

Office of the Independent Chairmen

Castle Buildings Stormont Belfast BT4 3SG Northern Ireland

Telephone 01232 522957 Facsimile 01232 768905

ALL PARTICIPANTS:

Enclosed are the submissions received by the Office of the Independent chairmen as of noon today requesting clarification of the Governments' proposal on decommissioning. The submissions are from the DUP, the UKUP and the UUP.

11 July 1997

*Casefile
Int Body
Adjournment*

ULSTER UNIONIST PARTY

10 July 1997

The following are the matters on which we have sought clarification concerning the position paper entitled "Resolving the address to decommissioning". Some of the points relate to the Aide Memoire given to Sinn Fein on 13 June 1997, as these are inextricably linked with the position paper.

CLARIFICATION REQUESTED

There are concerns about the definition of a genuine cease-fire. Different language has been used from time to time. Can we be assured that a genuinely complete, permanent and universal ending of violence will be insisted on? Will there be consultation with us, and others, about the interpretation of any cease-fire and about any invitation to Sinn Fein to enter the talks? In any event there is in our view no need to give Sinn Fein any further time. The murders and attempted murders since they received the Aide Memoire are answer enough.

We consider that the suggested 6 week period for assessment of the cease-fire is a mistake. Surely the crucial issue is not the passage of time, but whether the cease-fire possesses the requisite quality as set out above?

The Aide Memoire makes it clear that immediately after a cease-fire Sinn Fein would have access to Ministers, the Independent Chairmen and to the talks building and could hold bilateral meetings with other parties. This is not consistent with the idea of assessing whether the cease-fire is genuine. This amounts to immediate involvement in talks as experience has shown that the bulk of the work takes place away from the Plenary. How can there be participation in the talks before an invitation by the Secretary of State under the Act? Or are there two periods one to assess the cease-fire followed by a six week period?

There needs to be a clear understanding that there will be parallel disarmament. The coy reference to paras 34 and 35 of the Mitchell Report needs to be amplified to make it clear that all parties are committed to a properly scheduled disarmament programme during talks and that it is precisely this that the governments are promising to the parties to secure. The governmental commitment to bringing about "due

progress on decommissioning" must be clarified in the above sense, ie that the governments are committed to bring about actual disarmament alongside substantive talks.

It must be clear that the procedures in "possible conclusions" cannot be used to block actual decommissioning of weapons as distinct from merely talking or negotiating about decommissioning.

It has been suggested that the committee will discuss the way in which decommissioning alongside talks will be done including a possible timetable. This, however, raises the question as to whether the committee has any function with regard to decommissioning. It would be a very serious problem if it did. The committee should merely be a sounding board and a conduit for information.

Under the Talks procedures there cannot be a sufficient consensus unless there is agreement by, inter alia, a majority of unionists, a majority of nationalists the British government and the Irish government. Consequently any one of these four could veto any agreement in the committee. As we suspect that some are reluctant to see Sinn Fein embarrassed by a request to hand in any weapon, then these procedures could be used to block permanently any actual disarmament. It was for this reason that we have steadfastly opposed giving the committee any function other than being a mere conduit for information.

The terms of reference of the committee as set out in the "possible conclusions" paper are ambiguous. While "consider" can imply that no particular function has to be discharged, "charged with assisting the implementation" implies that there are things the committee must do. It is essential that the committee is deprived of any ability to block progress on actual disarmament.

There is a need to avoid unnecessary delay. Some delay is implicit in "possible conclusions". That paper suggests that, while formally established on the launch of the three stranded negotiations, the Verification Commission would not actually commence work until those negotiations began. The Commission's responsibilities as set out in the Annex implies that several months would then elapse before the Commission would be in a position to actually receive any weapons or supervise their destruction.

This would be completely unacceptable. It is essential that the Commission is set up and running. The Commission must be operational immediately. Substantive talks cannot occur until the Commission is in a position to receive arms. Consequently "possible conclusions" will have to be clarified

in such a way as to reflect the Secretary of State's commitment that there will be no delay and to ensure that there is no possibility of obstruction.

Setting up the Commission will take time. We have repeatedly asked whether the Governments have yet identified any possible members of the Commission. They have still to consult with us as to the possible members or structure of the Commission. Such consultation is indispensable.

The Parliamentary timetable may also be a problem. The Commission can only be established by a statutory instrument after consultation between the British and Irish Governments. Has that consultation taken place? When will the statutory instrument be made?

The Decommissioning Schemes also require legislative procedures. When will the necessary Order or Orders be made as respects the United Kingdom? In the Irish Republic the scheme must be made by Regulation. Can we be assured that there will not be delays with regard to the Regulations?

How in the light of the above can the timetable in the Aide Memoire be kept?

There is also a need for a clear timetable for disarmament. It is wholly inconsistent for there to be a timetable for the negotiations without an equivalent timetable for disarmament. Such a timetable cannot be left until after Sinn Fein has joined the process for then disarmament will not be parallel.

The review mechanism envisaged by "possible conclusions" requires clarification. The essence of the idea was that on such a review there would have to be a consensus or sufficient consensus for progress beyond the review, so that if there had been no, or insufficient, progress on actual decommissioning the talks would automatically halt and remain halted until the necessary confidence had been restored. The wording of para. 6 of "possible conclusions" must reflect this more clearly.

In addition while two months may be an appropriate period to review a process once started, it is too late for a first review. The object of the exercise is to create and maintain confidence. Such confidence cannot be created if there is no actual disarmament or it comes too late. We need to create an effective mechanism on or about the point of entry to ensure that confidence is created.

Sinn Fein must not be allowed to deny its connection with the IRA. Sinn Fein is only admissible on the basis of a clear commitment to disarmament by the IRA. In this respect the commitment in para. 2 of "possible conclusions" needs to

be clarified. A bald reference to "the compromise approach ... in paras. 34 and 35" is insufficient. It should be clear that the commitment is to parallel disarmament and that Sinn Fein must commit itself to secure such disarmament from the IRA.

Moreover, it must be made clear that Sinn Fein will give a commitment to the absence of violence and the threat of violence from the Republican movement. The genuine difficulties encountered by Loyalists from defections and splinter groups must not be allowed to generate a flag of convenience for the IRA. It is necessary that the parties be assured that Sinn Fein would be excluded from the talks in the event of IRA violence.

The precise location of "confidence building mechanisms" needs to be defined. Those of an institutional nature should be located in the appropriate strand. The reference mechanism in the final paragraph of the Annex needs to be revised, at present it wrongly gives the "subcommittee precedence over the strands.

In any event the structure is unnecessarily complex, with a committee and two sub-committees. The committee has no function apart from the sub-committee and so one must ask it needs to meet if not to balance the "progress" on disarmament against the "progress" on other issues. This would tell the world that weapons are being traded for other concessions. Two committees would be preferable.

Finally, we refer to the commitments in position paper of the two governments, namely

"1. The two Governments are resolutely committed to the total disarmament of all paramilitary organisations."

"4 ... this should involve:

(e) adequate mechanisms to ensure that the modalities of decommissioning envisaged in the Report can be implemented as needed and that no delay or obstacle is caused by any lack of Government preparation or provision in this respect.

The assurances we need merely build upon those commitments. It is essential that confidence is created in their determination to fulfil these commitments. At present that confidence does not exist and there is little prospect of progress until it is created.

While there are many issues where a joint British/Irish response would be adequate, it would be helpful if our party and the Irish government could come to a better understanding of each other's thinking in order to facilitate our possible future co-operation on these difficult and sensitive issues.



Ulster Democratic Unionist Party
"Headquarters"
91 Dundela Avenue
Belfast, BT4 3BU

09/07/97

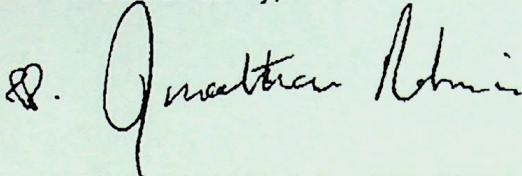
Dear Senator,

The DUP seeks from HMG on the record confirmation of its understanding in relation to the following questions:

- When must Sinn Fein/IRA respond to the Joint Paper? Does Her Majesty's Government regard the IRA's actions since the aide memoire was presented on June 13 as sufficient response?
- Will HMG demand a "genuinely complete, permanent" ending of violence from the IRA?
- Will there be immediate access to Ministers and facilities at Castle Buildings for Sinn Fein/IRA immediately upon the announcement of an IRA ceasefire?
- Will HMG confirm that Sinn Fein/IRA will not be allowed to pretend to detach itself from the IRA once admitted into the process? Upon entry to the talks will Sinn Fein/IRA be committing itself to secure IRA disarmament?
- Will assurances that in the event of IRA violence Sinn Fein will be excluded from the talks be adhered to and what procedures be used?
- Can HMG give an assurance that there will be no more meetings or other contact with Sinn Fein/IRA either at official or ministerial level in the light of recent murders and murderous attacks?
- What confirmation can HMG give that the joint paper will not be used to block the actual hand over of terrorist weapons by merely offering talks about decommissioning?
- Does the parallel process on offer mean that total disarmament of all paramilitary organisations represented at the talks will be a reality by the end of negotiations in May 1998?
- Does the proposed decommissioning subcommittee have any function with regard to the decommissioning process i.e. can it be used by those who do not want to see actual parallel decommissioning to block terrorist disarmament?
- Does the joint paper mean that delay in actual disarmament is unavoidable? Will the proposed commission be made operational immediately and will it be in a position to receive terrorist arms upon the launch of the "three strands"?
- What consultations do HMG intend to have in relation to the identity of commissioners?
- When will the statutory instrument establishing the commission be made and when will the Orders be made to give effect to any disarmament schemes?

- What assurances can be given to ensure that the Dublin government will not use paramilitary devices to delay the implementation of any decommissioning schemes in the South?
- Will there be a timetable for decommissioning? Can there be an actual parallel disarmament process without a decommissioning timetable?
- Has HMG received a specific assurance from Dublin that it is resolutely committed to the total disarmament of all paramilitary organisations concurrent with the political process?

Yours sincerely,

A handwritten signature in black ink, appearing to read "Dr Ian R K Paisley". The signature is written in a cursive, somewhat stylized script.

Dr Ian R K Paisley MP, MEP



HOUSE OF COMMONS
LONDON SW1A 0AA

The United Kingdom Unionist Party submit the accompanying points specified in the News Letter of 02/07/1997 and said to be the matters raised by the Ulster Unionist Party for Government clarification. The United Kingdom Unionist Party adopts these points as its' own and seeks the Government response thereto.

The United Kingdom Unionist Party refer to a Sinn Fein document dated October 10th to which document the content of the Government aide memoir is said to be at least in part a response. The United Kingdom Unionist Party require sight of the said document of October 10th. as without it the full import of the Governments response cannot be fully appreciated.

DAVID Trimble has pinpointed key areas of the Government's hotly disputed paper on decommissioning and asked Tony Blair for clarification.

The areas are set out in an eight-page letter to the Prime Minister, the contents of which Mr Trimble declined to disclose last night when pressed to do so at the multi-party talks.

But the News Letter received what a party source called a reliable summary, highlighting what Mr Trimble and his talks team see as "serious deficiencies". The letter asks several questions about the position of the republican movement:

- When must Sinn Fein IRA respond to the Joint Paper? Have their actions since the aide memoire was presented to them on June 13 not been sufficient response?

- Will HMG demand a "genuinely complete, permanent" ending of violence from the IRA?

- Is any new ceasefire from Sinn Fein/IRA really going to be tested for a six week period? The aide memoire seems to allow republican negotiators access to the process immediately after a ceasefire with a fully equipped suite of offices and access to ministers, chairmen and other parties as currently enjoyed by the existing participants.

- Will HMG confirm that Sinn Fein will not be allowed to pretend to detach itself from the IRA once admitted into the

By MERVYN PAULEY

process? Upon entry to the talks will Sinn Fein be committing itself to secure IRA disarmament?

- Will assurances that in the event of IRA violence Sinn Fein will be excluded from the talks be adhered to?

- Can HMG give an assurance that there will be no more meetings or other contact with Sinn Fein/IRA either at official or ministerial level in the light of recent murders and murderous attacks.

DISARMAMENT.

- Will HMG confirm that the joint paper cannot be used to block the actual handover of terrorist weapons by merely offering talks about decommissioning?

- Does the parallel process on offer mean that total disarmament of all paramilitary organisations represented at the talks will be a reality by the end of negotiations in May 1998?

- Does the proposed decommissioning sub-committee have any function with regard to the decommissioning process i.e. can it be used by those who do not want to see actual parallel decommissioning to block terrorist disarmament?

- Does the joint paper mean that delay in actual disarmament is unavoidable? Will the proposed commission be made operational immediately and will it be in a

Trimble homes
in on arms issue

position to receive terrorist arms upon the launch of the "three strands"?

- Will HMG consult with the Ulster Unionists on the identity of commissioners?

- When will the statutory Instrument establishing the commission be made and when will the Orders be made to give effect to any disarmament schemes?

- Can the UUP be assured that the Dublin government will not use parliamentary devices to delay the implementation of any decommissioning schemes in the South?

- There is a timetable for the talks - will there be a timetable for decom-

missioning? Can there be an actual parallel disarmament process without a decommissioning timetable?

- Has HMG received a specific assurance from Dublin that it is resolutely committed to the total disarmament of all paramilitary organisations concurrent with the political process?

The letter points out that the Government said in its paper that it was "resolutely committed" to this and that it should involve adequate mechanisms to ensure that the modalities of decommissioning can be implemented as needed.

It calls on Mr Blair to answer these questions.