

INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

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2 July 99

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REPORT OF THE INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

To:

The Rt. Hon. Dr. Marjorie Mowlam, MP
Secretary of State for Northern Ireland
Belfast

To:

Mr. John O'Donoghue, TD
Minister of Justice, Equality and Law Reform
Dublin

1. The initial request for this report came from the two Governments, pursuant to the provisions of the Good Friday Agreement. The Commission was asked specifically to comment on progress achieved to date and on prospects for future decommissioning. On 29 June the Commission was prepared to deliver its report to the British and Irish Governments, but the Prime Minister and the Taoiseach requested that delivery be deferred, in the belief that there would be developments having direct relevance to this report. This has proved to be the case, and our report has been restructured as necessary to take account of recent developments.

2. The report provides the Commission's assessment of the current situation regarding decommissioning and the results of discussions held with the parties through 1 July. Since the Governments may choose to distribute the report more widely, and because the Commission has pledged that private discussions will remain confidential, the Commission has been reticent about linking statements or actions directly with named groups or individuals unless these are already in the public domain or are essential to the integrity and purpose of this report.

3. Since its inception in September 1997, the Commission has sought to put in place the measures necessary to facilitate the decommissioning of paramilitary arms and then to execute that task. An Annex to this report summarises the mandate of the Commission, legislation governing its role, and actions taken to carry out its task.

Efforts to Bring About Progress

4. The Decommissioning Acts passed in both jurisdictions in 1997 specified that the decommissioning of paramilitary arms by the Commission required the destruction of those arms. Working with parties that have actual or alleged links with paramilitary groups, the Commission assessed that two decommissioning methods would be acceptable to the paramilitary groups and the two Governments. These were information leading to the discovery of arms and destruction of arms by the paramilitary group concerned, with verification provided by the Commission. The two methods were confirmed in a Scheme and Regulations issued by the Governments in June 1998. The work of the Commission since then has been to put these methods into effect.
5. In response to a request by the Commission to have points of contact nominated by paramilitary groups, the Ulster Volunteer Force (UVF) nominated Mr. Billy Hutchinson of the Progressive Unionist Party (PUP) in October 1997, and the Loyalist Volunteer Force (LVF) nominated Pastor Kenny McClinton in June 1998. Pastor McClinton resigned from that function in June 1999. The Commission continues to work with Mr. Gary McMichael, the leader of the Ulster Democratic Party (UDP), to elicit the views of the Ulster Defence Association (UDA). In September 1998, Sinn Fein nominated Mr. Martin McGuinness as that party's representative to the Commission.
6. The UDA and the Irish Republican Army (IRA) had not nominated points of contact with the Commission as of the writing of this report. Furthermore, the Commission has not yet had any contact with acknowledged representatives of the IRA, the Irish National Liberation Army (INLA), the Real Irish Republican Army (RIRA) or the UDA.
7. Since the approval of the Good Friday Agreement, the Commission has worked with party representatives and other points of contact to facilitate the decommissioning of paramilitary arms. Frank discussions have taken place on numerous occasions during that period and useful answers to technical questions about decommissioning have been elicited. As of 1 July 1999, only one decommissioning event had taken place (carried out on 18 December 1998 by the LVF).
8. The Commission has also held numerous meetings with the full range of political parties in Northern Ireland to elicit their advice on how best to carry out its mandate. These meetings have been informative and instructive. Citing the continuing cease-fires, creation of the Assembly, agreement on the structure of a new Northern Ireland government and the commencement of direct dialogue between unionists and republicans, several parties have urged the Commission to determine that progress is being made in the broader political context. That, however, is not in the Commission's remit.
9. All parties to the Good Friday Agreement undertook to work "constructively and in good faith with the Independent Commission, and to use any influence they may have to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement, and in the context of the overall settlement." The parties have assured the Commission they believe they are in compliance with this requirement, and the Commission has no basis for challenging these assertions.

10. During this period, public statements have been made by paramilitary groups regarding their intentions on decommissioning. The IRA said it would not decommission its arms, and loyalist groups said they would not do so until they were clear about the IRA's intentions. During the past ten months the Commission put forward numerous ideas on how to break the impasse over decommissioning. Acting within its mandate to facilitate and encourage decommissioning, the Commission made detailed, specific, and clear suggestions to several parties. The Commission urged that paramilitary groups implement confidence-building measures which would demonstrate a willingness to engage positively with the political process and to allow that process to move forward. No proposal to start actual decommissioning had been accepted by any paramilitary group except the LVF. However, the Sinn Fein statement of 1 July offers promise that decommissioning by all paramilitary groups may now begin. The Commission expects that Sinn Fein's proposal will be endorsed by the IRA and reciprocated by loyalist and other republican paramilitary groups.

Meetings with the Parties -- June 1999

11. Between 21 and 28 June the Commission met with ten political parties to confirm their views on the decommissioning process as well as to seek answers to three questions concerning that process. The questions were aimed at focusing attention on areas where the Commission wished to get a stated confirmation of the parties' and the paramilitary groups' intentions. The questions were:

- (1) Does your party agree that decommissioning of all paramilitary arms should take place by 22 May 2000 as set forth in the Good Friday Agreement, and in the context of the implementation of the overall Agreement?
- (2) Are there any areas of implementation of the overall Agreement which would demonstrably facilitate the decommissioning process?
- (3) The Commission is aware of a number of public statements by paramilitary groups since 10 April 1998 regarding decommissioning. Can your party assist the Commission in determining the willingness of paramilitary groups to decommission their weapons by 22 May 2000? If so:
 - a. Is the paramilitary group willing to give the Commission a firm basis for expecting that decommissioning will take place within the timescale set forth in the Good Friday Agreement? And
 - b. While we believe we have general agreement on schemes to be used for decommissioning, when can we expect to receive -- or else conduct negotiations to define -- confirmation of the practical modalities (e.g., types of weapons, and in what order, location of decommissioning events, general time parameters)?

12. On Question (1) the responses were generally supportive of the goal of decommissioning but varied significantly in their emphasis. Some parties argued strongly for immediate and unconditional decommissioning, while others made clear they adhered strictly to the wording of the Good Friday

Agreement, or spoke more broadly of their support for decommissioning in the context of the demilitarisation of Northern Ireland. No party suggested that decommissioning ought not to happen by 22 May 2000.

13. On Question (2), the responses were even more varied but included few new proposals. Most parties argued the need for full implementation of the Good Friday Agreement. Two parties felt the question encouraged procrastination.

14. Question (3) received a narrow range of responses. By far the majority of parties told the Commission they could not assist on this question as they had neither weapons nor access to those who did. The Commission was particularly interested in the responses from parties with actual or alleged links to paramilitary groups. It was hoped the question would elicit positive signals from the paramilitary groups themselves. There were no responses to Questions (3)(a) or (3)(b) from either the IRA or the UDA by the 28 June deadline. The UVF provided a response which emphasized the need for the Good Friday Agreement to be implemented in full and an acceptance by republicans that the Agreement is "the final settlement of the constitutional conflict."

Assessing Recent Developments

15. On 1 July, Sinn Fein published a proposal in which they said the following:

"... we believe that all of us, as participants acting in good faith, could succeed in persuading those with arms to decommission them in accordance with the Agreement. We agree that this should be in the manner set down by the Independent Commission on Decommissioning within the terms of the Good Friday Agreement. ..."

16. In anticipation that this proposal may translate into a commitment to decommission paramilitary arms, the Commission believes that to complete its mandate by 22 May 2000, the process of decommissioning should begin as soon as possible.

17. The Decommissioning Scheme and Regulations approved by the two governments provide that the process of decommissioning is deemed to have commenced when the Commission is satisfied it has received notice of an intention to decommission arms on behalf of a paramilitary organisation, and that such notice contains sufficient information to indicate a clear intention to decommission specified arms. The Commission will be guided by these provisions. It is the Commission's considered view that the "process of decommissioning" begins in connection with a paramilitary group when it (a) gives an unambiguous commitment that decommissioning will be completed by 22 May 2000, and (b) commences detailed discussions of actual modalities (amounts, types, location, timing) with the Commission through an authorised representative.

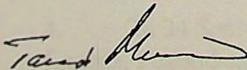
18. Once decommissioning commences as set forth above, the Commission expects corresponding moves from all republican and loyalist paramilitary groups.

19. In accordance with the Scheme and Regulations, the Commission foresees the process of decommissioning following a reasonably predictable agenda. We therefore envision the following steps:

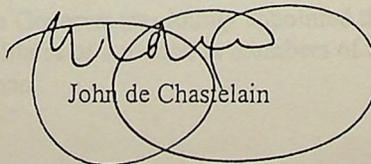
- (1) The designation of a point of contact who can speak authoritatively for the paramilitary group;
- (2) Discussions with the designated point of contact regarding:
 - a. The scheme to be used (i.e., self destruction with Commission verification, or information leading to the discovery of arms by the Commission);
 - b. Modalities (i.e., types and amounts of arms, location of the decommissioning event, timing, etc.);
- (3) Agreement to proceed with a specific event or events;
- (4) Execution of the decommissioning event(s);
- (5) Destruction of any residue; and
- (6) Reporting to the Governments.

20. The developments of 1 July give the basis for believing that decommissioning can be completed in the time prescribed by the Good Friday Agreement. There is still sufficient time to do that, but there is a need to get started soon. The Commission is ready and willing to start. It has emphasised its intention to conduct decommissioning in a way that is honourable, safe, verifiable, complete and free from the fear of prosecution.

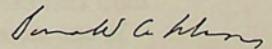
21. While the Commission is prepared to define a detailed timetable for decommissioning of arms by the main paramilitary groups, it believes this will best be achieved in discussions with the groups' various points of contact. Once such a timetable has been worked out, paramilitary groups will be expected to adhere to it to ensure completion by 22 May 2000, and the Commission will report on progress to the two Governments. The Commission believes that the detailed modalities, the timetable, and the commencement of actual decommissioning should be agreed with the paramilitary groups as soon as possible. The Commission reaffirms the following: Once a contact person has been named, the modalities for decommissioning can be worked out very quickly. Once there is agreement on the modalities, the actual decommissioning can be carried out without delay.



Tauno Nieminen



John de Chastelain



Donald C. Johnson

Belfast, 2 July 1999

Annex : Commission's Mandate and Actions

ANNEX
REPORT OF THE INDEPENDENT INTERNATIONAL
COMMISSION ON DECOMMISSIONING

COMMISSION'S MANDATE AND ACTIONS

Legislation and Mandate

1. The Agreement to establish the Commission was made between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland on 26 August 1997. The Agreement tasked the Commission with the following mandate:

- 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 the 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.

2. Legislation enacting terms of the Agreement is found in the two Acts referred to in paragraph 1.c. above -- The Northern Ireland Decommissioning Act 1997 (UK) and The Decommissioning Act 1997 (Ireland) -- and the attention of the Commission was drawn to the Report of the International Body of 22 January 1996.

3. In both Acts it was specified that methods and manners (schemes) to be used for decommissioning require the destruction of the arms being decommissioned.

4. On 24 September the two Governments jointly appointed three Commissioners from Canada, Finland and the United States of America as members of the Commission, one of whom was designated as Chairman.

Resources

5. The Commission comprises the three Commissioners and three assistants drawn from the same three countries. Four secretaries, also drawn from Canada, Finland and the United States, are divided between the Commission's offices in each of Belfast and Dublin. At the

request of the two Governments, the Canadian Armed Forces and the U.S. Army have made available to the Commission, on an as-required basis, two officers who are experts on arms, ammunition and explosives ordnance disposal. These officers have taken part in refresher training with the defence forces in both jurisdictions, and they are called to join the Commission when needed.

6. The moneys, premises, facilities and services necessary for the proper functioning of the Commission have been provided by the two Governments in accordance with the legislation and on a basis determined by the Governments.

Consultations in 1997

7. The role of the Commission is to facilitate the voluntary decommissioning of firearms, ammunition, explosives and explosive substances (hereinafter referred to as "arms"), held by paramilitary groups. At the outset, the Commission consulted with participants in the talks process, and with the security forces in both jurisdictions, to clarify issues relating to the possible implementation of the decommissioning methods identified by the International Body. The purpose was to see which of these, if any, might be acceptable to paramilitary groups on ceasefire, once the decommissioning process had begun.

8. On 21 November 1997 the Commission submitted an Initial Report to the Liaison Sub-Committee on Decommissioning. This report addressed key issues related to the first two tasks of the Commission's mandate and outlined a basic scenario for decommissioning.

9. After further consultation, the Commission concentrated on developing a decommissioning scheme which included two possible methods:

- a. Arms collected by the Commission, or by the designated representatives of either Government, as the result of information provided by paramilitary groups; and
- b. Arms destroyed by paramilitary groups themselves with verification by the Commission.

10. Practical arrangements in relation to decommissioning were to be set out in a scheme and in regulations to be made by the Secretary of State for Northern Ireland and the Minister for Justice, Equality and Law Reform, in accordance with legislation passed earlier in the year. Based on this requirement the Commission drafted a proposal for a decommissioning scheme including the two aforementioned methods, which it believed would represent a workable basis for achieving the decommissioning of paramilitary arms. The proposal was submitted to the Talks participants on 15 December 1997 for their consideration.

The Mechanics of Decommissioning

11. In a meeting on 14 January 1998, the Liaison Sub-Committee on Decommissioning discussed the Commission's proposals for methods of decommissioning. The following day the Commission formally submitted its recommendations for a decommissioning scheme to the two Governments, completing the first and second tasks of its mandate. On 25 February

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both Governments presented to the Liaison Sub-Committee on Decommissioning their proposals on how they intended to give effect to the Commission's recommendations.

12. During the spring of 1998, to get acquainted with all aspects of their mandate, the Commissioners and assistants traveled frequently in both jurisdictions and consulted experts on forensic science, ammunition and explosives, destruction techniques and disposal of residue. The acquisition of commercial sources for vehicles and equipment was also explored.

13. Standard Operating Procedures (SOP) were developed to guide the conduct of the Commission's involvement in decommissioning events. It is anticipated that specific arrangements and measures during each individual decommissioning event will vary, depending on the method used and the nature of the operational circumstances existing at the time.

14. Operations Centers, to be activated during decommissioning events, were established in Belfast and Dublin.

15. The possibility remains that State agencies in either jurisdiction will be involved in the conduct of decommissioning operations, either acting as representatives of the Government ("designated representatives"), or as agents of the Commission in accordance with the agreed method used. To that end the Commission established permanent liaison with the Royal Ulster Constabulary, the Garda Siochana, the British Army and the Irish Defence Forces.

The Good Friday Agreement

16. The Good Friday Agreement of 10 April 1998 was the culmination of a process of negotiation that began on 10 June 1996 in Belfast. Parties to the Agreement confirmed their intention to work constructively and in good faith with the Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following the referendums held on 22 May 1998 and in the context of the implementation of the overall settlement.

17. Both Governments committed to take the necessary steps to facilitate the decommissioning process, to include bringing the relevant scheme or regulations into force by the end of June 1998. A decommissioning scheme in Northern Ireland and Regulations in Ireland came into effect on 30 June 1998. They provide a workable basis for achieving the decommissioning of paramilitary arms.

Contact Persons

18. The Commission is tasked to facilitate the decommissioning of arms held by paramilitary groups. To assist in that task the Commission asked that paramilitary groups nominate a representative or point of contact with the Commission through whom it could communicate.

19. In October 1997 the Ulster Volunteer Force (UVF) and Red Hand Commando (RHC) nominated Mr. Billy Hutchinson from the Progressive Unionist Party (PUP) to be their point of contact with the Commission. In June 1998 the Loyalist Volunteer Force (LVF)

nominated Pastor Kenny McClinton as their point of contact, though in June 1999 he resigned from this post. In September 1998 Sinn Fein named Mr. Martin McGuinness as the party's point of contact with the Commission. While the UDA/UFF have not named a point of contact, the leader of the Ulster Democratic Party (UDP), Mr. Gary McMichael, and his colleagues, have met several times with the Commission. All of these individuals have been helpful in providing the Commission with a better understanding of attitudes within the wider loyalist and republican communities regarding decommissioning.

Decommissioning

20. Contact with the LVF through their intermediary led to a decommissioning event on 18 December 1998. That paramilitary group decommissioned four sub-machine guns, two rifles, two pistols, a sawn-off shotgun, 348 rounds of ball ammunition, 31 shotgun shells, five electrical detonators, two pipe bombs, two weapons stocks and five assorted magazines. The items described were destroyed in accordance with Commission procedures the day they were received and the residue was disposed-of the same day also. At the LVF's request the event was covered by the media. A report on this event was provided to both governments in accordance with the Commission's SOP.

Public Profile

21. With the exception of the press conference on 18 December 1998 to answer media queries about the LVF decommissioning, and the intervention made following the Prime Ministers' announcement of the Hillsborough Declaration on 1 April 1999, the Commission has made no public statements since September 1998. The Commission has taken this course of action in the belief that avoiding publicity would give the Commission a greater chance to work with paramilitary groups or their representatives, to win their confidence, and to advance the prospects for decommissioning.

22. The Commission's silence should not be interpreted as inactivity. Over the course of the last ten months the Commission has had numerous meetings with political parties in Northern Ireland, with the two governments, with the security forces in both jurisdictions, with the churches, and with local special interest organisations.

Reporting

23. Throughout this process, the Commission has kept both governments informed in detail about its efforts and its assessment of prospects for success. A number of these meetings have taken place at the highest governmental level. The two governments have likewise shared with the Commission their views on their own efforts, and this has been helpful to the Commission.

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COMMISSION'S REPORT

1. The British and Irish Governments have asked the Commission to enter into intensive discussions with all the parties and to produce a report no later than June 29.
2. In preparing such a report the Commission wishes to seek answers to specific questions by no later than noon on Monday, June 28. The Commission then intends to draft its report, which it will submit to the two Governments during the afternoon of June 29.

QUESTIONS TO WHICH THE COMMISSION SEEKS ANSWERS

1. Does your party agree that decommissioning of all paramilitary arms should take place by 22 May 2000 as set forth in the Good Friday Agreement, and in the context of the implementation of the overall Agreement?
2. Are there any areas of implementation of the overall Agreement which would demonstrably facilitate the decommissioning process?
3. The Commission is aware of a number of public statements by paramilitary groups since 10 April 1998 regarding decommissioning. Can your party assist the Commission in determining the willingness of paramilitary groups to decommission their weapons by 22 May 2000? If so:
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