accordance with Section 3 of the Northern Ireland Arms Decommissioning Act 1997, such tasks that may be required of it to facilitate the decommissioning of arms, including observing, monitoring and verifying decommissioning and receiving and auditing arms; and
 - d. To report periodically to both Governments and through whatever mechanism they may establish for that purpose, the other participants in political negotiations in Northern Ireland.

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5. This report covers mainly the first two tasks of the Commission's mandate. The third task, the implementation of the Commission's scheme (or any which may be proposed subsequently) must await the approval of the Governments and the will of those who hold illegal weapons to decommission them.

6. Regarding the scope of this report, the Commission believes it must focus its efforts on decommissioning of weapons, ammunition, and explosives held by paramilitary groups engaged in the ceasefire. The Commission is prepared to deal with decommissioning of illegal weapons, ammunition, or explosives held by members of the general public, on a case-by-case (see paragraph 29 below). Items in the hands of ordinary criminal elements, or which are held by paramilitary groups not engaged in a ceasefire, are not covered by this report as we believe that neither group has any present intention of considering decommissioning in a serious way.

7. In preparing this report the Commission met several times with relevant policy and security officials of both jurisdictions, as well as with the political leaders (or their representatives) of eight of the ten political parties participating in the peace process. While invitations to consult with the Commission were issued to the Democratic Unionist Party and the United Kingdom Unionist Party, meetings with them have not yet taken place.

8. All discussions with the Commission were held in a businesslike and constructive atmosphere. While many were sceptical about the likelihood of decommissioning in advance of a negotiated settlement, it was clear that many hope the Commission's efforts can assist the parties in their political negotiations and that decommissioning will succeed.

9. The two loyalist parties (UDP and PUP) made it clear they would represent the views of the Commission to the paramilitary groups with which they had contact, and the UVF has already designated a contact-person to present it to the Commission. The Commission has not yet made direct contact with acknowledged representatives of republican paramilitary groups and will continue to pursue its efforts in this regard.

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10. The Commission intends to continue its efforts to have discussions with the representatives of the paramilitary groups on both sides. In particular it will attempt to inform them of the Commission's essential requirements in the decommissioning process; as well as to seek their co-operation in implementing the decommissioning methods.

C. Basic Elements of the Commission's Approach

11. In its Report, the International Body suggested six guidelines for the decommissioning effort. The Commission has reviewed these guidelines and believe they remain valid in light of the discussions the Commission has had with parties and individuals. These guidelines are:

- a. The decommissioning process should suggest neither victory nor defeat;
- b. The decommissioning process should take place to the satisfaction of an independent commission;
- c. The decommissioning process should result in the complete destruction of armaments in a manner the contributes to public safety;
- d. The decommissioning process should be fully verifiable;
- e. The decommissioning process should not expose individuals to prosecution; and
- f. The decommissioning process should be mutual.

12. These guidelines have been used by the Commission as the strategic basis on which its proposals in Section II below are built. Regardless of their relative optimism or reserve about the prospects for success, no one consulted has any fundamental objections to these principles as a guiding strategy for decommissioning when it occurs.

D. Making The Principles Operational

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13. The Commission's assessment of operational considerations, particularly after discussions with security forces in both jurisdictions, led to a number of conclusions. These are:

- a. Whatever decommissioning schemes are developed, at least at the beginning, they must be simple and easy to understand and execute;
- b. Flexibility must be maintained to allow for operations in two jurisdictions and in dealing with different groups with different levels of armament holdings;
- c. Public safety is of fundamental importance. Paramilitary groups will need to understand that strict safety measures will be part of every decommissioning event;
- d. Since the decommissioning act is voluntary the Commission must ensure that trust in its actions is foremost in gaining the co-operation of paramilitary groups. To that end the Commission will insist on close and personal supervision of all armaments delivered for decommissioning to foreclose any forensic testing or use in prosecutions;
- e. The Commission believes it is necessary to signal in advance that it will insist on certain elements for verification. These are:
 - (1) Type and make of weapons including explosives;
 - (2) Quantity in the case of ammunition and explosives;
 - (3) Name of group on whose behalf decommissioning is taking place;
 - (4) Date, time and place of decommissioning; and
- f. The Commission's consultations have elicited the need to differentiate between a plan for decommissioning and the actual operational plans for each individual act of decommissioning. The plan of action set out in Section II below explains the issues

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needing to be addressed when decommissioning occurs. Operational plans will be developed to deal with each decommissioning event, as and when it occurs.

E. Decommissioning and Political Will

14. The Commission believes the fundamental challenge for decommissioning is not technical but psychological. There is nothing new in this conclusion. The call for a "decommissioning of mind-sets" has existed for some time and remains valid today. but the decommissioning of mind-sets is not a task for the Commission, it is for the Governments, the political parties and for the people themselves.

15. The Commission is acutely conscious that voluntary decommissioning has never been tried on the island of Ireland before and there are no historical precedents for what we are proposing. Nevertheless, it is our strong hope that those with illegal weapons can find the necessary political will to take the first modest steps forward along the road to decommissioning. In this regard, we believe an initial "down payment on peace" - in the form of decommissioning an initial quantity of weapons or explosives - would help the political process and allow the parties to see that decommissioning can in fact be made to work successfully.

II. THE MECHANICS OF DECOMMISSIONING

A. Nature and Location of Arms, Ammunition and Explosives

16. An important issue is the physical nature of the decommissioning task facing the Commission. It is important to estimate how many weapons (factory-built and improvised), how much ammunition, and what quantity of explosives will have to be decommissioned.

17. While it is impossible at the moment to offer an exact and comprehensive list of all illegal weapons, ammunition and explosives on the island of Ireland, sufficient information is available to allow for realistic plans to be made to decommission them.

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18. The following categories are the best initial estimate of the decommissioning task:

a. Weapons:

Rifles: as many as 1100

Pistols: as many as 1200

General Purpose Machine Guns: as many as 40

Other Machine Guns: Up to 20

Sniping Rifles: Up to 30

Hand Grenades: Up to 300

Shotguns: Up to 40

Paramilitary groups are reliably reported to have useable stocks of RPG launchers and warheads, improvised mortars and ammunition, flame throwers, anti-armour grenades, recoilless rocket grenades, and improvised sub-machine guns.

b. Explosives:

Explosive (commercial): Up to 3000 kilos

Detonators: Approximately 1000

Detonating cord: Approximately 3000 metres

Improvised Explosive Devices (eg pipe bombs): Paramilitary groups are reliably reported to have substantial holdings of these devices and their component parts. These would be subject to decommissioning.

c. Ammunition:

Up to 1 million rounds

19. The list is far from final. It is an initial framework to be further elaborated or refined as the decommissioning process develops and as confidence is built between the Commission and those who hold the weapons. The list serves simply to give an initial estimate of the size of the task.

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18. Paramilitary groups hold more than one thousand illegal rifles and more than one thousand illegal handguns on the island of Ireland. They also hold large numbers (certainly dozens, maybe even hundreds) of machine guns, sniping rifles, sub-machine guns and shotguns, as well as hundreds of hand-grenades. There are also up to one million rounds of ammunition for these weapons. Paramilitary groups are reliably reported to have useable stocks of RPG rocket-launchers and their warheads, flame-throwers, improvised mortars and ammunition, anti-armour grenades recoilless rocket-grenades, and improvised sub-machine guns.

19. Explosives have played a major part in political violence in Ireland. There are still several tons of illegal commercial explosives, hundreds of detonators and a large amount of detonating cord in paramilitary hands. Combined with the capacity to manufacture improvised explosive devices and home-made explosives, they comprise a serious threat to society.

20. Aside from the issue of quantity, other important factors include location and proportionality. All the sources canvassed agreed that the overall inventory of weapons, ammunition and explosives held by republican paramilitary groups is substantially greater than that of loyalist groups. This assessment does not mean that republican paramilitary stocks are necessarily greater in all categories, but rather that they are greater in overall numbers.

21. As for location, there is general agreement that most (but not all) weapons, ammunition, and explosives held by republican paramilitary groups, are located in the Republic of Ireland. Moreover, the "dumps" or caches of these stocks are widely scattered throughout Ireland. By contrast, virtually all the weapons, ammunition, and explosives held by loyalist paramilitary groups are believed to be in Northern Ireland. These too are cached in numerous locations.

22. These facts have important implications for the decommissioning task. The public should be aware from the outset that decommissioning will not be a one-time event. There are too many

different items in too many different places to allow for decommissioning to be accomplished overnight, even assuming the will of paramilitary groups to do so. Moreover, two different jurisdictions are involved and operational plans for decommissioning will have to be adjusted accordingly.

- a. Weapons/ammunition/explosives are delivered by paramilitary groups to the Commission or its agents;
- b. Weapons/ammunition/explosives are deposited by paramilitary groups at a collection or destruction point;
- c. Weapons/ammunition/explosives are collected by the Commission as the result of information provided by paramilitary groups; and
- d. Weapons/ammunition/explosives are destroyed by paramilitary groups themselves in the presence of, and with verification by, the Commission.

24. The Commission has found no new suggestions for option beyond the four listed above. Some of those consulted were willing to offer views on the possible or probable acceptability of these options to the paramilitary groups. Most expect the Commission's work to center around the last two options, that is, collection on the basis of information or actual destruction by the groups themselves. Nobody the Commission consulted believes that paramilitary groups will simply deliver their stocks to the Commission directly.

25. Given that assessment, the Commission proposes a decommissioning process that includes a series of events, possibly taking place in numerous locations, probably requiring at least several weeks or months to complete, and each having potentially different operational features in each of the two jurisdictions.

26. While the need for flexibility in the approach is accepted, there are some issues on which there can be no compromise. No matter when or where the process of decommissioning takes place, the Commission will insist on:

B. Options for Decommissioning

23. In January 1996 the International Body identified four basic options for decommissioning. The Commission categorizes these options as follows:

- a. Weapons/ammunition/explosives are delivered by paramilitary groups to the Commission or its agents;
- b. Weapons/ammunition/explosives are deposited by paramilitary groups at a collection or destruction point;
- c. Weapons/ammunition/explosives are collected by the Commission as the result of information provided by paramilitary groups; and
- d. Weapons/ammunition/explosives are destroyed by paramilitary groups themselves in the presence of, and with verification by, the Commission.

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26. While the need for flexibility in the approach is accepted, there are some issues on which there can be no compromise. No matter when or where the process of decommissioning takes place, the Commission will insist on:

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- a. A set standard for verification;
- b. Complete destruction of the arms, ammunition or explosives delivered for decommissioning;
- c. A guarantee there will be no forensic testing; and
- d. The requirement that public safety cannot be compromised.

C. Operational Features of Decommissioning

27. While every decommissioning event will be different, the Commission believes that each will share certain common features and the decommissioning scenario proposed is based on this assumption. The Commission sees the process incorporating four general phases: contact leading to agreement; deployment to the decommissioning site; verification and destruction; and post-de stand-down and reporting. Thus:

- a. **The Contact Phase:**
 - (1) Meeting with paramilitary groups or their authorized representatives;
 - (2) Agreement on the type, amount, and modality for items to be decommissioned as well as the Commission's reiteration of the safety, destruction, control and verification standards; and
 - (3) A commitment to proceed.
- b. **The Deployment Phase**

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- (1) Detailed planning and logistical preparations (consultation and communication with technical experts, and the preparation of the needed decommissioning personnel and verification equipment);
- (2) Notification to the appropriate Government officials as required;
- (3) Assembly and deployment to the site of decommissioning; and
- (4) Securing of the site to ensure public safety.

c. The Decommissioning Phase

- (1) Verification of the items to be decommissioned. This process will include counting, photographing, videotaping, and the recording of serial numbers if any; and
- (2) Destruction or neutralization of the items while ensuring they are not subjected to any forensic testing. Before this phase is complete, there could be movement to another site for firing, smelting or other destruction procedures impossible to be carried out *in situ*.

d. The Post-Decommissioning Phase

- (1) Debriefing and stand-down, during which experts and equipment are returned to their home base; and
- (2) Reporting to Governments, the Liaison Sub-Committee, negotiators and the public.

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D. A Basic Scenario for Decommissioning

Background

28. The vast majority of illegal weapons on the island of Ireland are held by paramilitary groups which claim to have tight control and discipline over them. The Commission does not expect decommissioning to be a casual or random event. Where paramilitary groups take the decision to proceed with decommissioning, the Commission expects and believes they will communicate this decision through some trusted and carefully chosen person.

29. As a result, the decommissioning scenario envisaged in these paragraphs is not one that contemplates a random phone call by an unknown voice, stating that weapons can be picked up at a certain site. The Commission has prepared contingency procedures for such unexpected calls, but this circumstance will not be the main focus of effort. These contingency procedures are based on a strategy for accessibility, prudence, concern for *bona fides*, and transparency in Commission dealings. The possibility of persons or groups attempting to disrupt the peace process or the decommissioning effort cannot be ruled out.

30. The decommissioning process proposed to the contact-person must be kept simple, But it must be made clear to him/her at the outset, and/or to the paramilitary group, that requirements for security and safety will demand that each time a decommissioning event is planned, certain measures at the site will have to be implemented before the decommissioning act itself can begin. The Commission must make clear what these measures comprise and that they will take time.

Contact Phase

31. This scenario is based on the expectation, confirmed beforehand, that the Commission will be dealing with a designated representative of the paramilitary organization concerned. Thus when the initial contact to discuss an individual act of decommissioning occurs, the Commission expects to know with whom it is dealing. Contact made, such a person may not be able to commit to a certain course of action without referring back to the paramilitary group he or she represents. It must be made

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clear, and then taken for granted, that the word of this individual, once given, will be their bond. The same will apply equally to the Commission.

32. Discussion at this stage must cover a predictable range of topics. The Commission will wish to know:

- a. The type of weapon, explosive or ammunition contemplated for the event;
- b. The quantity (numbers or weight);
- c. The general condition of the items. The assessment at this stage could simply be the paramilitary group's estimate of the safety or state of the item;
- d. The decommissioning modality anticipated (eg one of the four options listed in para 23 above); and
- e. Whether any member or representative of the paramilitary group will accompany Commission members to the site or be present at this site.

33. The contact-person must be given confirmation of the Commission's requirements for verification, destruction, control and safety during the event.

34. This phase of the process will come to a conclusion when the Commission has a clear commitment from the contact-person that the paramilitary organisation concerned is ready to proceed with the decommissioning event. The question of timing and location can be left open, with the paramilitary group itself given the option of suggesting these. At least at the beginning, the plans must be simple and easy to understand and execute.

Deployment Phase

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35. Once it is confirmed that a signal to proceed with decommissioning is genuine, the Commission will:

- a. Conduct detailed planning and logistical preparations to account for the specific circumstance affecting this particular event;
- b. Give the appropriate notification to the authorized officials of the corresponding jurisdiction that a decommissioning activity is about to proceed; and
- c. Assemble the personnel and equipment designated in advance for this purpose.

36. Depending on the circumstance the Commission will take some or all of the following equipment to the scene in transport acquired for that purpose: photographic and video-graphic equipment, a portable computer, a global positioning system, weighing scales, and portable welding or cutting machinery. If the need is anticipated to transport items for decommissioning to a burning, smelting, or firing location, suitable transport to accomplish this task will be sent to the scene.

37. At least one member of the Commission or a member of its staff will be present at every decommissioning event. Other technical staff for recording or verifying the items decommissioned must also be present.

38. A certain number of site security team and explosive ordnance disposal (EOD) personnel must be on hand at every decommissioning event to secure the site and access the safety conditions. The question of where these personnel will come from is discussed in sub-section E below.

39. The paramilitary group involved in the decommissioning event may wish to have a designated representative present throughout the process. The Commission would welcome such a presence but it must be understood that the work of decommissioning is the Commission's responsibility. On the other hand, it is entirely possible that a paramilitary group may wish to have a decommissioning site "under observation". The Commission's site security team will not interfere with such monitoring, as long as the paramilitary group understands their role in this case is simply observation.

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Decommissioning Phase

40. The site secured, the decommissioning phase can begin. Given confirmation from EOD and site security technical personnel that the operation may safely proceed, the Commission representatives will proceed with counting, photographing, videotaping, and recording of serial numbers if any. Depending on the nature of the item and the decommissioning option being implemented, the Commission representatives will either destroy the items *in situ* or transport them safely to the secondary site for destruction, smelting, or firing. Receipting arrangements could also be provided- for if required.

41. Commission members will remain physically present with the decommissioned items from the time they are handed over until the Commission certifies they have been destroyed. This circumstance must be made clear to the paramilitary contact-person before the operation begins. Commission members will ensure that no forensic tests are carried out on the items being decommissioned, from the moment they are received by the Commission until the time they are destroyed. Legislation passed by the Governments of Ireland the United Kingdom provides that no forensic testing may be conducted and no attempt may be made to link the weapons/armaments being decommissioned to specific crimes.

42. The Commission's strong preference will be to destroy a decommissioned item on the same day it is received. Whether this is feasible or not will depend on the nature and condition of the particular item, and the location of the decommissioning site agreed with the paramilitary group. For example, firearms could be cut by acetylene torch in a number of places, rendering the weapon incapable of ever being put in service again, eg cutting the barrel in a number of places, the trigger mechanism and breech block in halves. Additional procedures would be required for other types of explosives, arms or ammunition. The Commission has already investigated the location of firing ranges and EOD sites in both jurisdictions, and has received assurances from both Governments that these sites will be available to the Commission as required.

43. If an item cannot be destroyed immediately, the Commission will need to arrange storage. This circumstance will not only require a 24-hour Commission presence, but also appropriate site

security and the personnel to ensure that the integrity of the decommissioning process is not called into question.

The Post-Decommissioning Phase

44. The fourth or Post-Decommissioning Phase involves a safe departure from the decommissioning site (if decommissioning requires burning, firing, or other destruction in a location other than the pick-up site, the operational plan will take this into account), debriefing, stand-down for the personnel (eg EOD and site security) and equipment, and reporting to the Governments, the Liaison Sub-Committee, negotiators and the public.

E. Technical Assistance to the Commission

45. While the Commission recognizes that the issue of who carries out the decommissioning process may be sensitive to one or more paramilitary groups, it must nevertheless be addressed. Paramilitary groups must understand that some Government officials must be involved in the decommissioning process. The Commission is operating in the jurisdictions of two sovereign Governments and must ensure public safety during the decommissioning process.

46. A number of possibilities exist for effecting the necessary Government involvement, such as:

- a. EOD and site security (and possibly other technical personnel) could be brought on site to act as "agents" of the Commission;
- b. The Governments could second technical personnel to the Commission on an "as-required" basis, on the condition they not reveal information acquired firing the performance of their duties for the Commission; and
- c. The Commission could bring in outside experts (presumably from Canada, Finland, and the United States) who would perform the required technical work in liaison with Government personnel.

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47. How these options would apply in any given case, or in the different jurisdictions, would depend fundamentally on the two Governments and on the paramilitary groups holding the armaments. The Commission understands that an approach acceptable in one jurisdiction might be unacceptable in another and flexibility would be needed to adapt operational plans to different possibilities.

III. CONCLUSION

48. Nearly two years have passed since the International Body called on the people of Northern Ireland to "take risks for peace", urging that they seize the moment to ensure a "future of peace, equality and prosperity for all the people of Northern Ireland".

49. The creation of our Commission is tangible evidence of the commitment of the two Governments to take these risk for peace. We welcome the opportunity to contribute our proposals on decommissioning for consideration by the two Governments and other interested parties in the peace process.

50. The ideas contained in this report are merely a "roadmap for decommissioning". Our operational principles have been simplicity, flexibility, verifiability, no forensic testing or use in prosecutions, and a fundamental respect for public safety. These principles will not change, and while there are certain to be technical complexities, all can be overcome if there is the will to do so.

51. While we have provided the roadmap, those who hold the illegal weapons on this island must decide whether they are ready to take risks for peace - to walk down the road we have traced. If they are prepared to do so, they have our word: we shall walk down the same road together, we are prepared to share its difficulties and dangers, and we will jointly celebrate the triumph. We will do so with the support of the two Governments and those who have a direct concern for protecting public safety.

52. If the parties who hold illegal weapons wish to make a "down payment on peace" by decommissioning an initial, modest quantity of weapons, ammunition, or explosives at an early date, they can count on the Commission's help. Such a gesture would be a powerful propulsion for the negotiating process and allow all parties to see clearly that decommissioning can work.

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53. Whatever the date, when the parties are ready to act, we shall be ready as well.

John de Chastelain

Tauno Nieminen

Donald C. Johnson

October 28, 1997

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