

NIWC Response to Independent International Commission on Decommissioning Questions (Commission Report)

1. Does your party agree that decommissioning of all paramilitary arms should take place by 22 May 2000 as set forth in the Good Friday Agreement, and in the context of the implementation of the overall Agreement?

Discussion: This question shifts the focus away from the 'use any influence to' clause in the GFA which precedes it, and basically asks for our interpretation of what we believe paragraph 3 of Decommissioning section means. Does it have the effect that decommissioning of paramilitary arms should happen (regardless of how ineffectual 'any influence' might be, and notwithstanding that 'should' does not mean 'will', or that the belief should be abandoned if we believe that 'all' is not feasible.) Do we expect that decommissioning should take place? Or do we believe that, technically, there is no requirement on paramilitary groups to decommission, and that they are only subject to lobby and persuasion from those political groups who have an affiliation with them, and that they will determine, independently of these political groups, whether or not to decommission? In short, do we believe there is an actual obligation to decommission under the terms of the GFA? Is it a technical and/or a moral obligation? Is it our understanding of paragraph 3 that there is both a technical and a moral obligation to decommission? We have said that it is unrealistic to expect either of the two main communities to make any concession that goes beyond the stated terms of the GFA. De Chastelain's question asks us to state what we think these terms are. It may be difficult to see decommissioning take place in the context of the GFA but it will definitely not take place outside of the GFA. All parties are responsible for decommission to happen. That means working on the conditions and the political environment in which it will voluntarily take place. Important to bear in mind the report of the International Body on Decommissioning (22 Jan 1996) which held that the most important form of decommissioning is the decommissioning of mind-sets. It is not just about weapons, but also attitudes to each other. Building trust is an important component of creating the conditions for voluntary decommissioning.

It is not helpful if parties discuss trusts and confidence building in terms of arms and decommissioning & prisoners.

2. Are there any areas of implementation of the overall Agreement that would demonstrably facilitate the decommissioning process?

Discussion: We believe there are a number of areas within the Agreement, and also outwith the Agreement that would help facilitate this process. We recognise as key in this regard the establishment of an executive and the transfer of power to be shared amongst the executive acting collectively and inclusively. We believe that a collective commitment to implement the GFA in all its aspects would be useful. There are some specific components of the implementation process that might be helpful. These include the publication of an overall strategy towards as early as return as possible to a normalisation of security arrangements and practices. Commission on policing to report??? [But this Commission already active and doing its work, as is Criminal Justice, its start date is clear. Normalisation needs a start date, as does decommissioning??]

3. The Commission is aware of a number of public statements by paramilitary groups since 10 April 1998 regarding decommissioning. Can you party assist

the Commission in determining the willingness of paramilitary to decommission their weapons by 22 May 2000? If so:

- (a) **Is the paramilitary group willing to give the Commission a firm basis for expecting that decommissioning will take place within the timescale set forth in the Good Friday Agreement?**
- (b) **While we believe we have general agreement on schemes to be used for decommissioning, when can we expect to receive – or else conduct negotiations to define – confirmation of the practical modalities (e.g. types of weapons and in what order, location of decommissioning event, general time parameters?)**

We believe there may be a phase in the process of decommissioning before identification of practical modalities take place. We understand the Commission is cognisant of the number and nature of paramilitary arsenals. The Commission is also presumably aware of the number and nature of the weapons that have been used since April 1998 (either in so-called punishment attacks or bomb attacks in both intra- and inter-community violence). These weapons must surely constitute a small relative percentage of the weapons available to paramilitary groups. As such, one can conclude that the majority of weapons available have not been used. Certainly, offensive weaponry, such as plastic explosives, has not been used. They have been taken out of service. This 'taken out of service' has not been verified by the IICD, granted, but the effect of their non-use dovetails with the IICD's purpose – to reduce the number and nature of illegal weapons to be used in Northern Ireland's political conflict. Is there merit in exploring this as a pre-verification stage of decommissioning? Other manifestations of this concept might be the sealing of arms dumps by those organisations who hold them, and revealing their location to the IICD within a negotiated timeframe.