

## **Report of the International Body on Arms Decommissioning, 22 January 1996**

### **I. INTRODUCTION**

1. On 28 November, 1995, the British and Irish Governments issued a Communique which announced the launching in Northern Ireland of a 'twin track' process to make progress in parallel on the decommissioning issue and on all-party negotiations.
2. One track was 'to invite the parties to intensive preparatory talks with a remit to reach widespread agreement on the basis, participation, structure, format and agenda to bring all parties together for substantive negotiations aimed at a political settlement based on consent'. This has become known as the political track.
3. The other track concerned the decommissioning of arms and was set forth as follows in the Communique:
5. In parallel, the two Governments have agreed to establish an International Body to provide an independent assessment of the decommissioning issue.
6. Recognising the widely expressed desire to see all arms removed from Irish politics, the two Governments will ask the International Body to report on the arrangements necessary for the removal from the political equation of arms silenced by virtue of the welcome decisions taken last summer and autumn by those organisations that previously supported the use of arms for political purposes.
7. In particular, the two Governments will ask the Body to: - identify and advise on a suitable and acceptable method for full and verifiable decommissioning; and - report whether there is a clear commitment on the part of those in possession of such arms to work constructively to achieve that.
8. It will be for the International Body to determine its own procedures. The two Governments expect it to consult widely, to invite relevant parties to submit their analysis of matters relevant to the decommissioning issue and, in reaching its conclusions within its remit, to consider such evidence on its merits.
4. We are that Body. This is our report. We have no stake in Northern Ireland other than an interest in seeing an end to the conflict and in the ability of its people to live in peace. Our role is to bring an independent perspective to the issue. We are motivated solely by our wish to help. This assessment represents our best and our independent judgment. We are unanimous in our views. There are no differences of opinion among us.

5. To provide us with sufficient information to meet our remit, we held two series of meetings in Belfast, Dublin and London: the first, 15th through 18th December, 1995: the second, 11th through 22nd January, 1996.

In addition, we held an organisational meeting in New York on December 9th, 1995.

6. In the course of our meetings we heard orally and in writing from dozens of government officials, political leaders, church officials and representatives of other organisations and institutions. We received hundreds of letters and telephone calls from members of the public and met with many others. We thank all for their submissions.

Contributions from those who suffered losses during the time of troubles but are strongly committed to the peace process were especially moving.

All the submissions have been carefully reviewed and considered.

## **II. DISCUSSION**

7. Our examination of the issues and of the facts, and the perspectives brought to us by those who briefed us or who made written representations to us, convince us that while there is no simple solution to the conflict in Northern Ireland, the factors on which a process for peace must be based are already known. We can indicate the way we believe these factors should be addressed so that decommissioning of arms and all-party negotiations can proceed, but only resolute action by the parties themselves will produce progress.

8. That noted, we are aware of the enormous contribution already made by individuals and groups in advancing the process of peace in Northern Ireland to its current stage. The tireless and courageous efforts of Prime Minister John Major and Taoiseach John Bruton (and before him Albert Reynolds) have been essential to the peace process. They have been joined by other political leaders, institutions, organisations and individuals in the promotion of peace.

9. We considered our task in the light of our responsibility to all of the people of Northern Ireland; the need for the people to be reassured that their democratic and moral expectations can be realised; and in the spirit of serious efforts made by the British and Irish Governments to advance the peace process.

10. For nearly a year and a half the guns have been silent in Northern Ireland. The people want that silence to continue. They want lasting peace in a just society in which paramilitary violence plays no part.

That was the dominant theme expressed in the many letters and calls we received from those in the North and South, Unionist and Nationalist, Catholic and Protestant, Loyalist and Republican.

11. Notwithstanding reprehensible 'punishment' killings and beatings, the sustained observance of the ceasefires should not be devalued. It is a significant factor which must be given due weight in assessing the commitment of the paramilitaries to 'work constructively to achieve' full and verifiable decommissioning.

12. Since the ceasefires, the political debate has focused largely on the differences that have prevented the commencement of all-party negotiations intended to achieve an agreed political settlement. This circumstance has obscured the widespread agreement that exists - so widespread that it tends to be taken for granted. In fact, members of both traditions may be less far apart on the resolution of their differences than they believe.

13. No one should underestimate the value of the consensus for peace, and the fact that no significant group is actively seeking to end it.

14. In paragraph five of the Communique we were asked 'to provide an independent assessment of the decommissioning issue'. It is a serious issue. It is also a symptom of a larger problem: the absence of trust. Common to many of our meetings were arguments, steeped in history, as to why the other side cannot be trusted. As a consequence, even well-intentioned acts are often viewed with suspicion and hostility.

15. But a resolution of the decommissioning issue - or any other issue - will not be found if the parties resort to their vast inventories of historical recrimination. Or, as it was put to us several times, what is really needed is the decommissioning of mind-sets in Northern Ireland.

16. We have asked ourselves how those who have suffered during the many years of internal strife can accept the fact that the establishment of a lasting peace will call for reconciliation with those they hold responsible for their loss and pain. Surely the continued suffering and bereavement of individuals and of families should never be forgotten.

But if the focus remains on the past, the past will become the future, and that is something no one can desire.

17. Everyone with whom we spoke agrees in principle with the need to decommission. There are differences on the timing and context - indeed, those differences led to the creation of this Body - but they should not obscure the nearly universal support which exists for the total and verifiable disarmament of all paramilitary organisations. That must continue to be a principal objective.

18. However the issue of decommissioning is resolved, that alone will not lead directly to all-party negotiations. Much work remains on the many issues involved in the political track. The parties should address those issues with urgency.

### **III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NON-VIOLENCE**

19. To reach an agreed political settlement and to take the gun out of Irish politics, there must be commitment and adherence to fundamental principles of democracy and non-violence. Participants in all-party negotiations should affirm their commitment to such principles.

20. Accordingly, we recommend that the parties to such negotiations affirm their total and absolute commitment: a. To democratic and exclusively peaceful means of resolving political issues; b. To the total disarmament of all paramilitary organisations; c. To agree that such disarmament must be verifiable to the satisfaction of an independent commission; d. To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations; e. To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and, f. To urge that 'punishment' killings and beatings stop and to take effective steps to prevent such actions.

21. We join the Governments, religious leaders and many others in condemning 'punishment' killings and beatings. They contribute to the fear that those who have used violence to pursue political objectives in the past will do so again in the future. Such actions have no place in a lawful society.

22. Those who demand decommissioning prior to all-party negotiations do so out of concern that the paramilitaries will use force, threaten to use force, to influence the negotiations, or to change any aspect of the outcome of negotiations with which they disagree.

Given the history of Northern Ireland, this is not an unreasonable concern. The principles we recommend address those concerns directly.

23. 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 organisations. That should encourage the belief that the peace process will truly be an exercise in democracy, not one influenced by the threat of violence.

#### **IV. COMMITMENT TO DECOMMISSIONING**

24. The second of the specific questions in paragraph seven of the Communiqué asks us 'to report whether there is a clear commitment on the part of those in possession of such arms to work constructively to achieve' full and verifiable decommissioning.

25. We have concluded that there is a clear commitment on the part of those in possession of such arms to work constructively to achieve full and verifiable decommissioning as part of the process of all-party negotiations; but that commitment does not include decommissioning prior to such negotiations.

26. After careful consideration, on the basis of intensive discussions with the Governments, the political parties, religious leaders, the security forces, and many others, we have concluded that the paramilitary organisations will not decommission any arms prior to all-party negotiations. That was the unanimous and emphatically expressed view of the representatives of the political parties close to paramilitary organisations on both sides. It was also the view of the vast majority of the organisations and individuals who made oral and written submissions. It is not that they are all opposed to prior decommissioning. To the contrary, many favour it. But they are convinced that it will not happen. That is the reality with which all concerned must deal.

27. Competing views were advanced on prior decommissioning. One was that decommissioning of arms must occur prior to all-party negotiations. We were told that the clearest demonstration of adherence to democratic principles, and of a permanent end to the use of violence, is the safe removal and disposal of paramilitary arms, and that at this time only a start to decommissioning will provide the confidence necessary for all-party negotiations to commence. In this view, all parties were aware of the need for prior decommissioning before the ceasefires were announced and should not now be able to avoid that requirement.

28. In the competing view we were told that decommissioning of arms prior to all-party negotiations was not requested before the announcement of the ceasefires, and that had it been, there would have been no ceasefires; that those who entered into ceasefires did so in the belief they would lead immediately to all-party negotiations; and that the request for prior decommissioning, seriously pursued for the first time months after the ceasefires were declared, is merely a tactic to delay or deny such negotiations. In this view, the ceasefires having been maintained for nearly a year and a half, all-party negotiations should begin immediately with no further requirements.

29. We believe that each side of this argument reflects a core of reasonable concern which deserves to be understood and addressed by the other side.

30. Those who insist on prior decommissioning need to be reassured that the commitment to peaceful and democratic means by those formerly supportive of politically motivated violence is genuine and irreversible, and that the threat or use of such violence will not be invoked to influence the process of negotiations or to change any agreed settlement.

31. Those who have been persuaded to abandon violence for the peaceful political path need to be reassured that a meaningful and inclusive process of negotiation is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify.

32. Clearly, new approaches must be explored to overcome this impasse. That is the purpose of the six principles we recommend. They invoke a comprehensive commitment to democracy and non-violence that is intended to reassure all parties to the negotiations.

## **V. DECOMMISSIONING DURING ALL-PARTY NEGOTIATIONS**

33. One side has insisted that some decommissioning of arms must take place before all-party negotiations can begin. The other side has insisted that no decommissioning can take place until the end of the process, after an agreed settlement has been reached. This has resulted in the current impasse.

34. The parties should consider an approach under which some decommissioning would take place during the process of all-party negotiations, rather than before or after as the parties now urge. Such an approach represents a compromise. If the peace process is to move forward, the current impasse must be overcome. While both sides have been adamant in their positions, both have repeatedly expressed the desire to move forward. This approach provides them that opportunity.

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

## **VI. RECOMMENDATIONS: GUIDELINES ON THE MODALITIES OF DECOMMISSIONING**

36. The first of the specific questions in paragraph seven of the Communique asks us 'to identify and advise on a suitable and acceptable method for full and verifiable decommissioning'.

37. We recommend the following guidelines on the modalities of decommissioning. These recommendations are realistic in light of the nature and

scale of the arsenals in question, estimates of which were provided to us by the Governments and their security forces. We believe these estimates to be accurate.

38. Decommissioning should receive a high priority in all-party negotiations. The details of decommissioning, including supporting confidence-building measures, timing and sequencing, have to be determined by the parties themselves.

The decommissioning process should suggest neither victory nor defeat.

39. The ceasefires and the peace process are products not of surrender but rather of a willingness to address differences through political means. This essential fact should be reflected clearly in the modalities of the decommissioning process, which should not require that any party be seen to surrender.

The decommissioning process should take place to the satisfaction of an independent commission.

40. 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.

41. The commission should be able to operate independently in both jurisdictions, and should enjoy appropriate legal status and immunity.

42. In addition to having available to it independent sources of legal and technical advice and adequate field resources to receive and audit armaments and to observe and verify the decommissioning process, the commission should be able to call upon the resources and the relevant technical expertise of the British and Irish Armies, when it is appropriate.

The decommissioning process should result in the complete destruction of armaments in a manner that contributes to public safety.

43. The decommissioning process should result in the complete destruction of the armaments. Procedures for destruction would include the cutting up or chipping of small arms and other weapons, the controlled explosion of ammunition and explosives, and other forms of conventional munitions disposal.

44. The decommissioning process could encompass a variety of methods, subject to negotiation, including: - the transfer of armaments to the commission or to the designated representatives of either Government, for subsequent destruction; - the provision of information to the commission or to designated representatives of either Government, leading to the discovery of armaments for subsequent destruction; and, - the depositing of armaments for collection and subsequent destruction, by the commission or by representatives of either Government.

Parties should also have the option of destroying their weapons themselves.

45. Priority should be accorded throughout to ensuring that armaments are safely handled and stored, and are not misappropriated.

The decommissioning process should be fully verifiable.

46. Whatever the options chosen for the destruction of armaments, including the destruction of weapons by the parties themselves, verification must occur to the satisfaction of the commission.

47. The commission would record information required to monitor the process effectively. The commission should have available to it the relevant data of the Garda Síochána and the Royal Ulster Constabulary. It would report periodically to relevant parties on progress achieved in the decommissioning process.

The decommissioning process should not expose individuals to prosecution.

48. Individuals involved in the decommissioning process should not be prosecuted for the possession of those armaments; amnesties should be established in law in both jurisdictions. Armaments made available for decommissioning, whether directly or indirectly, should be exempt under law from forensic examination, and information obtained as a result of the decommissioning process should be inadmissible as evidence in courts of law in either jurisdiction.

49. Groups in possession of illegal armaments should be free to organise their participation in the decommissioning process as they judge appropriate, e.g. groups may designate particular individuals to deposit armaments on their behalf.

The decommissioning process should be mutual.

50. Decommissioning would take place on the basis of the mutual commitment and participation of the paramilitary organisations.

This offers the parties another opportunity to use the process of decommissioning to build confidence one step at a time during negotiations.

## **VII. FURTHER CONFIDENCE-BUILDING**

51. It is important for all participants to take steps to build confidence throughout the peace process. In the course of our discussions, many urged that certain actions other than decommissioning be taken to build confidence. We make no recommendations on them since they are outside our remit, but we believe it appropriate to comment on some since success in the peace process cannot be achieved solely by reference to the decommissioning of arms.



52. Support for the use of violence is incompatible with participation in the democratic process. The early termination of paramilitary activities, including surveillance and targeting, would demonstrate a commitment to peaceful methods and so build trust among other parties and alleviate the fears and anxieties of the general population. So, too, would the provision of information on the status of missing persons, and the return of those who have been forced to leave their communities under threat.

53. Continued action by the Governments on prisoners would bolster trust. So would early implementation of the proposed review of emergency legislation, consistent with the evolving security situation.

54. Different views were expressed as to the weapons to be decommissioned. In the Communique, the Governments made clear their view that our remit is limited to those weapons held by paramilitary organisations. We accept and share that view. There is no equivalence between such weapons and those held by security forces. However, in the context of building mutual confidence, we welcome the commitment of the Governments, as stated in paragraph nine of the Communique, 'to continue to take responsive measures, advised by their respective security authorities, as the threat reduces'.

55. We share the hope, expressed by many on all sides, that policing in Northern Ireland can be normalised as soon as the security situation permits. A review of the situation with respect to legally registered weapons and the use of plastic bullets, and continued progress toward more balanced representation in the police force would contribute to the building of trust.

56. Several oral and written submissions raised the idea of an elected body. We note the reference in paragraph three of the Communique to 'whether and how an elected body could play a part'. Elections held in accordance with democratic principles express and reflect the popular will. If it were broadly acceptable, with an appropriate mandate, and within the three-strand structure, an elective process could contribute to the building of confidence.

57. Finally, the importance of further progress in the social and economic development of Northern Ireland and its communities was emphasised time and again in our meetings, in the context of building confidence and establishing a lasting peace.

## **VIII. CONCLUDING REMARKS**

58. Last week we stood in Belfast and looked at a thirty foot high wall and at barriers topped with iron and barbed wire. The wall, which has ironically come to be known as the 'peace line', is a tangible symbol of the division of the people of Northern Ireland into two hostile communities. To the outsider both are warm and generous. Between themselves they are fearful and antagonistic.

59. Yet, it is now clear beyond doubt that the vast majority of the people of both traditions want to turn away from the bitter past. There is a powerful desire for peace in Northern Ireland. It is that desire which creates the present opportunity.

60. This is a critical time in the history of Northern Ireland. The peace process will move forward or this society could slip back to the horror of the past quarter century.

61. Rigid adherence by the parties to their past positions will simply continue the stalemate which has already lasted too long. In a society as deeply divided as Northern Ireland, reaching across the 'peace line' requires a willingness to take risks for peace.

62. The risk may seem high but the reward is great: a future of peace, equality and prosperity for all the people of Northern Ireland.

George J. Mitchell; John de Chastelain; Harri Holkeri.

January 22nd, 1996