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AN ROINN GNÓTHAÍ EACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS

BAILE ATHA CLIATH 2
DUBLIN 2

6 June, 1995

Mr. Tim Dalton,
Secretary,
Department of Justice,
72-76 St. Stephen's Green.

Dear Tim,

The enclosed note seeks to set out my personal assessment of the decommissioning issue, as food for thought for our forthcoming meeting.

Beyond sending it to Paddy Teahon, I am not giving it any wider circulation until we have our discussion.

Yours sincerely,

Sean O hUiginn
Second Secretary

cc. Frank
Murray

CONFIDENTIAL

Decommissioning as an obstacle to dialogue

1. "Decommissioning" is an area where the gap between the mentality of the Republican movement and the broad mass of the unionist population - and indeed outside opinion generally - is at its widest. To make it a precondition for progress is therefore to insist that the steepest slope of the peace process must be taken first, an inherently perverse strategy if the overriding goal is the successful consolidation of the exercise.

2. There is no mystery why decommissioning should be a major goal for the two Governments. A deadly arsenal being available will always increase the danger of its being used, with or without a change in its ownership. At the same time, it must be accepted that, even if every single item in circulation were decommissioned, a formidable terrorist campaign could be started in short order from existing expertise with home-made materials and supply networks. Decommissioning the mindset and conditions which dispose to the use of weapons will therefore neutralise the weapons, whereas the reverse is not necessarily the case.

3. Moreover, the debate has lost sight somewhat of the point that if the security forces could themselves find these weapons, they would be decommissioned in very short order. We should be clear we are talking of a voluntary move by the IRA, which the best security efforts have so far failed to compel. Unless this latter dimension somehow changes, we must therefore reluctantly accept the truth of Adams' dictum "that only the IRA can disarm the IRA". Sustained pressure has its role in that process, but it is unlikely to be sufficient without associated incentives and reassurances.

4. Apart from its intrinsic value as a goal, the British no doubt see strong tactical advantages in the present debate on decommissioning.
 - It is a degree of political insurance against their nightmare scenario, e.g. a sudden bomb in London.
 - It enables them to "pace" the process and provides a sustainable alibi to stave off negotiations for which they are not ready.
 - It divides the nationalist alliance, which they find galling, even as a necessary precondition for the ceasefires.

5. The key question of British motivation and goals is crucial to our posture on this issue. If the real British goal is to force Sinn Fein/IRA to split, on the assumption the violent rump could be mopped up by security means, then our cooperation in the process will be seen as that of a dupe. Any short-term "Falklands factor" in the British tabloids will be purchased at great cost if it refurbishes the culture of violence on this island. If, however, the real British goal as professed by Mr. Major, is to work in good faith to bring the whole phalanx into peaceful politics, then our task is to decide the best path to that goal, and seek to persuade the British. (It may be that the vacillations of British policy reflect a persistent hedging of bets between the two options).

6. Sinn Fein representatives consider, by their own lights at least, that they are meeting the British on two out of the latter's three conditions on decommissioning as a prelude to substantive negotiations:

- a declared willingness in principle to disarm progressively;
- a common practical understanding of what decommissioning would entail; and
- in order to test practical arrangements and to demonstrate good faith, the actual decommissioning of some arms as a tangible confidence building measure and to signal the start of a process.

They have said in the most emphatic terms that they cannot meet the last one, without either discrediting the proponents of such a move, or splitting their movement.

7. They have advanced various arguments in defence of this:

- That the issue is simply the latest British stalling tactic, one which was never mentioned before the ceasefire, and is moreover hypocritical, given British and unionist complicity with loyalist paramilitaries.
- That it has no precedent, either in Irish history or peace negotiations anywhere.
- That it seeks to present the ceasefire retrospectively as a surrender.
- That the question will be resolved naturally against a background of demilitarisation and comprehensive agreement, but not before.

8. There are obvious reasons, other than a hidden intention to revert to terrorism, why the IRA would find the issue difficult. The present leadership came to power by capitalising, in essence, on the "decommissioning" mistakes

of their predecessors. Weapons are one of the strongest bargaining chips in relation to other issues of crucial concern - notably prisoners. Decommissioning in advance would not only weaken their tactical hand. It would be a symbolic acceptance that the status quo at the time of decommissioning was the goal of the campaign of violence, an admission as unthinkable for them as it would be unsustainable with their followers.

9. The Irish Government must therefore strike a balance between maintaining sufficient pressure on the decommissioning issue to ensure it remains in view as a necessary component of the peace settlement, while resisting as far as possible being harnessed to a British tactical agenda, whose deeper goals are still uncertain and which, in the worst case, could be misguided to the point of destabilising the entire peace process.
10. In particular we must seek to avoid a sterile "chicken-or-egg" stand-off about whether comprehensive negotiations must be arrived at through decommissioning, or decommissioning through comprehensive negotiations. Unionist leaders have emphatically set decommissioning as a precondition for talks, but they have also notably failed to say that it is the only obstacle, thereby giving rise to the suspicion that it is only the most serviceable and convincing of a range of objections they will raise to a process of negotiations which poses acute dilemmas and risks, not least for the present political incumbents.
11. British change is a necessary, even if not a sufficient, precondition for unionist change on this issue. There is therefore a need to engage with the British seriously and operationally on this issue as of now. We should seek to establish agreed parameters between the two Governments on it. It is one where, more than most, the cooperation of the

Irish Government is absolutely indispensable for success, and we are entitled to be heard accordingly.

12. One difficulty is to establish what exactly the British mean by the third condition (para 6 above). Formally, their position is that it must be, so to speak, the first instalment in an agreed process, implying a highly optimistic scenario of the whole weapons issue being sorted out before formal negotiations. Informally they hint that any substantial gesture (e.g. semtex) would transform the climate.
13. They have never satisfactorily addressed two cogent objectives to a "gesture". The first is that, for unionists at any rate, a gesture is likely to be dismissed as cynical, and to intensify objections based on the weapons still retained, rather than otherwise. Secondly, a process of trading political engagement for weapons, particularly in an instalment plan with implicit tariffs, is the most overt possible bargaining with terrorism, with potential fire-power rather than democratic mandate as the chips in the negotiations. It could well symbolise a validation rather than a repudiation of physical force.
14. It would be far preferable from every point of view to separate the two incompatible approaches of political negotiations among political representatives and negotiations about weapons with armed paramilitaries. It will indeed prove essential to do so, unless the optimism of those who believe the IRA will surrender its weapons before serious political negotiations are engaged proves, against all the odds, to be justified.
15. In the hope that we can prevent decommissioning becoming a major road-block, we should use our contacts with the British and Sinn Fein to establish the broad outlines of a

scenario which might be viable on both sides. This would include:

- Goals: presumably complete disarmament of both sets of paramilitaries.
- Methods: Certified destruction seems ultimately a simpler approach than test-and-amnesty, notwithstanding the loss of security intelligence involved.
- Verification and immunities during the process: Third party verification is almost certainly necessary, given the near-certain involvement of both Governments, and the mistrusts in play across the divide. It may be found convenient to make the agreed verifier the vehicle of some of the immunity?
- Balance: The verification agent could also be used to ensure parallel progress with both sets of paramilitaries, since unilateral measures would be vehemently opposed in the respective ghettos.

16. We should seek to establish that this process would not be an upfront pre-condition for starting negotiations, but rather a necessary element for concluding them. Negotiations would take place on the basis of a formal (if positive and tactfully-worded) commitment to a purely political and democratic approach on all sides, affirming on the level of theory the level pitch between the participants. This would be combined with a general acceptance that the entire outcome depended on a positive outcome on the arms issue also, to be certified by either the Governments, or the verifying agency or both. The two streams would have to converge in an overall deal. How the implementation of decommissioning would be meshed with the other elements of a package would be for decision at that

point.

17. When the Government has sufficient sense from its discussions with the British and Sinn Fein as to what the broad lines of a coherent and acceptable plan might be, consideration might be given to launching it in the public domain. Third party sponsorship (Mr. Hume, the US?) might strike the right balance between authority and distance, given the inevitable risks for the Government in being irretrievably identified with a compromise proposal where either the British Government or the paramilitaries could balk. A well-considered, e.g. "Hume plan", "Clinton plan" endorsed by the Irish Government, and at least tacitly by the British Government and Sinn Fein, could point the road to decommissioning, while at the same time placing it more realistically in the context of a parallel strand which fed into an overall process towards the end of political negotiations, rather than as a precondition to launch them. This would offer a number of advantages:

- It would enhance the credibility of the goal of decommissioning in a way the present stand-off does not.
- It would set decommissioning as an incentive rather than an obstacle to political negotiations and encourage a realistic rather than a tactical engagement with the issue, both by the British and the unionists.
- It would encourage Sinn Fein to engage seriously with the issue, by reassuring them it would not be divorced from political context, but making it clear they would be called upon to deliver, on pain of wrecking a political agreement.

18. An obvious disadvantage is that the process of political negotiations would be, to an extent, hostage to the paramilitaries willingness to disarm. However, if the paramilitaries were inclined to refuse the fence, the other parties would have a much stronger basis, either for pressure on the paramilitaries, or for by-passing them if they and their representatives could not sustain involvement on an exclusively peaceful basis.

Sean O hUiginn

3 June, 1995