

IN CONFIDENCE

MODALITIES OF DECOMMISSIONING ARMS: PAPER BY THE GOVERNMENT SIDE

(Not handed to Sinn Fein, but read out by Government side on 7 February)

1. Both sides wish to see the gun removed from politics in Ireland for good. This aim is also shared by the Irish Government.

2. Both sides accept that, in practice, there is a link between the decommissioning of arms and the political process: Sinn Fein believes that arms can and will be decommissioned when the Irish Republican Army accepts an analysis that the political context provides for Sinn Fein to have access to a realistic and meaningful process of inclusive political dialogue; and the Government believes that as a matter both of principle and of political reality substantial progress on the arms issue would be necessary before Sinn Fein could and would be included in such a dialogue.

3. Against that background, it would clearly be useful to develop an understanding of the modalities of decommissioning arms. The Government side accepts that Sinn Fein itself does not possess arms. However, Sinn Fein has acknowledged that it has influence in this and other areas, which it wishes to use in a positive way with the aim of advancing the peace process, and that it has a reliable channel of communication to the IRA (for example, Mr McGuinness's statement of 2 December 1993 cites examples of Sinn Fein communicating with the IRA). On the basis of the existence of this channel of communication and influential relationship, the Government is tabling this paper with a view to achieving progress on the arms issue through the development of an understanding of the modalities of decommissioning (or through some other action which would demonstrate progress on this issue).

4. Both sides note the relevance to this issue of progress in respect of decommissioning Loyalist arms. Sinn Fein have also pointed to the possible relevance of the holdings, on a legal basis, of weapons by individuals in Northern Ireland. The Government recognises that decommissioning will have implications for decisions and measures taken by the security forces, including decisions on deployment.

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5. This paper lists and briefly discusses some practical issues connected with decommissioning on which it would be valuable to reach an understanding through further exchanges. These headings are illustrative rather than prescriptive: what is important is the reality of progress on decommissioning rather than the particular mechanisms used.

6. Areas which would need to be considered include:

(i) **Verification/Validation:**

- Possible role of intermediaries. It might be possible to envisage a role for third parties in the decommissioning process. Such intermediaries might assist in passing information, in taking receipt of arms for subsequent decommissioning by the authorities, or in carrying out a general supervisory or verification role.
- Independent supervision of destruction of arms. Recovered arms would be destroyed. Independent observers could be appointed to witness the destruction process.

(ii) **Possible methods of decommissioning, including:**

- Depositing arms for subsequent recovery and destruction. This might be done on the basis of information received, possibly by means of third parties or a pre-arranged telephone message. Collection points could if necessary be agreed in advance, though for safety and security reasons knowledge of the locations would need to be tightly controlled.
- Direct transfer of arms for destruction. This could be done by arms being brought, by prior arrangement, to an agreed location to be handed over; or by the police, or

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third parties, collecting them from a specified individual.

- Arms rendered inoperable by paramilitaries. This option raises difficulties of safety and verification; careful consideration would be needed to see whether these problems could be overcome. Independent verification would certainly be essential: for safety reasons disabled munitions would need to be collected by the authorities.
  
- (iii) **Practical considerations, including:**
  - Safety factors. Safety will be a key consideration, in terms both of avoiding risk to the public and of avoiding misunderstandings at the point of handover. Arrangements to minimise such risks would need to be put in place.
  
  - Preventing agreed arrangements for decommissioning being exploited by others. How best to secure arms intended for decommissioning from misappropriation by others, and to ensure the personal safety of those involved in decommissioning, will be important considerations: confidentiality will be an essential factor here. The authorities will also need to retain the ability to act effectively against any persons seeking to exploit the decommissioning process for criminal ends.
  
- (iv) **Legal considerations.** It is possible that any scheme would need to be underpinned by specific legal arrangements in respect of those involved in the decommissioning. However, no details have yet been decided, and the precise measures would depend on the method of decommissioning adopted.
  
- (v) **Phasing of decommissioning.**

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CONCLUSION

7. To help sustain the peace process, it is highly important to make early progress on arms decommissioning. Progress does not mean that comprehensive decommissioning has to take place immediately, but it does mean three things:

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

As peace becomes progressively more clearly established through arms decommissioning and other measures, the scope for parallel progress in other areas will of course increase.

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