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To: HQ
For: Colm O Floinn

From: Belfast
From: Joint Secretary

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Subj: Announcements about LVF de-specification and Parades Commission

1. As I mentioned earlier, the Secretary of State will be making statements this afternoon about de-specification of the LVF and reappointments to the Parades Commission.

2. The first of these will issue as a press release very shortly. A copy of the latest draft is attached. The second will come in the form of a reply to a planted PQ. The draft reply and draft press material are also attached.

3. It is clear that these announcements are being presented in tandem in deference to David Trimble's sensitivities. The NIO hope that Trimble's pleasure on hearing of the LVF development will mitigate his anticipated hostility to the reappointment of Alastair Graham to the Parades Commission. The reappointments had to be announced around now and, accordingly, the LVF announcement has been brought forward to today.

4. The decision in relation to the LVF has been well-flagged. The terms of the attached statement are self-explanatory. The NIO view is that the LVF ceasefire has been credibly maintained since last May. While there have been suggestions that individual LVF members have been involved in incidents over the summer, their basic assumption is that the LVF leadership has maintained the ceasefire and intends to maintain it in future.

5. We were told that the Secretary of State intends to express her hope that the act of decommissioning which the LVF promised in the event of their being de-specified will now take place. This element does not appear in the draft announcement; it is likely that she will take a more informal opportunity to make this point. (It is possible that it has been omitted from the announcement in order to remove any

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impression that a decommissioning precondition is being attached to the de-specification decision). The NIO believe that the LVF will indeed follow through on their promise, probably in the form of a handover of some weapons to the Decommissioning Commission.

6. The NIO also considered the case of the Red Hand Defenders. While some in this group have had past associations with Loyalist paramilitary organisations, the general view is that they are a new group and are not a flag of convenience for an existing organisation. They are also associated with the "Justice for Protestants" group

7. As regards the order to give effect to today's decision, we understand that the intention is to process this next week in Parliament. If this does not prove possible before Parliament rises at the end of next week, there will be a delay until the end of November or early December. The NIO believe that the LVF may hold off on the promised act of decommissioning until the implementing order is through.

8. The decision to reappoint Alastair Graham, David Hewitt and Frank Guckian to the Parades Commission is also no great surprise. We had heard intimations of this in recent weeks. Again, the attached material is self-explanatory. News of this development was already carried on BBC Radio this morning. Graham has made clear to the NIO that he will definitely leave in February 2000. At that stage, the succession to him and to Messrs Hewitt and Guckian will be determined by a process involving open advertisement.

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DRAFT ANNOUNCEMENT BY THE SECRETARY OF STATE: 12 NOVEMBER 1998

In July, when I made my decisions on the organisations to be specified for the purposes of the Sentences Act, I gave assurances that they would be subject to continuous review. As part of that process I have now reviewed my earlier judgements on all the relevant organisations, both specified and unspecified, taking into account the ceasefires called by the LVF, the INLA and, more recently, the Real IRA.

I have concluded that no additional organisations should be specified under the legislation at this point, although their status is kept under continuous review. The continuing levels of paramilitary assaults and related violence are a serious cause of concern in this regard, and all political parties with links to paramilitary organisations should use every influence to bring them to an end once and for all. If these activities continue and I have reason to believe they are carried out with paramilitary authorisation, I will not hesitate to reconsider the position of organisations in relation to the continued release of prisoners.

Of the four organisations which are currently specified, the Continuity IRA have not declared a ceasefire and so must remain specified. I take this opportunity to call on them to declare a ceasefire and to do so now. As the vast majority of people have acknowledged, there is no future for violence in Northern Ireland - it must be consigned to the past. The Continuity IRA should recognise the reality of the situation - that the only way forward is through exclusively peaceful and democratic means.

The other specified organisations - the INLA, LVF and Real IRA - have indicated that they are on ceasefire. In considering their position under the Sentences Act, I am required to make an overall judgement as to whether they are maintaining complete and unequivocal ceasefires. In doing so, I have taken full account of the advice of my security advisers.

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The Real IRA called a complete ceasefire on 7 September. While that is a welcome development, the ceasefire will have to be demonstrated in word and deed over a longer period of time. It is therefore too early to remove them from the list of specified organisations. Nor will the ceasefire stop the police from using every resource at their disposal in pursuing those responsible for the Omagh atrocity. Those convicted of offences committed after 10 April are not, of course, eligible for early release under the legislation.

On the basis of all the security information available to me, and taking into account all the factors set out in the legislation, I have decided, subject to approval by Parliament, to de-specify the LVF. I am now satisfied that they have established a complete and unequivocal ceasefire and, over a significant period of time, have demonstrated that that ceasefire is being maintained. This decision also recognises the significant contacts which the LVF have made, via an intermediary, with the Decommissioning Commission. I will shortly introduce an order for the purpose of de-specifying the LVF which will need to be approved by both Houses of Parliament.

I have decided that at this stage the INLA should remain specified, as I am not yet persuaded that their ceasefire is complete and unequivocal. That ceasefire was called on 22 August and I believe that more time is needed for the INLA to demonstrate by their words and deeds their absolute commitment now and in the future to exclusively peaceful and democratic means to pursue their objectives. This decision, like all the others, remains under constant review and I look forward to the day when events on the ground are such as to enable me to change my assessment.

I will continue to keep these issues under review, taking into account all the evidence available to me. If the INLA have continued to build confidence that they are maintaining a complete and unequivocal ceasefire, then I will reconsider my decision, taking into account all the factors prescribed in the Act.

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REVISED QUESTION & ANSWER BRIEFING: LVF DE-SPECIFICATION

Why are the LVF being de-specified now?

- Under the terms of the Sentences Act, I am required to specify those organisations which are concerned with terrorism and which have not established or are not maintaining a complete and unequivocal ceasefire. Prisoners supporting the organisations specified are not benefiting from early release.
- As I said when the LVF were originally specified, the May ceasefire declaration was welcome but I needed to be convinced that it was complete and unequivocal.
- Following the assessments I have received based on a range of security information, I now judge that to be the case.
- As with the early decisions, this is an **overall judgement**, taking into account **a range of factors**.

Have you received a guarantee from the LVF that they will decommission if their prisoners are released?

- I have despecified the LVF in accordance with the provisions of the Sentences Act. I am aware that certain undertakings have been given publicly about the likelihood of the LVF decommissioning. I would encourage them to do so, since I want to see all groups with illegal weapons starting to decommission right away.
- In the new situation of peace we are creating in Northern Ireland there is no excuse for continuing to hold on to illegal weapons.

Are there links between the LVF and the Red Hand Defenders who murdered Mr Service?

- A group calling themselves the Red Hand Defenders claimed responsibility for that murder. The decision today is about the LVF and, as I have said, the security assessment I have received has led me to conclude that they are maintaining their ceasefire. I have received no evidence that the appalling murder of Mr Service was a breach of the LVF ceasefire; otherwise I would obviously not be de-specifying them today.

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There has been no decommissioning so how can any of the organisations benefiting from prisoner release have complied with the requirement regarding decommissioning?

- Co-operation with the Decommissioning Commission in implementing the Decommissioning Section of the Agreement is one of the factors which I am required to take into account.
- The factors are **not separate tests to pass or fail** but factors to be taken into account in making an overall judgement as to whether an organisation is maintaining a complete and unequivocal ceasefire. Neither the decommissioning factor, nor any of the others, is necessarily decisive on its own.
- These are the terms of the legislation. It **does not make decommissioning a pre-condition for prisoner releases**. I am not in the business of erecting hurdles outside the terms of the Agreement.

You said that conditions would get more stringent over time, yet 200 prisoners released with no decommissioning. If there is no decommissioning over the next [x] months, will PIRA be specified?

- I have said many times that the Agreement is a package. It commits all those who have endorsed it to work towards the total disarmament of all paramilitary organisations within 2 years.
- We expect all the other parties to live up to all the commitments under the Agreement.

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- Under the Act I have powers to suspend releases, to exclude specific organisations and to vary the two year cut-off date. Prisoner releases are only acceptable as part of the Agreement as a whole. There must be confidence that all the Agreement will be implemented. If that confidence is missing - whether by a failure to implement the commitments on decommissioning or anything else - I won't hesitate to use the powers in the Act to stop releases.

One of the Prime Minister's promises before the referendum was that there would have to be an end to bombings, killings and beatings, claimed and unclaimed. Prisoners are being released despite continued punishment beatings and the Omagh bombing?

- I have said many times, **punishment attacks are wholly unacceptable in a civilised society**. If they persist, I will not hesitate to take this into account when reviewing the list of specified organisations.
- As regards the Omagh bombing, none of those organisations benefiting from prisoner releases were connected to it. Those who committed this atrocious act were against the Agreement and will of course not be benefiting from its provisions.
- I have explained quite clearly how the decision on specifying organisations was reached and it is quite wrong to imply that I have failed to honour the pledges made. The conclusions I arrived at were wholly in accordance with the factors laid out by the Prime Minister.

6 May the PM agreed with Mr Hague that the IRA cannot have prisoners released if it does not give up its guns.

- The Prime Minister said "I agree with the right hon. Gentleman. It is essential that organisations that want to benefit from the early release of prisoners should give up violence. Decommissioning is part of that." He further said "It is not just a question of decommissioning, but a question of making sure, as the Agreement says, that there is a complete and unequivocal ceasefire."

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- The Sentences Act requires just that - a complete and unequivocal ceasefire. It also requires - as the Prime Minister promised it would in his speech in Belfast on 14 May - a range of factors to be taken into account, including full co-operation with the Decommissioning Commission in implementing the Decommissioning Section of the Belfast Agreement.

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