

# DECOMMISSIONING

A Paper Prepared for the Alliance Party by

The Future Together

Research Consultants: Stephen Farry  
Garth Gilmour  
Nicholas Whyte

September 1996

*File: Decommission/Weapons*

## DECOMMISSIONING

### Section 1 - What is Decommissioning? Why is it desirable?

Decommissioning, in essence, means to retire something from its current usage. In the Northern Ireland peace process, the term has come to refer to the neutralisation of the weaponry of various paramilitary groups. Under such a broad definition, decommissioning can encompass either the handover of weaponry to a third party or its disablement. "Decommissioning" per se may not be the most appropriate term; the terms "demilitarisation" and "disarmament" are much more commonly used to refer to situations of civil wars or internal conflicts, in which weaponry is neutralised and the word "disarmament" rather than "decommissioning" is specifically used in the Mitchell Principles. Furthermore, the decommissioning measures advocated by the Mitchell Report, namely the destruction of weapons by either the paramilitaries themselves or the transfer (whether directly or indirectly) to the proper authorities, de facto amount to disarmament.

Decommissioning is a worthy goal but it is difficult to verify that decommissioning has been complete or to prevent further weaponry from being acquired. The possession of arms is only a symptom of a conflict not its essence. Decommissioning can not resolve a dispute by itself, it can however enhance the prospects of a satisfactory resolution by generating trust and confidence for a broader political process. The removal of weapons from a situation is no guarantee that conflict will not (re)emerge in the absence of political progress. Decommissioning should not be pursued, in isolation, as the means to ensure a peaceful society. It's main value lies in the trust and confidence that it can generate for a genuine political process. The Alliance Party Submission to the International Body on Decommissioning argues that the:

".....the continued existence of illegal weapons undermines the peace process by perpetuating communal fears of a return to violence, and casting doubt on the real intentions of those who say that they have given up violence...The retention of illegal weapons suggests a preparedness to return to violence, and presents to those involved a temptation to fall back to violence in the vent of political frustration and disappointments."

Decommissioning can become a practical demonstration of the good intentions of those in possession of arms.

It is tempting to believe that, once a conflict has been resolved, that there is no need or urgency to remove weapons as there is little prospect of them being used. However a general reduction in the numbers of weapons in circulation, even if it is not the absolute removal, will minimise acts of violence in any society, by restricting the ease of access to weaponry. This provides a second rationale for decommissioning.



The actual nature of the Northern Ireland peace/political process seems to fall somewhere between two models. The first model can be termed the RealPolitik approach: a conflict is essentially resolved on the basis of the relative power, ability to use force or capacity to disrupt of the participants. The second model can be termed the Democratic approach, in which parties negotiate on the basis of their respective democratic mandates. Most conflict resolution efforts, in practice, fall between these two absolutes, but most tend towards the former as in most situations democratic practice does not have deep roots and that the main parties have the ability to resort to force. In contrast, in Northern Ireland there is a long-standing democratic tradition, albeit disputed, and only minor and extreme parties have clear links to arms.

Working on the basis of the latter model (which the Alliance Party has implicitly endorsed through its support for elections before the start of talks) decommissioning, as a process, has a positive contribution to make to negotiations. It can generate trust and minimise the fear that those parties that have links to paramilitary groups could have an disproportionate influence on the outcome of negotiations, through their ability to resort to force or to have acts of terrorism conducted on their behalf in the absence of prospect conducive to their respective political perspectives.

However, there are further considerations that could reduce the utility of decommissioning. If pursued strongly, a requirement to decommission could deter the participation of certain parties if they believed that the opportunity cost of complying with such a demand, in terms of a restricted capability to take offensive or especially defensive action, would be greater than any benefit that could arise from entering into or continuing to participate in any process.

## Section 2 - The wider political context

There are a number of possible political scenarios in which the Talks process could continue. These largely depend upon which parties include themselves or are excluded from the talks process. The continuance of the Loyalist cease-fire seems to be a prerequisite for the continued participation of the PUP and UDP in the talks whilst a new IRA cease-fire would be the minimum requirement to bring Sinn Fein in.

These scenarios are: 1. both loyalist and republican paramilitaries in a state of cease-fire and Sinn Fein, the PUP and the UDP all involved in the talks process (provided, of course, that they all accept the Mitchell principles); 2. a cease-fire from only one set of paramilitaries; and 3. no cease-fires from either set of paramilitaries leaving no representatives of paramilitary groups (probably!) present at the talks.

The Mitchell Report established the framework in which decommissioning can occur. It concluded that there was a sufficient commitment, from those parties in possession of weapons, to work for decommissioning as part of all-party negotiations but not before (para. 25). As a compromise between those arguing for decommissioning prior to negotiations and those arguing that it should not commence until the satisfactory

completion of talks, the International Body chaired by Senator Mitchell recommended that decommissioning proceed alongside negotiations (para. 34). The report further suggested that the process be based on the mutual commitment and participation of the paramilitary organisations, i.e. that neither set would be expected to disarm unilaterally.

The British Government set a date (10 June 1996) for the commencement of all-party negotiations and staged elections to determine which parties would be represented at the talks provided that they were in a situation of cease-fire. Participants would then have to accept the Mitchell Principles and address the issue of decommissioning to the satisfaction of the other participants at the beginning of talks.

Only in the first of the above scenarios is there a reasonable prospect of decommissioning taking place. However the latter two scenarios are the more plausible ones for the progression of talks. Nevertheless, questions regarding the modalities of decommissioning need to be resolved in anticipation of a scenario for possible decommissioning presenting itself. The parties have not reached a *modus vivendi* over decommissioning. Indeed as the peace process has staggered on, over almost two years, the issue of decommissioning has constantly been deferred rather than properly resolved. Decommissioning has been used as a political football. Some believe that criteria should be relaxed as a means to induce the IRA to call another cease-fire. The prospects of another IRA cease-fire seem dim; the evidence does not suggest reasonable prospects. Others see a strict attitude to decommissioning as a means to ensure that Sinn Fein can not come to the talks table and as a way of forcing the loyalist parties out of the process.

There is no urgency to resolving the issue of decommissioning in the short term as there is little prospect of the first scenario presenting itself. Nevertheless, it does need to be satisfactorily addressed in the medium term. A political process without certain groups, as distinct from a broader process in which all the representatives are present, is of value. Indeed it is arguable that it would have a better chance of finding agreement than a more diverse process. Although the latter might have the advantage of binding the paramilitaries to the outcome including the neutralisation of weapons, a political process in which the paramilitaries were not represented, provided it reaches agreement, could through addressing the fundamental divisions of Northern Ireland society, undermine the rationale of terrorism, consolidate peace and open the way for decommissioning of weapons.

### Section 3 - International Context

The neutralisation of arms has been a major issue in the process of resolution of most internal conflicts in other countries. Some common themes and features do exist, but it is more striking that every conflict resolution process is unique, with no hard and fast rules. Even to the extent that any common model can be generated, there are reasons to argue that the Northern Ireland peace process would not conform to it.

The state remains the cornerstone of the international system. While the practical ability of states to control events both within and beyond their borders has been substantially



reduced by the forces of globalisation, the juridical sovereignty of states remains unchallenged. States retain a monopoly on the legitimate use of force. Therefore states have a right to bear arms. The rights of states to use force in their self-defence is well ingrained in international law. However, the right of states to take whatever action they deem appropriate against their own populations has been consistently challenged by international community in the last decade. The actions of states have increasingly fallen under review and occasionally the sanction of the international community. When states engage in diplomacy on disarmament, it is in an attempt to enhance international peace rather than to remove illegal weapons.

Sub-state groups generally do not have a right to bear arms. In most the following cases, sub-state groups are either in conflict with each other or with government forces. Disarmament efforts have usually applied to all of the parties, especially when peace negotiations are designed to create new inclusive structures of governance. When a government includes itself in this process, it is implicitly acknowledging that its legitimacy and authority are questionable in part or all of its territory.

#### Angola

After Angola received its independence from Portugal in 1975, the rule of the Marxist MPLA was disputed by UNITA. Angola became a Cold War cockpit as Cuba and the Soviet Union backed the former and South Africa and the United States supported the latter. Agreements made in December 1988 facilitated the removal of international elements of the conflict by 1990. In 1991, the MPLA government and the UNITA opposition negotiated and agreed a cease-fire, disarmament and demobilisation of the factions, and the creation of a new integrated army in advance of Presidential and legislative elections. The international community dispatched a under-resourced and poorly mandated United Nations force to observe implementation of the latter agreements. The parties did not honour their disarmament pledges. The elections proceeded in an unstable atmosphere. The MPLA won the elections but UNITA alleged irregularities, and having unsuccessfully called for fresh elections, resumed the armed struggle. Angola is only now slowly rebuilding its peace process and after several more years of enormous suffering.

#### Arab-Israeli conflict

In this long-standing conflagration, the issue of arms is to be addressed within the multilateral negotiations between Israel, PLO, Jordan, Syria and Lebanon. No progress, even on an exploratory basis, has occurred as Lebanon and Syria have not joined these negotiations. Lebanon has not even joined bilateral discussions that other parties are engaging in. It is not clear which parties will be expected to disarm. Israelis want both Hizbollah and Palestinians to disarm. Arab states would likely raise the issue of Israel's nuclear weapons.

#### Bosnia



The 1995 Dayton Agreements are noticeably very weak on requirements for the armies of the Bosnian Serbs, Bosnian Muslims and Bosnian Croats to disarm or to merge into a common force for a united Bosnia. The right of each of the two "Entities", into which Bosnia was partitioned, to maintain its own forces is one of many indications of the permanence of the division of that country.

### Cambodia

Cambodia returned to civil war after Vietnam had ousted the Khmer Rouge in 1979. The latter joined with the Monarchists in fighting the Vietnamese puppet regime. The end of the Cold War and Vietnamese withdrawal opened up the possibility of a solution. That solution was fairly clear: a transitional period, in which the parties would disarm, the return of refugees and free and fair elections to determine the future government. Difficulties lay in the total absence of trust between the parties and disagreements over transitional arrangements. After extensive negotiations under the auspices of the United Nations, the parties agreed a cease-fire and permitted the UN to intervene to run the elections and supervise the government in the interim. The UN initially expected the parties to convene in certain areas to be disarmed and demobilised. However, the parties only agreed to decommission 70% of their respective strengths. In practice, the parties had been pushed into the peace process without a sufficient commitment to national reconciliation. The Khmer Rouge quickly opted out of the process; the other parties naturally refused to disarm. The United Nations luckily managed to hold free elections on schedule despite the enormous threat to the process from the Khmer Rouge. The new and legitimate 'unity' government and army are still engaged in conflict with that faction.

### El Salvador

In 1980 a right-wing military coup gave rise to left-wing guerrilla opposition, the FMLN. Their resistance continued after the return of civilian rule in 1982. The United States pushed for democratisation but at the same time aided the army and the FMLN received aid from the Sandinistas in neighbouring Nicaragua. The army, and especially right wing death squads, beyond civilian control which persecuted and murdered left wing activists frustrated the efforts of the government to achieve the integration of the FMLN into the political system in return for their demobilisation. These prospects deteriorated as the right wing ARENA party assumed power in 1989. The United Nations assumed control of the peace process and first addressed improvements in the overall human rights situation as a first priority in order to build confidence. The FMLN, deprived of aid from their allies in Nicaragua, and the government under pressure to deal from the United States, reached an agreement in late 1991 for FMLN disarmament by the end of 1992 and transformation into a legitimate political party to compete in the 1994 elections. They ultimately did not gain any share of power. The government in return promised substantial reform of the security services. While disarmament did occur on schedule, strong evidence indicates that it was far from complete. The FMLN lied about their inventories and hid weapons. A number of low-scale incidents continued.

## Lebanon

The Lebanese civil war ended in 1989 with the Taif Accords. In these accords, Lebanon's warring parties essentially acknowledged government control over all of Lebanon. Exhausted by years of conflict, the militias had recognised government authority and by implication their own lack of legitimacy and consequently their dissolution. These came into force in 1990. The Lebanese Government then decided that all militias should disarm and dissolve. They were given time to disarm voluntarily to a partner of their choice. The Christians handed their weapons to Israel and to the South Lebanese Army (Israel's proxy army based in the security zone established by Israel inside Lebanon). The Druze gave some of their weapons to Syria and buried others. Hizbollah refused to disarm on the grounds that they were fighting a war of national liberation. The Lebanese Government accepted this argument as they didn't have the ability to coerce Hizbollah into disarmament. Certain Palestinian factions refused to disarm. In the summer of 1991, the Lebanese Army forcibly disarmed them. Light arms were not removed from any of the groups. Only a minority of the factions in Lebanon actually bore arms; the Sunnis (the majority grouping) were not armed, neither were the Jews nor the Greek Orthodox. It was only those groups with conflicting nationalist claims which engaged in armed conflict. Disarmament did not begin until after the Taif Accords had been concluded.

## Mozambique

Mozambique shares many similarities with Angola. It too received its independence from Portugal in 1975. Again a Marxist government, FRELIMO, was challenged, in a brutal civil war, by RENAMO which was backed by South Africa. This conflict slowly wound down in the wake of the Cold War. A peace agreement once again provided for a cease-fire, disarmament and demobilisation, and the creation of an integrated army before elections. A much stronger UN force was deployed to help implement the agreements. Disarmament did not take place on schedule due to both the inefficiencies of the UN and difficulties from the parties. Rather than hold elections in a potentially unfavourable environment, the United Nations, having learnt the lessons from Angola, postponed the elections, and insisted on disarmament prior to the elections. While, once again the disarmament process was not complete and RENAMO almost refused to participate in the elections, the strong international insistence on disarmament contributed to a more stable conclusion than Angola.

## Nicaragua

The civil wars in Central America of the 1980s were interrelated. The left-wing Sandinistas ousted the right-wing Somoza regime in Nicaragua in 1979. The "Contras", based on remnants of the latter, violently resisted the rule of the Sandinistas. The conflict quickly became a Cold War cauldron as the United States aided the Contras and the Soviet Union the Sandinistas. The Arias Plan, institutionalised in the Esquipulas Agreement, in 1987 called for the five Central American countries (Nicaragua, El



Salvador, Guatemala, Honduras and Costa Rica) to agree to end external assistance in the civil wars of others, to seek to end their civil wars and to start talks on the reduction of arms in the region. It further called for respect for human rights, cease-fires and elections. A cease-fire was established in Nicaragua in 1988, the Contras promised to move into security zones and to begin negotiations on disarmament. The Contras had essentially collapsed after being deprived of military aid from the United States. The collapse of the Soviet Union pulled the plug on the Sandinistas. The five Central American Presidents in early 1989 decided that the Contras would be disarmed and that internationally supervised elections would be held in Nicaragua in February 1990. The Contras were supposed to be disarmed before the elections, but they did not consent to this until after the election in which the Nicaraguan opposition ousted the Sandinistas. The Contras disarmed inside designated security zones in Honduran territory under UN supervision. The process was completed inside a couple of months but it is unlikely that every weapon was handed over.

### Somalia

In 1991, the regime of Siad Barre finally collapsed. Several armed factions competed to assume control. Somalia degenerated into anarchy, as no group became dominant, and famine. The United States led a multi-national coalition to create a secure environment to end the famine. Their presence aided the peacemaking process and the parties reached a tentative agreement on transitional arrangements and voluntary disarmament. The United States did not seek to coercively disarm the parties though arguably it had the capability to do so. The less capable United Nations operation that followed sought to coercively disarm the parties. In this pursuit, it became mired in and ultimately lost a small scale war with the General Aided faction in which the United Nations lost sight of its overall nation building objectives. In this instance, disarmament was pushed too aggressively and out of step with political developments. While it is not clear that the United Nations strategy could have otherwise worked, it did lose an opportunity.

### South Africa

Full Negotiations on the future of South Africa occurred in the context of a cease-fire from the ANC. The ANC suspended the use of violence in August 1990 but it was not until December 1991 that negotiations began inside the framework of CODESA (Convention for a Democratic South Africa). Both sides had placed preconditions on the other before talks could commence. The government expected an ANC cease-fire; the ANC expected certain political reforms including the release of political prisoners. Parties operating within CODESA signed a Declaration of Intent which bound the parties to an all-inclusive and binding process, including commitments to work for multi-party democracy. However both the ANC and the National Party agreed to allow the PAC (the Pan African Congress) to join a wider framework of negotiations than those provided by CODESA without a cease-fire from its armed wing. 'Armed Struggle' had in fact been a minor factor in political violence and indeed political agitation in South Africa. Disarmament did not happen during the process. It was discussed during the talks but never implemented. This absence of decommissioning did not prevent generally free and



fair elections occurring, and a peaceful transfer of power occurring. However, in the opinion of F.W. de Klerk, the absence of decommissioning has generally contributed to the maintenance of large scale violence in South Africa since the agreement. The National Party did raise the question of ANC arms during negotiation but did not push the issue too hard. The greatest threat to the process came from ANC complaints that the NP government was trying to destabilise the process through support for Inkatha violence was a greater threat to the process.

### Common Themes

Several common themes can be identified. Disarmament was a major issue in virtually all of the above conflict resolution exercises. It did not occur in anticipation of or as a precondition to negotiations. Similarly it rarely occurred in parallel with negotiations. Indeed only rarely were cease-fires prerequisites for talks processes, South Africa being one notable exception. However, the regulation of the armaments of the warring factions was a crucial element of many of the peace agreements brokered. Disarmament was usually seen as crucial before elections to decide new structures of governance. This approach is not surprising as the conflicts were resolved in essentially RealPolitik terms; the parties negotiated on the basis of their relative military strengths. After agreement, the actors were supposed to move into an essentially democratic phase in which their relative military capacity was not a factor. Disarmament in these situations was usually seen as a means to neutralise the threat from the former armed factions in the post conflict period rather than to generate trust during the process. The importance of disarmament before elections is illustrated by the problems experienced in both Angola and Cambodia. South Africa had relatively but not totally free and fair elections despite the absence of disarmament. These cases illustrate the practical difficulties in guaranteeing that disarmament has been complete even with external verification. While the reduction of weapons in circulation is always beneficial, disarmament is, for the above reason, of limited utility in the absence of broader political progress. Even when political change has happened some incidents involving undecommissioned weapons, such as in El Salvador, often occur. Notably, the Contras and certain parties in Lebanon decommissioned without receiving many political concessions in return. They had essentially become marginalised by the end of external assistance or change within their societies which removed their *raison d'être*. Decisions that they would be decommissioned happened with minimal input from those parties. Precedents exist for armed parties which were not integral to political processes accepting their dissolution without strictly having been militarily defeated.

### Why Northern Ireland is different

There is nothing inherently right or wrong about attempting to address a conflict in RealPolitik terms. It is a value neutral approach that is pragmatically necessary in certain situations. However there are many reasons for arguing that Northern Ireland situation does not fit the tenuous model outlined above, and that it should not be manipulated in order to comply with it. Rather it needs to be addressed in democratic terms.



1. In many of the above conflicts the main protagonists were armed. However, in Northern Ireland there is a lack of congruence between those parties which have links to those organisations in possession of arms and those parties of central importance to the resolution of the conflict - Northern Ireland has never been a classic civil war situation. Not only does this reality greatly complicate the resolution of the conflict, but it reinforces the argument that the conflict should only be resolved by the parties seeking (sufficient) consensus in terms of their relative democratic mandates rather than the size of their arsenals. (This does not exclude the possibilities either of the paramilitary parties enforcing their desired outcome or of a solution being imposed from above by external parties that does not take account of democratic realities. However either of these outcomes would be undesirable, and probably unsustainable.)

2. The international norm seems to be to have a cease-fire, followed by negotiations, which produce an agreement that often includes commitments to disarm and subsequently to hold an election to determine the future government. These conflicts are resolved in a RealPolitik approach in terms of the relative military strengths of the parties as their democratic strengths. Consequently, at that stage, there is no urgency to create a level playing field for democratic parties through neutralising the war-making capacity of the parties. The post agreement phase often entails elections to determine the future government. As the possession of arms means that the parties have the potential to interfere with the staging of free and fair elections, there is often some urgency to negotiate the requirement for parties to disarm in anticipation of elections.

The already strong case for the resolution of the Northern Ireland conflict in purely democratic terms was substantially reinforced both by the Mitchell Report and the elections of 30 May 1996. Through their acceptance of the Mitchell Principles, a prerequisite for entry into the talks process, parties committed themselves to exclusively democratic means, to abide by any agreement produced and not to seek to challenge any aspect of it through force of arms, and to verifiable decommissioning. The election reinforced the applicability of the democratic model, as the ballot box, rather than military might, determined which parties would be represented at the negotiating table. This may not have been the primary motivation of those parties that advocated the election. However the arbitrary nature of the electoral system, in order to ensure that certain parties obtained some representation, indicated a lingering presence of the RealPolitik approach. Furthermore the value of the Mitchell Principles has been undermined by the loose interpretation of the British and Irish governments.

3. In many of the international comparisons, the non-governmental parties were guerrillas; they wore uniforms, fought pitched battles and sought to consolidate control of pieces of territory. While the dividing line between guerrillas and terrorists is not at all well defined, the Northern Ireland paramilitaries have little claim to the former status as they have not sought to directly confront their enemies in military fashion but to engage in politically motivated murders of their enemies and to use civilians, in a random manner, as proxy targets to put pressure on their enemies.



4. In many conflicts, the government was clearly a party to the conflict (El Salvador, Nicaragua, Angola, Mozambique). While at different occasions various parties describe the British Government as help or hindrance to the conflict resolution, only in Sinn Fein's analysis is the British Government a party to the conflict. (Unionists might assert that the Republic of Ireland is a party through its irredentist claims.) The Mitchell Report has already stated that there can be no equivalence between government arms and paramilitary arms. It therefore implicitly acknowledges that the government is not a party to the dispute.

The Northern Ireland conflict is further complicated by the tripartite nature of the conflict which contrasts to the bipartite nature of many of the international comparisons. The IRA/INLA believe that the British presence, rather than the loyalist paramilitaries are their chief enemies. Loyalist paramilitaries are reactive against a Republican threat. Crown forces are mainly directed against the Republican threat and to a lesser extent against loyalists.

#### Section 4 - Specific issues in any decommissioning process.

Assuming that the wider political situation becomes favorable to decommissioning there are practical difficulties, with respect to modalities, that remain unresolved. These largely revolve around the twinned concepts of equivalence and verification. These problems do not need to be resolved imminently (and it is not Alliance's job to resolve them), but an understanding of the gap to be bridged between agreement and implementation is important.

#### Verification of Paramilitary Weapons.

The Mitchell Report states "whatever the options chosen...verification must occur to the satisfaction of the commission". There are two components to this:-

1. Verifying the amounts of arms held by paramilitary groups.
2. Verifying that these weapons have been decommissioned.

Both of these are problematic:-

1. Verifying the arms held by paramilitaries.

The Mitchell Report assumes the estimates of paramilitary arms given by British and Irish intelligence sources to be accurate. This may or may not be the case, but these estimates must also be the basis on which opposing paramilitaries judge the strength of one another's arsenals. If Republicans and Loyalists are to believe official estimations of their opponent's strength then these figures must be substantiated by those who provided them. Probably, any intelligence organisation will be unwilling to do this.



Otherwise paramilitaries will insist that their own estimates be taken into account. These will naturally err on the side of caution. Any other means of estimating stocks of weapons is unrealistic. On-site verification - regardless of the composition of the inspection group - would run a very high risk of surveillance and be an enormous gamble for any paramilitary organisation.

Given the small size of most of the weapons involved, concealed storage is not a difficulty for any group. Only in the case of the IRA are weapons routinely held in centralised stores under the supervision of quartermasters. Less organised groups have their weapons distributed throughout their membership, greatly complicating any process of surrender.

Groups involved in decommissioning can easily cheat the verification issue by:-

- Claiming estimates are inaccurate and inflated by an 'unfriendly power.'
- Distributing weapons further among their membership and sympathizers.
- Arranging for those in possession of weapons to 'defect' to allied paramilitary organizations not participating in the peace process.

A problem particular to the decommissioning of explosives is that reducing the amount of high explosives (in the NI context mainly Semtex) does not significantly decrease the potential a terrorist group has for causing explosions. A small amount of Semtex is often all that is required, either as the basis for a fragmentation bomb or as the charge to ignite a much larger amount of home made explosive on a mobile platform (e.g. the Manchester truck-bomb). As trucks, fertilizer and commercially used chemicals (such as ammonia) cannot be outlawed there will always be the potential for devastating explosive devices to be created.

## 2. Verifying that weapons have been decommissioned.

The Mitchell Report offers a range of options by which weapons may be completely destroyed. These include the transfer of weapons to an independent commission or to the British or Irish Governments. The least impractical option is the destruction of weapons by the groups themselves. However any process must provide assurances of trust that this destruction has actually taken place. The key section of the report is paragraph 42 where the commission proposed is required to have the resources to "receive and audit armaments and to observe and verify the decommissioning process."

The term "audit" underlies the problem here. For the process to be workable there must be immunity for those who surrender weapons and no forensic examination of the weapons upon surrender. However immunity can only reach so far and forensic investigation can travel backwards as well as forwards.

Any weapon surrendered will have a 'history' of the incidents it has been fired in. This can be determined by test-firing under controlled conditions and examination of unique



characteristics, possessed by even a mass produced weapon. This type of forensics can be prevented to everyone's satisfaction by immediate destruction after surrender.

The same weapon will however have a earlier history in terms of the type of weapon, the means by which it has been produced, manufacturers marks etc. This history will be determined by any competent auditing process and would lead investigators back to the original source of the weapons. In the case of weapons obtained from the British and Irish armies/police forces and American sources this could be highly embarrassing and pinpoint sympathizers, in positions of trust, who would presumably not be immune from retaliatory action. In the case of home-made weapons, valuable intelligence would be provided on the sophistication of paramilitary munitions workshops.

If there is to be trust in the decommissioning process then paramilitary groups must be willing to have informed sources verify that their weapons are what they say they are. Unfortunately this leaves them vulnerable to greater awareness about their sources of supply then they would want (thus curtailing any possible rearmament).

But to abandon "auditing" would be even more problematic as there would be no way to verify that what was being 'tossed in the fire' was a real functioning weapon and not just a hollow (easily replicable) shell with the precision machined components removed. This issue becomes even more acute in the light of problems surrounding equivalence.

#### The Equivalence of Paramilitary Weapons

Loyalist and Republican groups do not have equivalent stockpiles of armaments. Republicans have larger stockpiles (presumably) and weapons of both greater sophistication (sniping rifles etc.) and destructiveness (missiles, explosives etc.). One group does not want to be left defenceless whilst their counterpart is still well armed.

Any decommissioning process therefore cannot be a one to one exchange. The phrase "parallel decommissioning" cannot be given a simplistic 'quid pro quo' interpretation in the light of this disparity. The issue is complicated further by the 'trilateral' nature of the conflict, as detailed above. The Mitchell Report accurately states: "There is no equivalence between [paramilitary] weapons and those held by the security forces". However, despite the British Government's impartial approach to the parties, Republicans regard them as their principal enemy ahead of the loyalists. They could continue to argue for any decommissioning being organised alongside changes in the deployment and armament of the security forces.

A final twist is the manufacture of home made armaments, which encompasses both firearms, mortar devices and explosive charges. Both Loyalists and Republicans have the ability to re-arm solely from their own internal resources - but again this ability, as far as it can be quantified, is imbalanced in terms of both the type and quantity of armaments that can be manufactured. This constitutes an additional hurdle to building trust and assuring re-armament does not occur.



A simple exchange mechanism for the disposal of paramilitary arms is ineffective. In effect it would be an amnesty through which terrorists could unload unwanted, defective guns; or alternately those whose forensic history was so substantial as to make their destruction, without examination, advantageous. All that decommissioning could achieve in such circumstances would be to remove obsolete weapons from circulation.

An obvious method around this difficulty is an 'exchange ratio' between firearms with different degrees of lethality. An appropriate ratio could be determined by the independent commission, who would then arrange for equivalent collections of firearms to be surrendered simultaneously and destroyed in tandem. Proportionality between opposing groups could in theory be maintained until they were both entirely bereft of arms.

### Summary

Most of the points raised above do not facilitate the implementation of a satisfactory decommissioning process. However to view the modalities themselves as the obstacle in the way of progress is to put the cart before the horse.

It is impossible to construct a self-consistent, logical argument around the practicalities of disarmament that could be presented to paramilitary leaders as the self-evident means whereby arms could be handed in, with adequate assurances, on both sides. Yet no one assumes that decommissioning could spontaneously arise from the grassroots of paramilitary operators. If the political process were to generate sufficient momentum and consensus around the issue, then the desire for progress could over-ride practical difficulties. The difficulties surrounding modalities provide excuses to avoid a commitment to decommissioning, rather than unassailable obstacles which would rule out such a process.

### Section 5 - The Independent Commission

The Mitchell Report implicitly recommends the creation of an international commission to facilitate the decommissioning process. The three-man International Body on Arms Decommissioning does not currently have any mandate to engage in substantial verification. The report does not explicitly suggest that that Body be expanded but leaves this possibility open.

The United Nations has already considerable experience with managing disarmament processes, and probably has a comparative advantage in this area compared to other organisations. Indeed it is one of the few areas in which the UN has expanded its credibility in the post Cold War era. While the resolution of the Northern Ireland conflict has become unambiguously internationalised in recent years, the use of the United Nations may be too politically embarrassing for the United Kingdom and treated with suspicion by the Unionists. The United Nations has never been active on the territory of a permanent member of the Security Council, in a peace and security manner, in its history. NATO



could provide a useful role but has not yet developed the same level of expertise in this area relative to the United Nations. Its use would be objectionable to the Irish Government. The more politically acceptable Western European Union (WEU), in essence the military wing of the European Union, has no experience yet in this area. The Organisation of Security and Co-operation in Europe (OSCE) has a growing portfolio of low-key conflict resolution services. Despite reservations about the performance of this body to date and its unwieldy political structures, it might be the most appropriate organisation to perform the necessary functions.

However, the most practical and desirable approach must surely be to expand the mandate and resources of the current international body. Its leaders have already established their credibility with the parties and generated a wide degree of acceptance. They currently lack the resources to undertake the necessary tasks. These can be acquired on an ad hoc basis. While there may be certain inefficiencies in such an approach, these are more than overcome by the advantages of a wider political acceptance than any of the organisations could generate. Precedents for such *ad hoc* international operations exist in international history. For example, in 1954, an international commission composed of Canadian, Polish and Indian forces, oversaw the partition of Vietnam.

None of the above approaches should create any difficulties with respect to sovereignty. Juridically none of the organisations or the international commission could become involved without the formal consent of the British Government. In practical terms, the consent of the Irish Government and the parties themselves would also be required.

## Section 6 - Conclusion

The possession of arsenals of weapons is not the core of the conflict within Northern Ireland. Like terrorism itself, it is only a symptom of the much wider political problem that is the inability of the people of the Northern Ireland to live together politically and agree common institutions of governance. Accordingly the neutralisation of these weapons will not signify the end of the conflict.

There are clear practical limitations to decommissioning. There can never be any guarantee that either set of paramilitaries has completely decommissioned or that they cannot acquire or manufacture fresh weapons. Decommissioning can never be absolute. However, as this report has demonstrated, decommissioning is a desirable process, both as a means of reducing a potential terrorist threat in combination with political progress and more specifically as a confidence-building measure that indicates the commitment of the political representatives of exclusively peaceful means.

The minimum conditions for a decommissioning process to begin would seem to be mutual cease-fires from both sets of paramilitaries and the participation of their political representatives in the talks process, combined with rules and procedures for the commission that were sensible, realistic and acceptable to all parties. Any prospect of the simultaneous presence of both the Loyalist parties and Sinn Fein would require an

understanding not only of the modalities of decommissioning but also the rate at which it would occur and at what stage it would commence (and conclude). It is ultimately the task of the politicians to create the political space in which decommissioning can progress by first agreeing how the issue should be tackled.

International experience does not provide many relevant lessons. Even to the extent that a common approach to disarmament can be discerned, there are good reasons for arguing that it is not applicable to Northern Ireland. Northern Ireland has many features that militate against the resolution of the conflict in an approximation to the RealPolitik model. This reality has already been acknowledged by the Mitchell Report and particularly in its principles of democracy and non-violence. The Alliance Party's advocacy of an election before talks and its ultimate occurrence provides an important reinforcement of this argument. While the Mitchell Report acknowledges the difficulties in demanding decommissioning in advance of negotiations, it does clearly indicate that military arsenals and political violence must not be factors that influence the course of negotiations:

These commitments, when made and honoured, would remove the threat of force before, during and after all-party negotiations. They would focus all concerned on what is ultimately essential if the gun is to be taken out of Irish politics: an agreed political settlement and the total and verifiable disarmament of all paramilitary organisations. That should encourage the belief that the peace process will truly be an exercise in democracy not one influenced by the threat of violence (para. 23).