

An Chartlann Náisiúnta
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NOTES FOR AN ADDRESS TO

THE BRITISH-IRISH INTERPARLIAMENTARY BODY

BY JOHN DE CHASTELAIN

CAMBRIDGE, TUESDAY 14 SEPTEMBER 1999

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INTRODUCTION

CO-CHAIRMEN, LADIES AND GENTLEMEN; THANK YOU FOR INVITING ME TO THIS DINNER AND FOR THE OPPORTUNITY TO BRIEF YOU ON THE WORK OF THE DECOMMISSIONING BODY. I WELCOME THIS CHANCE TO BRING YOU UP TO DATE WITH WHAT WE ARE DOING AND WHERE I BELIEVE WE ARE AT THIS PERIOD IN OUR MANDATE.

AT THE SAME TIME, THE PROCESS OF IMPLEMENTING THE GOOD FRIDAY AGREEMENT IS AT A CRITICAL STAGE. SENATOR GEORGE MITCHELL RESUMED THE REVIEW OF THE AGREEMENT YESTERDAY IN BELFAST. I AM SURE YOU WILL UNDERSTAND WHEN I SAY THAT I WOULD NOT LIKE ANYTHING I SAY HERE TONIGHT TO UNDERMINE HIS REVIEW OR THAT PROCESS IN ANY WAY.

FOR JUST THAT REASON MY COLLEAGUES AND I ADOPTED, SOME TIME AGO, A POLICY OF NOT MAKING PUBLIC STATEMENTS ON DECOMMISSIONING, UNLESS DOING SO WAS CALLED FOR BY THE PROCESS ITSELF. WE HAVE, BY AND LARGE, KEPT TO THAT POLICY. THE PUBLIC STATEMENTS WE MADE IN APRIL THIS YEAR, IN CONNECTION WITH THE HILLSBOROUGH PROPOSAL, AND THEN AGAIN IN JULY, IN CONNECTION WITH OUR PROGRESS REPORT TO THE TWO GOVERNMENTS, ARE INSTANCES WHERE WE FELT IT WAS BOTH APPROPRIATE AND NECESSARY TO SPEAK OUT.

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SO TONIGHT I PROPOSE TO GIVE YOU A FACTUAL ACCOUNT OF OUR WORK TO DATE AND TO AVOID, AS MUCH AS POSSIBLE, OPINION OR CONJECTURE.

FIRST I WANT TO REVIEW THE MANDATE WE WERE GIVEN TWO YEARS AGO AND WHICH STILL HAS EIGHT MONTHS TO RUN. THEN I WILL RECOUNT WHAT WE HAVE DONE TO CARRY OUT THAT MANDATE. AND FINALLY I WILL SAY SOMETHING ABOUT OUR ABILITY TO COMPLETE THE MANDATE IN THE TIME REMAINING.

MANDATE

OUR MANDATE DERIVES FROM FOUR SOURCES:

THE FIRST IS THE JANUARY 1996 REPORT OF THE INTERNATIONAL BODY. THIS REPORT PROPOSED A NUMBER OF POSSIBLE METHODS OF DECOMMISSIONING, AND PRESCRIBED PRINCIPLES OF IMPLEMENTATION THE BODY FELT WOULD BE NEEDED IF THE VOLUNTARY PROCESS OF DECOMMISSIONING WERE TO BE ACCEPTED BY PARAMILTARY GROUPS.

THE SECOND SOURCE WAS LEGISLATION PASSED IN PARLIAMENT AND IN THE DAIL IN 1997. THIS LEGISLATION DIRECTED THE TERMS UNDER WHICH DECOMMISSIONING WAS TO TAKE PLACE, INCLUDING THE REQUIREMENT THAT ALL ARMS BEING DECOMMISSIONED MUST BE DESTROYED. THE LEGISLATION ALSO GAVE AUTHORITY FOR THE TWO

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GOVERNMENTS TO AGREE ON THE ESTABLISHMENT OF AN INDEPENDENT DECOMMISSIONING BODY, WHICH THEY DID IN AUGUST 1997.

THE THIRD SOURCE WAS THE GOOD FRIDAY AGREEMENT. THIS AGREEMENT CALLED FOR 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 IMPLEMENTATION OF THE OVERALL SETTLEMENT".

THE FOURTH SOURCE WAS EMBODIED IN THE DECOMMISSIONING REGULATIONS AND SCHEME PROMULGATED BY THE TWO GOVERNMENTS IN JUNE 1998. THESE BROUGHT INTO EFFECT THE DECOMMISSIONING METHODS ALREADY RECOMMENDED BY THE COMMISSION AND APPROVED BY THE NOTHERN IRELAND POLITICAL PARTIES. THE REGULATIONS DESCRIBED, IN DETAIL, THE PROCESS TO BE FOLLOWED IN THE DECOMMISSIONING OF PARAMILITARY ARMS, INCLUDING THE POINT AT WHICH A DECOMMISSIONING EVENT WAS DEEMED TO HAVE STARTED -- AN IMPORTANT FACTOR WHEN DETERMINING WHEN IMMUNITY CAME INTO EFFECT.

THESE TWO METHODS -- INFORMATION LEADING TO THE DISCOVERY OF ARMS FOR SUBSEQUENT DESTRUCTION, AND THE DESTRUCTION OF ARMS BY PARAMILITARY GROUPS THEMSELVES, BOTH WITH VERIFICATION PROVIDED BY THE COMMISSION -- WERE PROPOSED BY US AFTER CONSULTATION WITH REPRESENTATIVES OF PARA MILITARY GROUPS, OR WITH POLITICAL PARTIES KNOWN OR BELIEVED

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TO BE CONNECTED WITH PARAMILITARY GROUPS. THE COMMISSION BELIEVES THAT ONE OR OTHER OF THESE METHODS WILL BE ACCEPTABLE TO PARAMILITARY GROUPS ONCE THEY HAVE DECIDED TO DECOMMISSION THEIR ARMS.

THUS BY JUNE OF LAST YEAR THE COMMISSION HAD AVAILABLE ALL THE LEGISLATIVE AND REGULATORY DIRECTION AND THE AUTHORITY IT NEEDED TO CARRY OUT ITS TASK, AS WELL AS THE REQUIREMENT THAT IT SHOULD BE COMPLETED BY 22 MAY 2000.

THE SIX DECOMMISSIONING PRINCIPLES PROPOSED BY THE INTERNATIONAL BODY IN 1996 WERE FULLY ENDORSED BY THE COMMISSION. THESE INCLUDED: SAFETY, COMPLETENESS, MUTUALITY, VERIFICATION BY AN INDEPENDENT BODY, AVOIDANCE OF THE IMPLICATION THAT DECOMMISSIONING INDICATED VICTORY OR DEFEAT, AND IMMUNITY FROM PROSECUTION FOR ARMS DECOMMISSIONED IN ACCORDANCE WITH THE SCHEME. ON THIS LATTER POINT, THE DECOMMISSIONING ACTS PASSED IN BOTH PARLIAMENTS SPECIFICALLY DECREED THAT A DECOMMISIONED ARTICLE, OR INFORMATION DERIVED FROM IT, COULD NOT BE USED IN EVIDENCE IN CRIMINAL PROCEEDINGS. BOTH ACTS PROHIBITED THE TESTING OF DECOMMISSIONED ARMS FOR PROSECUTION PURPOSES.

WHAT WE HAVE DONE TO DATE

ONCE THE COMMISSION RECEIVED APPROVAL FOR ITS

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DECOMMISSIONING SCHEMES AND METHODS, AND ONCE STANDARD OPERATING PROCEDURES WERE COMPLETED, WE CONCENTRATED OUR WORK IN FOUR GENERAL AREAS.

WE ENCOURAGED PARAMILITARY GROUPS TO NAME POINTS OF CONTACT WITH WHOM WE COULD EXPLORE AND PLAN THE DETAILS OF DECOMMISSIONING. IN OCTOBER 1997 THE ULSTER VOLUNTEER FORCE NAMED BILLY HUTCHINSON OF THE PROGRESSIVE UNIONIST PARTY AS THEIR REPRESENTATIVE. ELEVEN MONTHS LATER SINN FEIN NAMED MARTIN McGUINNESS AS THAT PARTY'S REPRESENTATIVE. THE ULSTER DEFENCE ASSOCIATION DECLINED TO NAME A REPRESENTATIVE ON THE BASIS THAT THE IRA HAD NOT DONE SO, BUT THE COMMISSION MET REGULARLY WITH GARY McMICHAEL AND OTHER MEMBERS OF THE ULSTER DEMOCRATIC PARTY TO ASSESS THE POSITION OF THE UDA.

WE ESTABLISHED CONTACT WITH THE SECURITY FORCES, NORTH AND SOUTH, AND MAINTAINED LIAISON WITH SPECIFIC MEMBERS OF THE POLICE AND MILITARY FORCES IN EACH JURISDICTION.

WE MET WITH POLITICAL PARTIES REPRESENTED IN THE ASSEMBLY AND WITH OTHERS WE FELT COULD BE HELPFUL TO US IN CARRYING OUT OUR TASK. SOMETIMES AT THESE MEETINGS WE SOUGHT INFORMATION. SOMETIMES WE RESPONDED TO QUESTIONS. SOMETIMES WE PROBED TO SEE IF WE COULD HELP IN ANY WAY TO MOVE THE PROCESS FORWARD.

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AND WE REPORTED FREQUENTLY TO THE TWO GOVERNMENTS AS CALLED FOR IN OUR MANDATE. REPORTING TOOK PLACE AT THE LEVEL OF OFFICIALS, OFTEN, REGULARLY AT THE MINISTERIAL LEVEL, AND WHEN REQUIRED AT THE PRIME-MINISTERIAL LEVEL. BY REQUEST, MOST OF OUR REPORTING WAS VERBAL, BUT WE PROVIDED WRITTEN REPORTS WHEN SO DIRECTED. THUS WE PROVIDED AN INITIAL REPORT AFTER WE HAD FIRST REVIEWED OUR TASK; WE PROVIDED WRITTEN RECOMMENDATIONS ON THE DECOMMISSIONING SCHEMES WE FELT SHOULD BE PUT INTO EFFECT; WE PROVIDED A WRITTEN REPORT ON THE DETAILS OF THE DECOMMISSIONING EVENT WE CARRIED OUT WITH THE LOYALIST VOLUNTEER FORCE IN DECEMBER 1998; AND WE PROVIDED A REPORT ON PROGRESS TO THE TWO GOVERNMENTS AT THEIR REQUEST AT THE END OF JUNE THIS YEAR.

THE LAST TWO ITEMS DESERVE FURTHER COMMENT.

THE LVF DECOMMISSIONING EVENT ON 18 DECEMBER 1998 WAS SMALL BUT SIGNIFICANT. WHILE SOME QUESTIONED THE LVF'S MOTIVES FOR ENGAGING IN IT, THE FACT REMAINED THAT A DECOMMISSIONING EVENT OCCURRED AND NINE FIREARMS, SEVERAL HUNDRED ROUNDS OF AMMUNITION, FIVE DETONATORS AND TWO PIPE-BOMBS WERE DESTROYED. THE SIGNIFICANCE LAY IN THE FACT THAT IT WAS THE FIRST SUCH EVENT, THAT IT GAVE THE COMMISSION THE OPPORTUNITY TO TEST ITS PROCEDURES TO RECEIVE AND DESTROY DIFFERENT TYPES OF ARMS, AND IT DEMONSTRATED THAT THE PROCESS

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COULD BE CARRIED OUT WITH NO SUGGESTION OF SURRENDER AND WITH THE IMMUNITY PROVIDED BY THE LAW.

IN THE DOWNING STREET PROPOSAL THIS PAST MAY, THE GOVERNMENTS CALLED ON THE COMMISSION TO PREPARE A WRITTEN REPORT ON PROGRESS, TO BE COMPLETED BY 30 JUNE. WITH THE HELP OF A QUESTIONNAIRE ANSWERED BY THE POLITICAL PARTIES IN THE ASSEMBLY AND BY THE UVF, THE REPORT WAS COMPLETE ON 29 JUNE. HOWEVER, BOTH PRIME MINISTERS ASKED THE COMMISSION TO DELAY DELIVERING THE REPORT, TO TAKE ACCOUNT OF ANY RESULTS THAT MIGHT COME OUT OF DISCUSSIONS THEY WERE THEN HAVING WITH THE PARTIES, SHOULD WE BELIEVE THAT ANY OF THESE RESULTS MIGHT HAVE A BEARING ON THE REPORT. IN THE EVENT, SINN FEIN MADE A STATEMENT TO THE TWO GOVERNMENTS WHICH THE COMMISSION BELIEVED GAVE PROMISE OF THE POSSIBILITY THAT DECOMMISSIONING BY PARAMILITARY GROUPS MIGHT BEGIN. ON 02 JULY A STATEMENT TO THAT EFFECT WAS INCLUDED IN THE COMMISSION'S REPORT, WHICH REMAINED OTHERWISE UNCHANGED FROM THE ONE COMPLETED ON 29 JUNE.

THE PRESENT SITUATION

HERE I WOULD MAKE A NUMBER OF POINTS AT RANDOM

TO DATE NONE OF THE MAIN PARAMILITARY GROUPS HAS INDICATED ITS INTENTION TO START DECOMMISSIONING IN THE NEAR

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FUTURE. LAST MONTH THE LVF SAID IT MIGHT CARRY OUT A SECOND PHASE OF DECOMMISSIONING, BUT AS YET WE DON'T KNOW WHEN THAT WILL OCCUR.

THE GOOD FRIDAY AGREEMENT IS NOW UNDER REVIEW AND SENATOR MITCHELL IS PRESENTLY AT WORK IN BELFAST ON THAT TASK. AS TO THE REVIEW, THE COMMISSION IS BOTH INVOLVED AND UNINVOLVED. WE ARE INVOLVED ONLY INASMUCH AS TWO OF THE THREE SUBJECTS OF THE REVIEW DEAL WITH DECOMMISSIONING -- CONFIRMATION THAT DECOMMISSIONING IS TO BE EFFECTED BY MAY 2000, AND THAT IT IS TO BE DONE IN ACCORDANCE WITH THE DIRECTION OF THE INTERNATIONAL COMMISSION. BUT WE ARE UNINVOLVED IN THAT OUR MANDATE IS TECHNICAL, NOT POLITICAL, AND THE DECISIONS THAT MUST COME OUT OF THAT REVIEW ARE POLITICAL ONES, TO BE TAKEN BY POLITICIANS.

WE BELIEVE THAT TIME STILL REMAINS TO CARRY OUT OUR MANDATE. EIGHT MONTHS ARE LEFT IN THE TIME CALLED-FOR, AND THAT IS SUFFICIENT -- ADMINISTRATIVELY, TECHNICALLY AND LOGISTICALLY -- FOR US TO DO WHAT IS NECESSARY. BUT EQUALLY IT IS CLEAR THAT THE CLOSER WE COME TO OUR DEADLINE, WITHOUT MOVEMENT ON DECOMMISSIONING, THE HARDER IT WILL BE FOR US TO MEET THE REQUIREMENT.

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CLEARLY IT IS IN OUR INTEREST, AND IN THE INTERESTS OF THE PROCESS, TO KNOW AS SOON AS POSSIBLE WHEN PARAMILITARY GROUPS ARE READY TO START DECOMMISSIONING.

IN THE MEANTIME WE CONTINUE TO DO WHAT WE HAVE IN THE PAST. WE SEEK TO IDENTIFY CONTACT POINTS WITH PARAMILITARY GROUPS WHERE WE DO NOT AS YET HAVE THEM. WE CONTINUE TO MEET WITH SECURITY FORCES NORTH AND SOUTH TO MAINTAIN OUR LIAISON AND TO UPDATE OUR INFORMATION ON ARMS INVENTORIES. WE CONTINUE TO REPORT TO THE GOVERNMENTS, AS CALLED FOR IN THE MANDATE, AND WE CONTINUE TO MEET WITH THOSE WE FEEL MAY BE HELPFUL TO US IN OUR TASK.

TO THE PARAMILITARY GROUPS, THROUGH WHATEVER CHANNELS WE HAVE, WE CONTINUE TO EMPHASIZE THAT WE REGARD DECOMMISSIONING AS NECESSARY AND APPROPRIATE, THAT THE QUESTION OF SURRENDER OR DEFEAT IS NOT INVOLVED, AND THAT IT IS THE LOGICAL CONCLUSION OF THE PROCESS FOR WHICH THEY ORIGINALLY DECLARED CEASEFIRES. WE EMPHASIZE TOO THAT WE WILL CONDUCT DECOMMISSIONING IN THE MANNER PRESCRIBED BY THE TWO GOVERNMENTS WITH ALL THE OBLIGATIONS AND SAFEGUARDS THAT ENTAILS.

THERE IS LITTLE MORE WE CAN DO. IF THERE IS TO BE DECOMMISSIONING, WE HAVE A JOB TO DO. IF THERE IS NOT, WE DON'T.

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CONCLUSION

IN THE NEARLY FOUR YEARS I HAVE BEEN INVOLVED IN THE CURRENT PROCESS I HAVE OFTEN BEEN ASKED IF I AM OPTIMISTIC THAT IT WILL SUCCEED AND THAT DECOMMISSIONING WILL TAKE PLACE. MY REPLY HAS ALWAYS BEEN YES.

AS TIME PASSES, WITH NO DECOMMISSIONING, MAINTAINING OPTIMISM IS MORE AND MORE DIFFICULT. BUT THE ORIGINAL REASON FOR MY OPTIMISM HAS NOT CHANGED. IT WAS BASED ON A NUMBER OF FACTORS:

ON THE FACT THAT THE VAST MAJORITY OF PEOPLE NORTH AND SOUTH – PRO-AGREEMENT AND ANTI – WANT TO SEE AN END TO VIOLENCE AND THE DECOMMISSIONING OF ALL PARAMILITARY ARMS.

ON THE FACT THAT A CONSIDERABLE MAJORITY IN THE NORTH AND A HUGE MAJORITY IN THE SOUTH WANT THE GOOD FRIDAY AGREEMENT – WHICH INCLUDES DECOMMISSIONING – TO WORK.

ON THE FACT THAT EACH OF THE MAIN PARAMILITARY GROUPS DECLARED CEASEFIRES IN THE FIRST PLACE TO GIVE THE POLITICAL PROCESS A CHANCE TO WORK, AND THAT AS THAT PROCESS IS SEEN TO BE WORKING, DECOMMISSIONING IS ESSENTIAL.

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ON THE FACT THAT OLD ANTAGONISMS DO FADE, AND THAT PEOPLE TALK TO EACH OTHER NOW, WHO DID NOT DO SO NOT SO LONG AGO.

ON THE FACT THAT LAST YEAR'S LVF DECOMMISSIONING EVENT, HOWEVER SMALL, DEMONSTRATED THAT DECOMMISSIONING CAN BE CARRIED OUT WITHOUT THE STIGMA OF SURRENDER, COMPLETELY, VERIFIABLY, SAFELY AND WITH IMMUNITY.

ALL OF US ON THE COMMISSION WOULD LIKE TO SEE DECOMMISSIONING TAKE PLACE, AND THAT, AS SOON AS POSSIBLE. BUT THE DECISION IS NOT OURS TO MAKE. ONLY THE PARAMILITARY GROUPS THEMSELVES CAN DECIDE WHEN THEY WILL DECOMMISSION THEIR ARMS.

WE STAND READY TO RESPOND WHEN THEY DO.

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