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The Decommissioning Issue and the International Body

Background Note

1. In the contacts leading up to the IRA ceasefire in August 1994, the then Government concentrated on a total cessation of violence as the key objective. Many other issues, of great importance to one side or another, for example arms and prison issues, were left as "downstream issues", to be settled in what it was hoped would be a positive dynamic of negotiations in the wake of a total cessation of violence.
2. Work on the decommissioning issue was initiated following the meeting of the then Taoiseach and the Prime Minister on 24 October 1994. This was primarily within the framework of the Group of officials jointly chaired by the Permanent Head of Northern Ireland Office and the Secretary of the Department of Justice (the "Dalton/Chilcot" Group).
3. The focus of the initial work undertaken by the Group was an assessment of a scheme for the decommissioning of arms leading up to the preparation of a joint report for the Taoiseach and Prime Minister in February 1995. That report sought to set out a strategy for decommissioning and to identify a framework within which decommissioning might take place.
4. The strategy under consideration at that time took account of a number of "considerations" which influenced the Group's approach. These were intended to place decommissioning in the wider context of the cessations of the campaigns announced by the Provisional IRA and the Combined Loyalist Military Command and the need for progress towards a comprehensive political solution. The agreed considerations included, for example
 - the vital importance of maintaining the ceasefires and keeping the guns silent
 - the fact that decommissioning of terrorist arms could not, of itself, guarantee peace as the paramilitaries would retain the capability to replace existing stockpiles
 - acknowledgment that peace could ultimately only be guaranteed by progress towards a comprehensive *political solution*

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- acknowledgement that the maintenance of peace *required continuing political momentum* both in response to the cessation of paramilitary violence and as a clear signal to paramilitaries that their interests are - and are likely to be - best served towards continuing peace.

5. With regard to the potential impact of decommissioning, the Group recognised that decommissioning would provide strong further reassurance of the permanent end to paramilitary violence and an exclusive commitment to peace and that progress on the arms issue, while not a precondition for political progress, was likely to be necessary as a matter of political reality.

6. The Group also recognised that movement towards decommissioning was likely to involve a series of steps, commencing with discussions with the relevant parties and culminating, possibly, in a formal arrangement such as an arms amnesty. The framework put forward in the report was intended, in the first instance, to inform discussions with the relevant parties and focussed, therefore, on the parameters within which those discussions might be conducted on a basis acceptable to both Governments.

7. Flexibility was a key element of the framework outlined by the Dalton/Chilcot Group as it was recognised that any decommissioning scheme which depended on the voluntary cooperation of the groups in possession of arms would need to be such as to win the confidence, active participation and cooperation of those groups to be productive.

British Position

8. In March 1995 in a speech delivered in Washington, Secretary of State Mayhew enunciated the conditions which would have to be met, in the view of the British Government, by Sinn Féin/IRA to gain Sinn Féin admittance to all party talks. He did so without any advance notice to the Irish or U.S. Governments.

The three principles are as follows:

- A willingness in principle to disarm progressively;
- A common practical understanding of the modalities, that is to say what decommissioning would actually entail; and
- In order to test the practical arrangements, and to demonstrate good faith, decommissioning of some arms as a tangible confidence building measure and to signal the start of a process.

9. The "Washington principles" have become the basic British position, with the British Government consistently re-stating that the "Washington Three" condition i.e. the decommissioning of some arms must be made before Sinn Féin can gain admittance to all-party talks. They have however, from time to time appeared to hold out the prospect of accepting an alternative to "Washington Three."

10. The British side have sought to use remarks by the Tánaiste in the Dáil in December 1993 and June 1994 to imply that the Irish Government position has been that decommissioning must start before admitting Sinn Féin to all party talks. The Tanaiste's remarks, at that time, related to a context in which the IRA's response to the Joint Declaration might have been limited to a temporary cessation of violence. In the event, however, the IRA had gone for a permanent cessation of violence and entirely different consideration applied in that context. The Tánaiste had made clear his commitment to the goal of decommissioning but had not made any statement about the timing of this process nor had he described decommissioning as in any way a precondition for admission to political talks.

Possible role of International Body

11. In recent months the focus shifted to looking at the scope for international involvement as a means of securing progress in the decommissioning issue. The proposal for both Governments to appoint an International Commission was raised in a paper sent by the Taoiseach to the Prime Minister in advance of their meeting en marge of the Cannes Summit on 28 June 1995. (Ken Maginnis of the UUP claims credit as having first suggested that an International

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Commission could play a useful role in overcoming the obstacle posed by this issue). That suggestion was part of a wider proposal directed towards proposing a way forward on the decommissioning issue against the background of the overriding need to maintain political progress and the deep concerns in the part of the Irish Government at the prospect of a stalemate which it was feared might arise on the decommissioning question from the strongly opposed positions which had emerged.

12. It had been hoped to launch the twin track process at a Summit meeting on 6 September, but the two Governments were unable to agree on whether the Body could deal with the "Washington Three" criterion. The Irish Government were of the view that to make decommissioning a pre-condition for all party talks would have made the prospect of talks impossible. To proceed on this basis could have led to an unravelling of the peace. It was agreed that both Governments would work intensively to restore a common position on the twin-track approach. In remarks after the Anglo-Irish Intergovernmental Conference Meeting on 17 October last, Sir Patrick Mayhew said that an alternative plan (to "Washington 3") would be considered if it gave other parties the necessary confidence to get negotiations underway.

13. Intense negotiations to reach agreement continued with the active support of the US Administration. These efforts intensified in the run up to the visit of President Clinton to Britain and Ireland from 29 November to 1 December culminating in the Joint Communique launching the twin-track process on 28 November. Prime Minister Major said at the Joint Communique Press Conference that "no one has yet found an alternative method of building the confidence (for all parties to attend talks) other than the physical start of decommissioning so that is why we regard it as a practical necessity. It is not a question of boxing anyone into a corner, it is a question of a practical necessity if we wish this process to continue." The Taoiseach responded by saying that it is a position for the Irish Government "that a physical gesture of decommissioning of arms in advance of talks while undoubtedly desirable is not an attainable objective."

14. The Background Note on the work of the Body in Section 5 of the Brief describes in detail the role assigned to the Body in the Joint Communique and the Body's activities to date.

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