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SECRET

GOOD FRIDAY AGREEMENT : DECOMMISSIONING

Background Note on Text on Decommissioning Contained in the Agreement

1. The text on decommissioning included in the Agreement emerged in the course of the negotiations between 27 March and 10 April. The evolution of the text can be traced and involved three distinct phases:

* opening positions of both Governments;

* negotiations leading to the text as included in the Chairmen's' Draft Paper for Discussion of 6 April;

* final text as adjusted in negotiations between 7-10 April.

Opening Position of Governments.

2. The Governments exchanged drafts of a possible outline agreement in the week beginning 23 March. These were intended to represent their best assessments of where agreement might be found in terms of the overall package. The texts were some way apart both generally and by reference to the decommissioning issue. On this, as on other issues, they reflected different perceptions of what was achievable based on the soundings that the Governments had undertaken with the participants. Intensive negotiations between the two Governments in the period up to the tabling of Chairmen's' Draft Paper for Discussion on 6 April were intended to narrow differences and present an agreed overall package to the participants.

3. Our opening position on decommissioning (26 March) recognised that a resolution of the decommissioning issue was an important element in building trust and confidence and the progress already made by the Independent International Commission on

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Decommissioning in the Talks framework. It involved moreover participants committing themselves to:

(a) taking forward the work already in progress in relation to decommissioning and continuing to work constructively with the Independent Commission; and

(b) working constructively and in good faith to secure the decommissioning of all illegally held arms in the possession of paramilitary organisations within a period of 3 years following ratification of the Agreement and subject to verification by the Independent Commission.

4. The British opening position (25 March) was to look for more specific commitments from the paramilitary organisations and the participants. Their proposals involved a number of elements:

(a) the Independent Commission securing the identification of liaison officers with relevant paramilitary organisations;

(b) the introduction of decommissioning schemes over the next year to include amnesty provisions;

(c) the Independent Commission to monitor, review and verify progress with reports to both Governments at regular intervals; and

(d) a commitment to be made by all participants to a specific timetable reflecting the requirement for decommissioning of illegally-held arms during the course of the implementation of the overall settlement and within the next year.

Chairmen's' Draft Paper for Discussion of 6 April.

5. No major difficulties were encountered in reconciling these positions in the opening stages of the negotiations between the two Governments. Agreement was recorded at official level as early as 31 March on an approach which was largely reflected in the Chairmen's text. That text represented a compromise position which combined elements which had appeared in both Governments opening positions but deliberately avoided specifying the period in which decommissioning was to be achieved (our 3 years versus the British 1 year) in order to mirror a similar omission in the prisoners section. It also omitted the requirement for paramilitary groups to nominate liaison officers to the Independent Commission.

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6. The 6 April text consisted of six elements. These were:

(a) a reference to the Procedural Motion adopted by participants on 24/9/97 in which they agreed that resolution of the decommissioning issue was an indispensable part of the process of negotiations;

(b) recognition of the progress made by the Independent Commission in developing schemes which represented a workable basis for achieving the decommissioning;

(c) participants reaffirming their commitment to the total disarmament of all paramilitary groups and their intention to continue to work constructively with the Commission to achieve this;

(d) participants affirming their intention to work with the Commission to achieve the decommissioning of all paramilitary arms within a fixed and limited period (not specified - see above) in the context of implementation of the overall settlement;

(e) provision for the Commission to monitor, review and verify progress on decommissioning; and

(f) a commitment by both Governments to take all the necessary steps to facilitate the decommissioning process.

Negotiations Leading to Final Text

7. The circulation of the Chairmen's Draft Paper led to pressure from the UUP and the Alliance Party to strengthen the text and create more explicit commitments. The principal changes suggested were intended to establish a linkage between participation in "democratic bodies" and decommissioning on the one hand and to require a beginning of the process of actual decommissioning as soon as the agreement came into force on the other. Other changes proposed recognised decommissioning as an indispensable part of the agreement and provisions on punishment beatings. Sinn Fein resisted any suggestion of procedural blockage related to decommissioning.

8. The British Government initially backed the principal changes proposed and submitted texts to the Chairmen to this end on 8 April. Following discussion between the Governments and consultations with relevant parties, a compromise approach was

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agreed on 9 April (Thursday) which involved the following additional elements to the text circulated by the Chairmen on 6 April:

- the inclusion of a reference in paragraph 1 to paragraph 25 of the Strand 1 section , i.e. provision for removal from office - see paragraph 1 of final text;

- the amalgamation of the former paragraphs 3 and 4 and the strengthening of the text by the inclusion of a requirement to "use any influence they [participants] may have" to achieve decommissioning within the period required - see paragraph 3 of final text;

- the strengthening of the Governments' own commitment to facilitating the decommissioning process by requiring both Governments to bring the relevant schemes into force by the end of June - see paragraph 6 of final text.

Paragraph 25 of the Strand 1 section was also amended as part of this package to include a sentence which read : "Those who hold office should use only democratic, non-violent means, and that those who do not should be removed from office under these provisions.".

9. Agreement was finally reached on 9/10 April on the period within which decommissioning was to be achieved, i.e. two years, which mirrored the period ultimately agreed in the context of prisoners as the point at which the remaining qualifying prisoners would be released.

Prime Minister's Letter.

10. The UUP circulated the text of a letter they had received from the British PM as part of a press release following the conclusion of the Agreement. That letter included the statement that "I confirm that in our view the effect of the decommissioning section of the agreement, with decommissioning schemes coming into effect in June, is that the process of decommissioning should begin straight away".

Department of Justice, Equality and Law Reform.

March, 1999

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ANNEXES	EVOLUTION OF DECOMMISSIONING TEXT
Annex 1	British Draft Text, 25 March.
Annex 2	Irish Draft Text, 26 March.
Annex 3	Informal Irish Text on Decommissioning, 27 March.
Annex 4	Irish Working Paper - Talks - Justice and Confidence Issues : Key Points of Diffference, 30 March (Monday).
Annex 5	Agreed Text, 31 March / 1 April (Tuesday/ Wednesday).
Annex 6	Revised Agreed Text, 3 April (Friday).
Annex 7	(Revised) Text Circulated by Independent Chairmen, 6 April (Monday).
Annex 8	Irish Working Paper, 7 April (Tuesday).
Annex 9	SF Paper Preliminary Draft - Main Issues of Concern, 7 April (Tuesday).
Annex 10	Alliance Paper and Redraft, 8 April (Wednesday).
Annex 11	Holmes Text Submitted to Chairmen, 8 April, (Wednesday).
Annex 12	Note on List of Possible Amendments Based on Party Proposals and British Irish Official Discussions, 9 April, (Thursday) ?
Annex 13	Amendments Proposed by Irish Side, 14.50, 9 April, (Thursday).

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Annex 14	British Side Redraft of paragraph 16, Strand 1 section, 9 April (Thursday) . [Paragraph 16 became paragraph 25 in the final text.]
Annex 15	Drafts incorporating a paralell reference to paragraph 12 /25 in Decommissioning section, 9 April (Thursday).
Annex 16	Draft Master Text, 17.00, 9 April (Thursday).
Annex 17	Draft Text incorporating reference to paragragh 12 / 25 in first paragraph of Decommissioning section, 9 April (Thursday).
Annex 18	Chairmens Draft Text, 01.30, 10 April (Friday).
Annex 19	Chairmens Draft Text (ncorporating reference for first time to the two year period for achievement of decommissioning, 06.00, 10 April (Friday).
Annex 20	Final Text as circulated by Chairmen, 10 April (Friday).
Annex 21	PM Blair's letter to Trimble, 10 April (Friday).

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ANNEX 1

SECRET & PERSONAL

334/98

(25 March 1998)

7. BUILDING A PEACEFUL SOCIETY

Decommissioning of illegal arms

7.1 Independent Commission on Decommissioning to secure identification of liaison officers with relevant paramilitary organisations.

7.2 Decommissioning schemes introduced in both jurisdictions providing for decommissioning of illegal arms, together with an amnesty for offences committed in connection with decommissioning, over the next year.

7.3 Independent Commission to monitor, review and verify progress on decommissioning of illegal arms, with reports to both Governments at regular intervals.

7.4 Commitment by all participants a specific timetable reflecting the requirement for decommissioning of illegally-held arms during the course of the implementation of the overall settlement and within the next year.

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ANNEX 2

[redacted]ret and Personal

Irish Draft (26 March 1998)

PAPER 7: ADDRESSING THE IMMEDIATE CONSEQUENCES OF CONFLICT

Decommissioning

6. It is agreed that a resolution of the decommissioning issue is an important element in building trust and confidence. The progress made by the Independent International Commission on Decommissioning in preparing proposals for schemes to facilitate the decommissioning of illegally-held arms in the possession of paramilitary groups is noted. The participants therefore commit themselves to:

(a) taking forward the work already in progress in relation to the decommissioning of illegally-held arms and continuing to work constructively with the Independent International Commission on Decommissioning; and

(b) working constructively and in good faith to secure the decommissioning of all illegally-held weapons in the possession of paramilitary organisations, subject to verification by the Independent Commission, within a period of three years following the ratification of the Agreement.

7. The Governments shall also take all measures required to facilitate decommissioning within that period.

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ANNEX 3

POSSIBLE TEXT ON DECOMMISSIONING 27/3/98

Governments have indicated that they continue to see a resolution of the decommissioning issue as an indispensible part of the process of these negotiations. They have further indicated that the issue of decommissioning will therefore need to be addressed in the agreement which emerges from these negotiations.

Against that background, it seems to the Governments that there are a number of propositions on which participants in the negotiations should be able to agree. These would include:

- a reaffirmation on the part of participants of their commitment to the total disarmament of all paramilitary organisations and their intention to contiune to work constructively with the Independent International Commission on Decommissioning to achieve this;

- appreciation for the progress the Independent Commission has made and recognition that the arrangements it and the Governments have made (i.e proposals/draft regulations) offer a workable basis for achieving decommissioning;

- an undertaking to work constructively and in good faith to secure the decommissioning of all illegally-held wapons in the possession of pramilitary groups within a fixed and limited period following such an agreement; and

- a continuing role for the Independent Commission in monitoring, reviewing and verifying progress on decommissioning in the post-agreement period.

The Governments would equally envisage the negotiations producing agreement on a range of other confidence building measures which will address the concerns of individual participants.

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TALKS - JUSTICE AND CONFIDENCE ISSUES

ANNEX 4

Key Points of Difference

DECOMMISSIONING

Irish

Commitment to taking forward work on decommissioning and continuing to work constructively with Commission.

Commitment to work to secure decommissioning within a period of 3 years following Agreement.

Independent Commission to verify.

British

Commission to secure identification of liaison officers with paramilitary groups.

Decommissioning schemes to be introduced in both jurisdictions over the next year.

Independent Commission to monitor and review.

Commitment to a specific timetable reflecting requirement for decommissioning during the course of implementation of settlement and within the next year.

Possible Outcome

Reaffirmation on the part of participants of their commitment to the total disarmament of all paramilitary organisations and their intention to continue to work constructively with the Independent International Commission on Decommissioning to achieve this.

Recognition that the arrangements Commission and the Governments have made (i.e proposals/draft regulations) offer a workable basis for achieving decommissioning.

Undertaking to work constructively and in good faith [use any influence they may have] to secure the decommissioning of all illegally-held weapons in the possession of paramilitary groups within a fixed and limited period following such an agreement leaving open the period to be settled [time frame to be settled at conclusion of negotiations].

Role for the Independent Commission in monitoring, reviewing and verifying progress on decommissioning in the post-agreement period.

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ANNEX 5

31 March / 1 April

SECRET AND PERSONAL

7. BUILDING A PEACEFUL SOCIETY

Decommissioning of illegal arms

7.1 All participants to reaffirm their commitment to the total decommissioning of all paramilitary arms and their intent to continue to work constructively with the Independent Commission on Decommissioning to achieve this.

7.2 All participants to work constructively and in good faith with the Independent Commission to achieve the decommissioning of all paramilitary arms within a fixed and limited period of [ ] in the context of the implementation of the overall settlement.

7.3 Independent Commission to monitor, review and verify progress on decommissioning of illegal arms, with reports to both Governments at regular intervals.

7.4 Both Governments to take all necessary steps to facilitate the decommissioning process.

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ANNEX 6

FINK

CONFIDENTIAL AND PERSONAL

7. BUILDING A PEACEFUL SOCIETY

3.4.98 (18.15 hours)

Decommissioning of illegal arms

CONFIDENTIAL AND PERSONAL

Participants to note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.

All participants to reaffirm their commitment to the total disarmament of all paramilitary organisations and their intention to continue to work constructively with the Independent Commission on Decommissioning to achieve this.

All participants to undertake to work constructively and in good faith with the Independent Commission to acheive the decommissioning of all paramilitary arms within a fixed and limited period of [ ] in the context of the implementation of the overall settlement.

Independent Commission to monitor, review and verify progress on decommissioning of illegal arms, with reports to both Governments at regular intervals.

Both Governments to take all necessary steps to facilitate the decommissioning process.

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DECOMMISSIONING

1. Participants to note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.

2. All participants to reaffirm their commitment to the total disarmament of all paramilitary organisations and their intention to continue to work constructively with the Independent Commission on Decommissioning to achieve this.

3. All participants to undertake to work constructively and in good faith with the Independent Commission to acheive the decommissioning of all paramilitary arms within a fixed and limited period of [ ] in the context of the implementation of the overall settlement.

4. Independent Commission to monitor, review and verify progress on decommissioning of illegal arms, with reports to both Governments at regular intervals.

5. Both Governments to take all necessary steps to facilitate the decommissioning process.

[Note from the Independent Chairmen: Remaining to be resolved is the time frame for decommissioning (paragraph 3 above).]

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DRAFT.

ANNEX B

CHAIRMAN'S TEXT

Decommissioning Amended 7/4/98

1. The participants agreed, in the Procedural Motion adopted on 24 September, 1997, "that the resolution of the Decommissioning issue is an indispensable part of the process of negotiation". It is, therefore, an indispensable part of this agreement.

2. The Participants note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which can represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.

2A. They agree that the decommissioning of such arms would make a major contribution to confidence building in the context of the implementation of the overall settlement;

3. All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations and their intention to continue to work constructively with the Independent International Commission on Decommissioning to achieve this.

4. All participants undertake to work constructively and in good faith with the Independent Commission [,and to use any influence they may have,] to achieve the decommissioning of all paramilitary arms within twleve months [following endorsement in referendums North and South of the overall settlement] [in the context of the implementation of the overall settlement]. [Participants call on all paramilitary groups to facilitate achievement of this objective] .

5. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments [and the Assembly and Oireachtas] at regular intervals.

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6. Both Governments will take all necessary steps to facilitate the decommissioning process [to include bringing the relevant schemes into force by the end of June.]

Notes

Paragraph 2A would involve no more than a recognition that decommissioning would make a contribution to confidence-building. It would improve the text only in terms of athmospherics. It could perhaps be mirrored by a similar recognition in relation to normalisation of security arrangements. There is a consequential amendment in paragraph 3.

A number of options are included with a view to strengthening paragraph 4. *First*, the inclusion of the words "and to use any influence they may have" would acknowledge the influence certain parties can have on paramilitary groups. *Second*, specifying twelve months as the period in which decommissioning is to be achieved would also strenghten the paragraph, would ensure symetary with what is sought to be achieved in relation to prisoners, and would provide a timeframe within which the implementation of the settlement could be seen to have been delivered on. *Third*, the Chairmen offered two possibilities for the purpose of the 'when'; the second of those possibilities would offer the prospect of an earlier start to decommissioning. *Fourth*, would be the alternative possibility that participants would "call on" paramilitary groups to decommission and would further incrementally strengthen the effect of the paragraph. The overall effect of the text might also be strengthened if paragraphs 3 and 4 were run into one; viz.

> All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations. They also confirm their intention to continue to work constructively and in good faith with the Independent Commission [,and to use any influence they may have,] to achieve the decommissioning of all paramilitary arms within twleve months [following endorsement in referendums North and South of the overall settlement] [in the context of the implementation of the overall settlement]. [Participants call on all paramilitary groups to facilitate achievement of this objective].

The UUP have also raised the fact that the Commission is only required to report to the Governments and not the Assembly. If they were to be met on this, reports might be made to

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both the Assembly and the Oireachtas given that the Commission has an existence in both jurisdictions.

Paragraph 6 could also be strengthened - and reinforce the expectation that decommissioning will take place - by writing in a commitment to bring the schemes into force by a specified date.

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DECOMMISSIONING

Speaking Points

- We continue to see a resolution of the decommissioning issue as an important element of the Agreement;

- What is proposed would involve participants re-committing themselves to the total disarmament of all paramilitary organisations and to continue to work constructively with the International Commission to achieve this;

- It will also involve participants committing themselves to work achieve such decommissioning within a limited and fixed period in the context of implementation of the Agreement;

- That period has yet to be fixed and we would welcome your views on what it should be;

[- While we would like to see decommissioning occur as quickly as possible, we need to be realistic :- the Agreement will need to be seen to work in all its aspects and it is unlikely therefore to be achieved in a period short of twelve/eighteen months;]

- Against that, we do see the Agreement as offering a real possibility for achieving the goal of voluntary decommissioning which, as the International Commission indicated, would represnt a historic breakthrough.

7/4/98

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ANNEX 9

4. Other Issues

a. Prisoners - inadequate, as already outlined.

b. No mention of RIR, disbandment of part-time element and withdrawal of full-time element.

c. Decommissioning - Suggestion of procedural blockage related to decommissioning (not in paper but being pushed by Unionists)

d. No review of licensed weapons.

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7/10 Annex 2(4)

Annex 10

Decommissioning

1. The participants agreed, in the Procedural Motion adopted on 24 September 1997, "that the resolution of the Decommissioning issue is an indispensable part of the process of negotiation." It is, therefore an indispensable part of this agreement.

2. The participants note the progress made by the Independent Commission on Decommissioning and the Governments in developing schemes which represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.

3. All participants reaffirm their commitment to the total disarmament of all paramilitary organisations and their intention to continue to work constructively with the Independent Commission on Decommissioning to achieve this ***and their conviction that those who participate in democratic bodies should use only democratic means***.

4. All participants undertake to work constructively and in good faith with the Independent Commission to achieve the decommissioning of all paramilitary arms within a fixed and limited period of [x years, following endorsement in referenda North and South of the overall settlement] in the context of the implementation of the overall settlement, ***with the process of actual decommissioning beginning as soon as the agreement comes into force.***

5. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both governments at regular intervals.

6. Both governments will take all necessary steps to facilitate the decommissioning process.

7. ***All participants affirm their complete opposition to paramilitary beatings and shootings (so-called 'punishment attacks'), recognise that such practices are completely incompatible with democratic methods, and commit themselves to do everything in their power to bring a complete end to all such activities.***

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8/10 8/4/98

Alliance Party -
Top Ten Issues, arising from Draft Paper (8 April 1998)

1. The concept of "parity of esteem between both communities" appears frequently in the draft paper. This in a very clear way reinforces the sectarian division. A deal constructed on the acceptance of two opposing blocs will frustrate the development of a stable and properly integrated society. We suggest that a better phraseology would be "equality of treatment for the whole community".

2. Within Strand One, there seems to be a commitment in principle to executive type government. However, the wording of the current draft is not always clear and consistent on this point. The paper must emphasise that executive authority will be exercised by ministers operating to a broadly agreed programme.

3. There must be space within the Assembly for a non-aligned grouping, in addition to any Unionist or Nationalist grouping. Our amendment on Assembly voting systems, and the appointment of First Minister, Deputy First Minister, and the Speaker is a suitable way of recognising the different strands within NI politics.

4. Within Strand Two, the plenary meetings of the Ministerial Council will not be broadly acceptable to Talks participants, and in practice will be unwieldy and impractical. It should be clearly explained that this Council can meet in one of two formats: (1.) a twice yearly summit format; and (2.) a sectoral format, involving relevant ministers, when appropriate. Similarly, the standing joint Secretariat will not be broadly acceptable and furthermore is unnecessary.

5. Both Annexes A and B should be completely deleted. There is however scope for adding additional implementation bodies in the areas of policing, energy, animal health and sports to Annex C.

6. Under Strand Three, it is crucial that relevant executive members of the Northern Ireland Administration be involved in all meetings of the British-Irish Intergovernmental Conference.

7. The inclusion of any further human rights protections in addition to the ECHR must reflect international standards and conventions rather than the drafting of specific measures designed solely for the protection of Unionists and Nationalists as collective groupings.

8. The Irish Government should make clear that it too will incorporate the ECHR into its domestic law, and remove all its anti-terrorist legislation when appropriate, as HMG as stated.

9. Any accelerated release of prisoners can only take place in the context of a complete and unequivocal cessation of violence, including an end to paramilitary beatings and shooting aswell as progress on decommissioning.

10. On policing, we have submitted a fresh paper. We have difficulties with the proposal for a commission, and are concerned with the potential for moves towards 'restorative justice'.

Amendments to the draft paper that reflect each of these points are available.

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9/10 Handed by JHolmes to Chairman + received from Letter 5pm 8/4

Rec'd. 5.00 p.m.

ANNEX 11

DECOMMISSIONING

1. The participants agreed, in the Procedural Motion adopted on 24 September 1997, "that the resolution of the Decommissioning issue is an indispensable part of the process of negotiation." It is, therefore, an indispensable part of this agreement.

2. The Participants note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.

3. All participants reaffirm their commitment to the total disarmament of all paramilitary organisations and their intention to continue to work constructively with the Independent Commission on Decommissioning to achieve this [**and their conviction that those who participate in democratic bodies should be using only democratic means. All participants therefore reaffirm their commitment to the elimination of paramilitary shootings and beatings.**]

4. All participants undertake to work constructively and in good faith with the Independent Commission to achieve the decommissioning of all paramilitary arms within a fixed and limited period of [X years following endorsement in referendums North and South of the overall settlement] in the context of the implementation of the overall settlement, [**with the process of decommissioning beginning as soon as the Agreement comes into force.**]

5. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments at regular intervals.

6. Both Governments will take all necessary steps to facilitate the decommissioning process.

[Note from the Independent Chairmen: Remaining to be resolved is the time frame for decommissioning (paragraph 3 above).]

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