



# An Chartlann Náisiúnta National Archives

**Reference Code:** 2021/97/6

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SECRET~~SM~~, ~~16~~

21 February, 1995.

Dear Taoiseach,

Your meeting with the Prime Minister on 20 December, 1994 confirmed the mandate given to the Chilcot/Dalton Group to work up a scheme for the decommissioning of terrorist arms.

I now enclose the final text of the Group's report as agreed with the British side. The Prime Minister will receive the report from the Permanent Under-Secretary at the Northern Ireland Office, Sir John Chilcot, today. For obvious reasons this report will not be published. Appended to the report is a joint summary of the position regarding other matters which had been under discussion within the Chilcot/Dalton Group prior to the cessation announcements. This summary is also being provided to the Prime Minister.

I have discussed the handling of the report with Sir John and our advice would be that you and the Prime Minister would simply note the report on this occasion. That course will avoid the creation of a link between the adoption of the Joint Framework Document and the issue of decommissioning of terrorist arms which, we both feel, would be undesirable in all the circumstances. Accordingly, Sir John will not be providing any additional briefing on the matter to the Prime Minister.

I have also agreed with Sir John that, if the subject of decommissioning of arms were to come up at the Press Conference, we would advise that no reference be made to the fact that a Group had been working on the issue of decommissioning or that any document had been agreed. Our suggestion is that both sides should stick to the general line that while decommissioning is clearly an important issue on which progress must be made, as part of the process of consolidating peace, neither Government sees it as a precondition for political progress.

Yours sincerely,

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T. Dalton,  
Secretary.

Mr. John Bruton, T.D.,  
An Taoiseach,  
Government Buildings,  
Dublin 2.

## DECOMMISSIONING TERRORIST ARMS

INTRODUCTION

1. Against the background of the Provisional IRA and Combined Loyalist Military Command ceasefires, the Chilcot/Dalton Group was tasked with working up a scheme for the decommissioning of terrorist arms (i.e. weapons, explosives, ammunition etc). At the meeting of the Prime Minister and the Taoiseach on 20 December 1994, it was agreed that the Group should report to the forthcoming summit meeting. This joint paper reports the Group's work and makes recommendations on the way ahead.
  
2. The complexity of the decommissioning issue, including its cross border dimension, the need to deal with a variety of paramilitary groupings, and the fact that a number of armed groups have yet to declare a permanent end to violence, necessitates the adoption of strategies by the two Governments which are both flexible and complementary. It will also be important for the Governments to co-operate closely on the detailed political, legal and operational aspects.

Considerations which influenced this report

3. The following considerations informed the Group's approach to its work:
  - The cessation of their campaigns announced by PIRA and the Combined Loyalist Military Command on 31 August 1994 and 13 October 1994 respectively has transformed the political and security climate. Both Governments recognise the vital importance of maintaining the ceasefire and keeping the guns silent. Decommissioning would be a strong further reassurance of the permanent end to paramilitary violence and an exclusive commitment to democratic means.
  - The maintenance of peace requires continuing political momentum, both in response to the cessation of paramilitary violence and as a clear signal to the paramilitaries that their interests are - and are likely to be - best served through continuing peace.
  - Movement on decommissioning is likely to be needed to overcome the reluctance of a number of other parties to enter into substantive talks, given their apprehension that violence may resume using the significant amount of arms which remain available, and worthwhile progress on the arms issue, while not a precondition for political progress, is therefore likely to be necessary as a matter of political reality.
  - Decommissioning of terrorist arms cannot of itself guarantee peace as the paramilitaries will retain the capability to replace existing stockpiles, either by procurement or by manufacturing weapons themselves. Peace ultimately will only be guaranteed by progress towards a comprehensive political solution.

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Strategy for Decommissioning

4. It would be unrealistic to expect all illegally held arms to be decommissioned at the outset. The most realistic short term objective will therefore be to get a process of decommissioning underway. The immediate aim would be a worthwhile quantity of arms being decommissioned.

5. The initial focus will be on the stockpiles held by PIRA and the UFF/UVF. Dialogue has begun to secure the decommissioning of these arms through discussions with the parties who have influence with the groups concerned. This is being done by the British Government during exploratory dialogue with Sinn Fein and in parallel discussions with the Ulster Democratic Party (UDP) and the Progressive Unionist Party (PUP) and by the Irish Government using its contacts with those parties (referred to subsequently as the relevant parties).

6. Other means of recovering arms, such as continuing police action, remain available. In addition, new approaches may be suggested to the Governments in the course of their discussions with the groups concerned. It is important, therefore, that both Governments should adopt a flexible approach to the issue of decommissioning at this stage and avoid becoming committed to any particular formula until such time as it is clear that the best possible outcome is guaranteed by adoption of a particular course.

7. The Group's view is that movement towards decommissioning is likely to involve a series of steps, commencing with discussions with the relevant parties and culminating possibly in a formal arrangement such as an arms amnesty. It is not necessary - or even desirable - that a formal position be decided now on operational, legal or other matters which will arise as the process of decommissioning is taken forward. The approach decided on by the two Governments at this stage should instead be such as to allow them sufficient scope to take advantage of any new possibilities which emerge as dialogue proceeds. If, in due course, the two Governments do decide to proceed with an amnesty as part of the decommissioning process this could also cover illegally-held arms of other terrorist groups.

8. Both Governments will wish to reject attempts by the parties to extract concessions in return for arms. There are, however, practical linkages between the question of arms, progress on security-related issues and the prospects for political progress. It will, therefore, be entirely legitimate for the Governments to point out the benefits which could accompany a major decommissioning of arms and perhaps to indicate in general terms how parallel progress in such areas might be made. These benefits would include further positive movement across a broad range of policies and issues such as security force operations, troop levels, prisoners, security installations and the use of emergency powers. There is also likely to be a need to address the substantial quantity of firearms legally held by individuals in Northern Ireland, especially those firearms which were issued for reasons related solely to the security situation.

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9. Both Governments will wish to co-ordinate their approaches in discussions with the relevant parties, and to liaise closely as those discussions develop. Where appropriate, issues would be referred back for political direction.

10. The framework suggested at Annex A is intended to inform the discussions of both Governments with the relevant parties by setting out parameters within which the issue of the decommissioning of arms should be pursued in those discussions. That framework would allow for a significant degree of flexibility at this stage because, as already indicated, the precise arrangements that may be decided upon will need to take account of the outcome of those discussions.

11. An assessment of the quantities of arms held by PIRA and the UFF/UVF, agreed by the Garda Siochana and the RUC, will be the yardstick against which the Governments can estimate the proportion of terrorist arms which may be made available for decommissioning and the extent to which this represents a genuine commitment by the paramilitaries to a decommissioning process.

Conclusions and Recommendations

12. The Taoiseach and Prime Minister are therefore invited to:

- (i) confirm that the framework set out in Annex A should inform the discussions of both Governments with the relevant parties for the purpose of establishing the parameters for those discussions acceptable to both Governments;
- (ii) agree that the Dalton/Chilcot Group should provide the machinery for on-going liaison during the period of the discussions; and
- (iii) agree that where necessary following liaison, matters requiring high level decisions should be referred back for political direction.

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A Framework for the Decommissioning  
of Terrorist Arms

1. The Group puts forward the following framework for the decommissioning of arms with a view to informing the discussions of both Governments with the relevant parties by establishing the parameters for those discussions acceptable to both Governments. The framework deals with the following issues - parties to the discussions, priorities for recovery of arms, modalities of decommissioning, use of intermediaries and observers, legal issues, timing and disposal of arms.

Parties to the Discussions

2. The Group understands that both Governments will seek to pursue discussions with the political parties who have influence with the paramilitary groups concerned. Were it to become apparent that direct contact with the paramilitary groups concerned was more likely to produce results, that situation could be referred back for political direction.

Priorities for Decommissioning of Arms

3. While semtex, commercial explosives and heavy weaponry have been identified as priority items for decommissioning, it may not be in the Governments' interests to insist on such prioritisation at this stage. It may be better to impart a message to the relevant parties that both Governments can assess the size and make-up of the paramilitary arsenals and that they will, accordingly, be in a position to evaluate the response to decommissioning.

Methods of Decommissioning

4. There is scope for flexibility in the way arms are made available for decommissioning and, in fact, a combination of methods may be needed to take account of local circumstances. There appear to be three main methods by which arms might be decommissioned:

- Method 1: Handing over of arms to the security forces in either jurisdiction.
- Method 2: Recovery of arms from specified locations as a result of information received.
- Method 3: Destruction of arms by the paramilitaries themselves.

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The Group's preferred options are Methods 1 and/or 2 which appear to present the fewest practical and legal difficulties. Flexibility over the jurisdiction in which arms are made available for decommissioning may also be required, should that prove necessary to overcome paramilitary concerns. It is possible that Method 3 may be the preferred option of the paramilitary groups, and the Group would not, for tactical reasons, wish to rule it out for the present. It would, however, suggest that the Governments' representatives should, if the option is raised, stress the inherent difficulties involved - the ability of the paramilitary groups to destroy arms and explosives effectively, the concerns which exist about public safety both at the time of destruction and during any subsequent clearance activity at the location concerned, and the difficulties which would be created in regard to verification.

5. The Garda Siochana and the RUC will continue to be consulted closely as work on decommissioning continues.

Use of Intermediaries and Observers

6. The Group believes that the use of third parties, either at the stage where arms are made available or during their disposal following recovery by the security forces, may be proposed by the paramilitary groups concerned. The Group believes that it would be desirable to adopt a flexible approach to the involvement of third parties provided the two Governments are not placed in a position of approving such involvement in circumstances which undermine the police or would be clearly seen to place individuals in unacceptable danger.

Legal Issues

7. The main legal issue raised by decommissioning is the question of a possible arms amnesty. An amnesty may be needed to underpin any of the decommissioning arrangements set out above; ideally, if not necessarily, it would be introduced following an undertaking by the paramilitary groups to make available a worthwhile quantity of arms. The precise terms of the amnesty would need to reflect whichever method or methods of decommissioning are decided on.

8. - The Group believes that the scope of any such amnesty:

- (a) should ensure all relevant types of weapons, munitions, explosives and related material (e.g. detonators) are covered;
- (b) should extend only to possession-related offences and not to offences involving the use of those arms (e.g. murder) in respect of which persons might be prosecuted on the basis of evidence obtained other than through the decommissioning process;

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- (c) should include an undertaking that forensic testing for evidential purposes would not be carried out (or, alternatively, that any such evidence would not be admissible in any criminal proceedings) in relation to arms recovered under an amnesty arrangement; and
- (d) should not be confined to PIRA, the UFF and UVF.

9. The issue of whether legislation will be necessary to underpin an amnesty continues to be examined by both sides. Such legislation is likely to be required in Northern Ireland.

Timing

10. The Group accepts that it would be unrealistic to expect all illegally held arms to be decommissioned at the outset. For their part, the paramilitary groups concerned are likely to regard decommissioning as part of a wider process. This is likely to have implications for the timing and duration of different stages of the process including any arms amnesty that might result.

Disposal of Recovered Arms

11. No difficulty is foreseen in the task of disposal by the security forces of arms recovered. Firearms (including heavy weaponry) would probably be destroyed by being cut up, and explosives by conventional munitions disposal. The preferred approach would be to recover the arms to secure locations for destruction. The presence, as a confidence-building measure, of third parties to verify the destruction of arms may need to be considered.

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CROSS-BORDER SECURITY CO-OPERATION

REPORT TO PRIME MINISTER AND TAOISEACH FROM THE NORTHERN IRELAND  
OFFICE/DEPARTMENT OF JUSTICE TOP LEVEL GROUP ("CHILCOT/DALTON GROUP")

Introduction

1. Following the summit in December 1991, a high level official working group co-chaired by the Permanent Under Secretary of the Northern Ireland Office and the Secretary of the Department of Justice was set up to review cross-border security co-operation and to take forward work on a number of specific issues.

Security Co-Operation

2. For some considerable time, operational security co-operation between the Garda Siochana and the RUC has been at a most satisfactory level with almost daily contacts between both forces at Headquarters level and, in border areas, at local operational levels.

3. The announcement of a complete cessation of military operations by the PIRA and the later announcement by the Combined Loyalist Military Command that they would universally cease all operational hostilities have given rise to a changed security situation. This has, understandably, resulted in a reduction in the need for operational RUC/Garda contact on security matters but the commitment of both forces to mutual co-operation on security-related and other wider policing issues is unchanged. The Group considers that there will be a continuing requirement for such co-operation, with a new emphasis on measures to enhance co-operation in combatting ordinary crime with a cross-border dimension.

Issues under discussion within the Group

4. The position regarding matters which remain the subject of on-going discussion within the Group is as follows:

4.1 Automatic Fingerprint Recognition (AFR). The Metropolitan Police and the RUC have acquired compatible AFR systems and exchanged terrorist print collections. The Garda Siochana are in the process of procuring an AFR system for introduction in 1995. Compatibility with the RUC and Metropolitan Police systems is being borne in mind in the procurement plan.

4.2 Weapons and explosives database. Both sides agree that a computer-based facility to exchange information on munitions and weapons (currently exchanged manually) would be of considerable operational benefit. The development of common or compatible databases using up to date computer software is being explored.

4.3 Police exchange visits. The Chief Constable and the Commissioner are developing a programme of RUC/Garda reciprocal visits involving visits to installations, presentations and discussions of procedures and priorities. Valuable visits have already taken place in the context of the examination of police structures.

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- 4.4 Police counter terrorism structures. Work is in hand by the two Chief Police Officers to explore the scope for improving cross-border communications arrangements, including formalising existing contacts and pursuing greater functional alignment between the two forces where appropriate. Further developments in these areas may be facilitated by organisational changes in the Garda Siochana which are being contemplated in connection with an information technology plan for the force.
- 4.5 Home-Made Explosives (HME). Research has been undertaken into possible ways to inhibit the production of HME from calcium ammonium nitrate (CAN) fertiliser. Attention has focussed particularly on the possibility of replacing CAN with an agronomically acceptable alternative. The results of field trials of a urea-based alternative will be considered having regard to the changed security situation.

Other issues discussed in the Group

5. Prior to the PIRA and loyalist cessations, the Group had also considered a number of operational security matters:

- 5.1 Cross-border Radio Communications. Agreement was not reached on a British proposal to have direct radio communication between the British Army and the Garda Siochana in emergency situations but it was agreed that such situations would best be dealt with at an operational level in a manner both practical and appropriate to the particular circumstances. Where either side considers that the circumstances of an incident require a review of the current communications arrangements, a review will be undertaken without delay.
- 5.2 Extra-territorial Interviewing and Border Flight Safety Zones. The Group also considered British proposals in these matters but in the light of the changed security situation, the British side does not propose to pursue them at present.

Northern Ireland Office

Department of Justice

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