

An Chartlann Náisiúnta
National Archives

Reference Code:	2021/52/662
Creator(s):	Department of Foreign Affairs
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

SECRET

Decommissioning / Establishment of Institutions

Problem

1. Both Sinn Féin and the UUP argue that they have absolutely no room for manoeuvre on decommissioning. But unless there is some movement soon, the credibility of the Agreement will be increasingly in danger.

Positive Dimensions

2. We believe that:

   (a) David Trimble wants to work in an Executive with Sinn Féin (provided that the decommissioning issue can be unblocked);

   (b) Sinn Féin are willing to try and deliver on decommissioning in the context of the implementation of the Agreement; in this regard, they consider the establishment of the institutions set out in the Agreement as being of crucial importance; in the circumstances, the only possibility of Sinn Féin successfully influencing the IRA to decommission is to put these institutions in place;

   (c) Tony Blair, if given some room for manoeuvre by Sinn Féin, is prepared to put pressure on Trimble to move on the establishment of institutions.

©DFA/2021/52/662

Timing

3. If the above assessment is accurate, the issue to be resolved becomes largely one of timing and not of principle. Herein may well lie the key to a solution. However, given in particular the divisions in the UUP at present, it is going to be exceptionally difficult to find a compromise on the issue.

SDLP "solemn guarantee"

4. A new element, from last weekend's SDLP Conference, is the solemn guarantee from Séamus Mallon that, if decommissioning did not happen within the two-year timeframe of the Agreement, "the SDLP would rigorously enforce the terms of the Agreement and remove from office those who had so blatantly dishonoured their obligation". This guarantee should help ease Trimble's fear that, if once he entered into an Executive with Sinn Féin, the pressure on the latter party to deliver on decommissioning would be considerably lessened. A second, related Trimble concern is the fear the SDLP would not have the courage, in circumstances where decommissioning had not occurred in the timeframe of the Agreement, to pull the plug on Sinn Féin's participation in the Executive. The Mallon guarantee now effectively provides a safety net for the UUP leader - though there will still be doubts about whether the party as a whole would be prepared to deliver on it. (The full text of this section of Mallon's speech is attached as Annex 3.)

Way Forward

5. In present circumstances, and given in particular the very stark message from Sinn Féin that the IRA is unwilling at present to consider making a gesture on decommissioning, the only realistic option is to move ahead and try to

©DFA/2021/52/662

establish the various institutions (probably initially in shadow form, as envisaged by the Agreement) without actual decommissioning having taken place. In order to try and win Trimble over to this scenario, strong public assurances that decommissioning would happen within the timescale of the Agreement would have to be given to him through carefully drafted statements by General de Chastelain, and also (jointly) by the two Prime Ministers (possible drafts for these statements are attached as Annex 1 and 2, respectively). These would need to be complemented by very considerable private pressure on the UUP leader by Tony Blair.

6. In addition, the Mallon guarantee can now be factored into the equation, as well as the helpful comments by the Chief Constable of the RUC on the "*This Week*" programme on RTE on Sunday to the effect that the paramilitaries on ceasefire "are demonstrating a rigid adherence to those cessations", and that these organisations "pose the opportunity" to deliver a "disciplined, true, lasting, permanent peace".

Dermot Gallagher
16 November 1998

©DFA/2021/52/662

Draft

ANNEX 1

Possible Statement by Independent International Commission on Decommissioning

1. Since the conclusion of the Good Friday Agreement, the Commission has continued to work with the political parties and the two Governments in fulfilment of its mandate to facilitate the decommissioning of firearms, ammunition and explosives.

2. [Details of contacts.] We believe that all our interlocutors are working with us constructively and in good faith.

3. Insofar as the technical aspects of decommissioning are concerned, our discussions have concentrated on the modalities of the second of the two options for decommissioning set out in the schemes brought into force by the two Governments in June 1998, namely the destruction of arms by those in possession of them. We appreciate that this option is felt to be preferable because it manifestly involves no connotation of surrender. We are satisfied that there would be no obstacle of a practical kind to making arrangements for the verifiable implementation of this option. Moreover, from a logistical standpoint, such arrangements could be speedily put in place.

4. On the basis of our contacts, it is our assessment that all of the parties remain committed to the total disarmament of all paramilitary organisations. Moreover, we also believe that, as the Agreement requires, they will continue to work with us constructively and in good faith and will use any influence they may have to achieve the decommissioning of all paramilitary arms by 22 May 2000 and in the context of the implementation of the overall settlement.

5. However, the achievement of the objective of decommissioning, while it is a key element of the Belfast Agreement, nonetheless remains but one aspect, albeit a highly significant one, of a complex and balanced set of arrangements and commitments. Moreover, the full implementation of the Agreement, and the subsequent working of the arrangements established under it, depend crucially on the creation and maintenance of mutual trust and

©DFA/2021/52/662

confidence, the absence of which is a continuing legacy of a history of conflict and division.

6. It has become very apparent to us in the course of our discussions that, as the Agreement itself makes clear, progress towards the achievement of decommissioning is, in particular for those parties most directly concerned with the issue, intimately and indispensably connected with progress on the implementation of the overall settlement. The fulfilment of the Agreement's decommissioning provisions will, therefore, be profoundly influenced by the political context.

7. It is of course the case that substantial progress is in fact being made on the implementation of several aspects of the Agreement, including elements which cause significant emotional and political difficulties for the unionist community in particular.

8. Nevertheless, despite what we understand to be encouraging and substantial preparatory work, it is also apparent from our contacts that the failure thus far to establish on an inclusive basis the shadow institutions envisaged in the Agreement, or to meet the 31 October target date for agreement on areas for North/South co-operation and implementation, has had a seriously damaging effect on republican confidence in unionist good faith. Equally, it is clear that the absence, thus far, of an authoritative indication of the timescale for the achievement of decommissioning by the IRA has had a damaging effect on unionist confidence in republican good faith.

9. Against this background, it is the Commission's informed and carefully-considered assessment that the full establishment as soon as possible next year of the institutions specified in the Agreement would totally transform the situation by significantly enhancing the capacity of Sinn Féin to persuade the IRA to begin actual arms decommissioning. With this enhanced capacity, Sinn Féin would be in a position to approach the IRA with a view to securing the achievement of significant and verifiable decommissioning. We note that approaches made by Sinn Féin to the IRA in other contexts have proved fruitful.

©DFA/2021/52/662

10. It is also our assessment that, in the context of such an approach by the republican movement, it would be possible to bring about parallel and mutually reinforcing progress in respect of the decommissioning of arms held by the loyalist paramilitary groups.

11. In the event that significant and verifiable decommissioning failed to occur after the full establishment of the new institutions, it would in our view be fair to interpret this as a serious breach of faith and as a sign that the IRA was reluctant to begin to decommission arms at any stage. The appropriate political response to that eventuality, which we do not believe to be likely, would be for the two Governments and the political parties to determine.

EIO29

©DFA/2021/52/662

Joint Statement by British and Irish Governments

1. It remains the firm belief of the British and Irish Governments that the Good Friday Agreement represents an historic, and truly unique, opportunity for a better future for all the people of Northern Ireland, and a new basis for relationships on the island of Ireland and within these islands. The Agreement is a comprehensive and carefully crafted entirety which challenges all parties and political viewpoints to subordinate their sectional concerns to the interests of the common good. The overwhelming endorsement of the Agreement by the people of the island, North and South, and of both main traditions, cannot be set aside by any democrat. Likewise, the overwhelmingly positive response of the international community has been profoundly welcome. It is therefore imperative that the Agreement be implemented in full and in all its aspects, and the Governments are unswervingly committed to that objective.

2. Substantial progress has already been made in the implementation of many parts of the Agreement, including the election of an Assembly and of a First Minister and Deputy First Minister designate; the passage by referendum of amendments to the Irish Constitution; the enactment of wide-ranging Westminster legislation underpinning constitutional, institutional and human rights aspects of the Agreement; initial moves towards the normalisation of security arrangements and practices; the establishment of an Independent Commission on Policing and of a Review of the Criminal Justice System; and the introduction and ongoing implementation of an accelerated programme for the release of prisoners.

3. Nevertheless, despite an encouraging level of discussion among the parties and the Governments, it is a matter of deep concern to the two Governments that

©DFA/2021/52/662

the implementation of the central institutional aspects of the Agreement has fallen behind schedule. The Agreement required the identification of, and agreement on, areas for North/South co-operation and implementation by 31 October last. Likewise, it clearly envisaged the early establishment, on an inclusive basis, of Shadow Institutions for a transitional period before the devolution of powers to the Assembly and the entry into force of the new British-Irish Agreement. The failure to meet the requirements of the Agreement in these key respects, if this were to continue, would have the serious effect of undermining the credibility of the Agreement.

4. The fundamental obstacle to the implementation of the institutional aspects of the Agreement continues to be disagreement over the issue of decommissioning, which has become associated with the question of the entitlement of parties to take their seats in an Executive Committee. The two Governments recognise of course that all parties to the Agreement have reaffirmed their total and absolute commitment to exclusively democratic and peaceful means of resolving differences, and their opposition to any use or threat of use of force by others for any political purpose. They also acknowledge the crucial and continuing importance of the silence of paramilitary weapons, and the completeness and scrupulousness with which paramilitary organisations have maintained their ceasefires, a fact which has been confirmed by the most senior security advice, North and South.

5. The Governments however, while fully acknowledging the vital importance of the above developments, note that the absence of authoritative assurances in relation to actual decommissioning has contributed to a climate of mistrust among Unionist politicians and, as a consequence, a reluctance on their part to move forward with the establishment of the Institutions envisaged under the Agreement. It is in this context in particular that they strongly welcome the report received today from General John de Chastelain and his colleagues on

©DFA/2021/52/662

the Independent International Commission, which is based on extensive contact with the parties. They find its analysis persuasive. In particular, they note and share the Commission's "informed and carefully-considered assessment that the full establishment as soon as possible next year of the institutions specified in the Agreement would totally transform the situation by significantly enhancing the capacity of Sinn Féin to persuade the IRA to begin actual arms decommissioning". In this overall context, the two Governments would additionally make the point that, at different stages in this process, some parties are and will be required to undertake a greater burden of responsibility. Delivery is not in many instances a simultaneous but a sequential act. And delivery should work on the presumption of good faith, up to the point where there has been a clear and demonstrable breach of the Agreement.

6. In this regard, the two Governments emphasise that they fully share the Commission's view that, "in the event that significant and verifiable decommissioning failed to occur after the full establishment of the new institutions", it would "be fair to interpret this as a serious breach of faith" of the Agreement. In that eventuality, they would without hesitation, and as provided for by the Agreement, comprehensively review the situation then existing, in consultation with the parties, with a view to taking early and appropriate remedial action.

7. The two Governments believe that this clear statement on their part that all sections of the Agreement will be fully implemented and honoured, taken together with the International Commission's report, offers the necessary reassurance to all parties to enable them to agree immediately on the establishment of the Institutions of the Agreement, and on the definition of Ministerial portfolios and the identification of areas for North-South cooperation and implementation. This will then allow the Governments to begin the necessary legislative and other preparations to permit the full entry into force of the British-Irish Agreement in the New Year.

E1030

©DFA/2021/52/662

Extract from Address by Séamus Mallon

SDLP Party Conference, Newry, 13 November 1998

ADDRESSING UNIONIST AND SINN FÉIN FEARS

Let no one misunderstand or under estimate our sense of urgency or our determination to implement the Agreement nothing more and nothing less. To listen to some Unionist spokesmen you would believe that there was a paragraph in the Agreement which required decommissioning to begin before Sinn Féin acceded to the Executive. There isn't. To listen to some Sinn Féin spokesmen you would believe there was no paragraph on decommissioning at all. There is. How have we arrived at this impasse? In my view beneath this public posturing and political bartering there are fundamental fears among both Unionists and Republicans which have not been fully articulated and which need to be addressed.

For many Unionists there is the fear that Sinn Féin seeks to pocket the maximum sectoral advantage from the Agreement - membership of the Executive; prisoner releases; changes in policing; criminal law reform; demilitarisation; new equality legislation - and then will fail to honour their decommissioning obligations under the Agreement within the specified two-year period.

SOLEMN GUARANTEES FROM THE SDLP

I believe that this will not occur - and that it is does not intended. But no one should have any doubt that if it did happen the SDLP would rigorously enforce the terms of the Agreement and remove from office those who had so blatantly dishonoured their obligations.

©DFA/2021/52/662

Similarly, there is a fear among Sinn Féin supporters that whatever they do Unionists will up the ante by contriving new demands and conditions to exclude them from executive office. Again, I believe that this is an unfounded fear - that it will not happen and that it is not intended. If however it was misguidedly attempted neither our party nor I, as Deputy First Minister would confer any compliance, support or credibility on such a blatant contravention of the Agreement.

These solemn guarantees are intended to give both Unionists and Sinn Féin the confidence necessary to face down their fears and move to the fulfilment of their obligations under the Agreement. It goes without saying that these fears and suspicions should also be addressed directly by the UUP and the Sinn Féin leadership in a mutual confidence-building exercise.

We will not allow anyone to play political games with an Agreement that we all pledged in good faith to "work to ensure the success of each and every one of its arrangements" - neither will we permit the enormous potential of the Agreement to be lost to satisfy the party political interests of any one party.

©DFA/2021/52/662