



# An Chartlann Náisiúnta National Archives

**Reference Code:** 2021/106/29

**Creator(s):** Department of Justice

**Accession Conditions:** Open

**Copyright:** National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

SECRET

IRISH GOVERNMENT MEETING WITH INTERNATIONAL BODY

12 January, 1996

AIDE MEMOIRE

**SECRET**

**IRISH GOVERNMENT MEETING WITH INTERNATIONAL BODY**

**AIDE MEMOIRE**

**Introduction**

The Irish Government continue to see the International Body playing a crucial role and its report as being a critical influence on the future course of the peace process.

The central requirement in the Government's view at the present stage remains the launch of all party negotiations by the end of February 1996 in accordance with the commitment contained in the Downing Street Communiqué.

The Government believes that there is a dynamic relationship between progress on the political track and the decommissioning issue. The Government is convinced that the only realistic way of achieving progress on decommissioning is by means of dialogue between the relevant parties within the ambit of substantive all-party negotiations.

The Government therefore believe that the most valuable contribution the International Body can make is to maximise the impact its report will have in encouraging the commencement of all-party negotiations in accordance with the stated objective of both Governments.

**Government Submission**

The Government has had the benefit of being able to make a written submission to the International Body and to meet with it. The key considerations which underlie the Government's approach will be clear to the Body from those contacts.

The first and most important of those considerations is the Government's own desire to see the total decommissioning of all illegally held arms in this State and in Northern Ireland because only full decommissioning is consistent with an approach which seeks to resolve the problem of Northern Ireland by exclusively peaceful and democratic means.

The Government also recognises, however, that decommissioning itself cannot guarantee peace and that only the success of the all-party negotiations which the two Governments are committed to launch by the end of February will ultimately guarantee that the peace process is irreversible. It also recognises that, unfortunately, as a matter of reality the paramilitary leadership which agreed to cease violence last year cannot deliver the decommissioning of arms in advance of all-party negotiations.

The Government believe therefore, that to make decommissioning a precondition for all-party negotiations is likely to defeat the objective which both Governments share which is to see all-party talks and, ultimately, the full decommissioning of all illegal arms.

### **Task Facing Body**

The Irish Government accept that view is not yet shared by all those who need to engage in the process of all-party negotiations but see, in your role of providing an independent assessment of the decommissioning issue, a means by which the concerns of all sides can be addressed in a way which will allow forward movement.

The Government take the view, for the reasons spelt out in its original submission, that the more important requirements now are:

- : a clear indication that an attitudinal change has taken place on the part of those who have, in the past, been favourably disposed towards the use of violence for political purposes;
- : an acceptance, on the part of everybody who wants to see the Northern Ireland question settled, that this can only be achieved through all-party negotiations and that these negotiations should commence without delay; and
- : a recognition that the rate of progress towards all-party negotiations is likely to have a positive effect in consolidating the change of attitudes that is necessary.

#### **Response to matters raised by the International Body**

The Irish Government has considered the various points the Body raised with the Government delegation at its first meeting. The Government agree that the decommissioning issue is not susceptible to a win/lose outcome. The Government has therefore given some thought, as the Body requested, to what might constitute a win/win situation and have looked again at our submission to that end. It has also looked at the specific issues you raised such as the question of the value of seeking an inventory of arms holdings from the paramilitary groupings and the possibility of phased decommissioning following the start of all-party negotiations.

#### **Possible elements of a win/win outcome.**

The Irish Government accepts that a win/win outcome will require movement by all parties. It could envisage such an outcome, consistent with the need for the early start of all-party

negotiations, involving three possible elements in the context of the report the International Body will make.

The elements it would see as being important in this context would, first, be an acceptance of certain fundamental principles by the parties who have influence over the paramilitary groupings, second, a willingness to follow up on the practical consequences to those principles in line with progress on the political track; and, third, the potential for parallel movement on the decommissioning issue and responsive measures by the Governments.

A win/win outcome will also ultimately require movement on the part of the paramilitary organisations on both sides of the republican and loyalist divide in parallel with one another.

(a) Acceptance of certain fundamental principles

The Irish Government continues to believe in the crucial value of confidence-building endeavours for and by all sides. We continue to see considerable value therefore in the "principles" which we suggested in paragraph 6.11 of our submission as a confidence building measure. They are

- (1) recognition that the sustained observance of the cease-fire makes, of itself, an important point in relation to the commitment to peace made by former paramilitaries, which should not be undervalued now, and increases in time;
- (2) a commitment to exclusively peaceful and democratic means of influencing the body politic and resolving differences in the search for a political settlement;
- (3) a commitment that they will combine in negotiations to dismiss any attempt to use the threat or use of force to influence the outcome of such negotiations;

- (4) confirmation that a lasting peace and a secure political accommodation requires the decommissioning of arms;
- (5) acceptance of the need to abide by the terms of any outcome to political negotiations to which a majority of people in the North and South respectively give their assent and to resort to exclusively peaceful and democratic means, only, as a means of altering any aspects of that outcome with which they disagree.

The Government would urge the International Body not to undervalue the significance which the endorsement of those principles by the parties in conjunction with the International Body, or as a result of its report, would have. Each of those principles has a value in its own right and they build - incrementally - one upon the other: together they would represent a significant confidence building measure in their own right.

Moreover, if acceptance of principles on those lines could be consolidated by an indication of a willingness to engage on the practical consequences which flow from them, we believe that the basis would then exist for the Body to signal that the way should be opened to all-party negotiations.

(b) Follow-up on the practical consequences

The Irish Government has also considered, as requested by the Body, how the practical elements we identified in paragraph 6.12 of our submission might be developed as confidence building measures in the course of the process of all-party negotiations.

The Government would see advantage in any such element of the Body's report being linked to guidance from the Body as to the nature of the type of decommissioning scheme which might win general acceptance and be consistent with the avoidance of any connotation of "surrender". This could be on the basis of the soundings you have taken from

the groups with influence on the paramilitary groupings in particular. The Government would also see advantage in any guidance provided by the Body being in the nature of setting the parameters for those arrangements, instead of definitive proposals, for two reasons:-

- : we believe the parties have underestimated the nature and scope of the practical and legal issues which arise; and
- : the process to which the parties commit themselves will of necessity need to be contingent and linked in some way to the negotiations process itself, if there is to be a solution to the problem.

The Government believe that the three practical elements we had identified could themselves be broken down into a series of steps, each of which would in turn serve to build confidence in the course of the all-party negotiations.

These could be:

- (1) an indication in advance of the start of all-party negotiations by the parties or paramilitary organisations concerned that there is acceptance of the need for agreement with the two Governments during the currency of all-party negotiations on the modalities in the specific context of illegally held arms;
- (2) an undertaking in advance of all-party negotiations to engage in discussions either with both Governments or with the International Body or other third party on the modalities that might apply for this purpose on the basis of the guidelines indicated in the Body's report following the start of all-party negotiations;

- (3) the initiation of discussions to this end within a specified time frame following the start of all-party negotiations on the arrangements that would apply;
- (4) the target of securing agreement on the arrangements which would apply within a specified time-frame possibly linked to developments in all-party negotiations (e.g. no later than...);
- (5) the putting in place by the Governments of any necessary legislative framework to enable those arrangements to operate in practice;
- (6) the putting in place by the two Governments of any practical arrangements to give effect to the agreed arrangements - e.g. in respect of third party involvement, office accommodation etc.;

The Government believe that these steps have again the benefit of being incremental in nature and, by being linked to the talks process, of generating confidence by and for all sides in the equation. Agreement to embark on such a process would itself represent a major step on the part of the parties and groupings concerned.

### **Next Steps**

The Irish Government want to see acceptance of the need to advance the actual decommissioning of arms, in the course of all-party negotiations, as a means of promoting the search for a political settlement. The Government expect that this will only happen if all the relevant parties have demonstrated a determination to work for a political solution and there is a clear indication available from the parties as to the nature of the political settlement likely to attract widespread support.

The Government cannot say that what it is putting forward now would be acceptable to the paramilitary groups but it seems to it to be an honourable "middle-way" which would be capable of building trust and confidence and which could be usefully clarified with the relevant parties.

### **Inventory**

The Irish Government would not favour the idea of an inventory. We see no particular advantage in securing such an inventory and a considerable potential downside. The demand for an inventory - particularly within a specified timeframe - could serve to generate tensions within the groupings concerned at the wrong time and for no useful purpose. The police forces in both jurisdictions already have reliable estimates of what is available to the groupings concerned. Those estimates can, when the time is right, be the basis on which actual decommissioning is measured. There would be no guarantee that the groups concerned would be in a position to deliver an inventory of the kind concerned.

### **Phased decommissioning following the start of all-party negotiations.**

The Irish Government would equally strongly recommend against the suggestion of setting a time-limit on actual decommissioning. The only effect of that would be to create a further potential road-block for later and there would be no guarantee that progress could be made on the political track which would make such a development realistically possible.

#### (c) Paragraph 9 of the Joint Communiqué

The Irish Government also believes that there would be advantage in the Body's report addressing the potential for parallel movement on the decommissioning issue and

responsive measures by the Governments, the possibility acknowledged by paragraph 9 of the Joint Communiqué, in the context of its report. This would allow the wider concerns of the nationalist population in Northern Ireland to be addressed.

The question of developing a police service for Northern Ireland acceptable to both traditions is, for example, a matter that needs to be addressed as an essential issue in all-party negotiations. The absence of identification with the RUC is a product of the lack of political consensus in Northern Ireland and of the fact that, for historical and other reasons, it is perceived by nationalists as reflecting a predominantly unionist ethos. Reform of the RUC will therefore need to be an element of all-party political negotiations aimed at a political settlement based on consent. Acknowledgment of the need to enhance community identification with the policing in Northern Ireland as part of a new political framework should inform the approach of both Governments.

Other issues to be addressed in the context of responsive measures include concerns about the large number of legally held weapons in Northern Ireland, the continuing need for emergency legislation, and the scope for further reductions in British Army deployment .

This would, the Government believe, contribute in a significant way to creating a "win/win" situation .

12/1/96.

arms