

**FINAL REPORT OF THE
INDEPENDENT INTERNATIONAL
COMMISSION ON DECOMMISSIONING**

**Presented to the Government of the United
Kingdom and the Government of Ireland
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INDEPENDENT INTERNATIONAL COMMISSION ON DECOMMISSIONING

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28 March 2011

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Reference	A.	Report of the International Body, 22 January 1996
	B.	The Northern Ireland Arms Decommissioning Act 1997 (UK)
	C.	The Northern Ireland Arms Decommissioning Act 1997 (Ireland)
	D.	Agreement between the Government of Ireland and the Government of the United Kingdom Establishing the Independent International Commission on Decommissioning, 26 August 1997
	E.	Decommissioning Scheme, Northern Ireland Office, 29 June 1998
	F.	Decommissioning Regulations, Government of Ireland, 29 June 1998
	G.	Decommissioning Scheme, Northern Ireland Office, 2 August 2001
	H.	Decommissioning Regulations, Government of Ireland, 3 August 2001

INTRODUCTION

1. The British and Irish Governments have requested a Final Report from the Commission now that its mandate has ended. This is that report. The Commission's mandate began on 26 August 1997 in accordance with Reference D, which was brought into force on 24 September that year when the two Governments formally established the Commission. Legislation required that the mandate be renewed annually by both Governments to give the Commission immunity from prosecution to interact with proscribed organizations, and to give paramilitary groups amnesty to have their arms decommissioned without being used in evidence for prosecution. The mandate was extended annually over the following twelve years by both Governments, until their decision not to renew it in 2010. Thus it ended in Northern Ireland at midnight on Tuesday 9 February 2010 and in Ireland at midnight on Thursday 25 February 2010.

2. Where appropriate we have attached Annexes to this report. We have not included all the official documents or legislation pertaining to the Commission. Many of these are available through a number of sources open to the public and all of them are already in the possession of the Governments. However for convenience we have cited certain official documents as References and we have attached them as Annexes to this report.

3. We have not included with this report copies of correspondence sent to the Commission by private individuals as these might be subject to privacy considerations. Also as directed by Ref. D, we consulted with the Northern Ireland political parties at the outset of our mandate and received from them papers setting out their views on decommissioning. These were provided in confidence and along with the private correspondence they will be deposited with our files for safekeeping by Boston College, Massachusetts, USA, subject to an embargo on their disclosure for thirty years.

OUTLINE

4. The report is comprised under the following headings:

- a. Mandate
- b. Organization
- c. Consultation
- d. Liaison
- e. Reporting
- f. Decommissioning: General
- g. Decommissioning: The Political Dimension
- h. Decommissioning: Chronology
- i. Reflections on the Process
- j. Lessons Learned
- k. Future arms decommissioning
- l. Conclusion

5. In their April 16th 2010 letter to the Commission requesting this report, the Governments listed issues they wished to see addressed in addition to those we would routinely include. These are addressed under the headings noted in subparagraphs 4.i., 4.j. and 4.k. above.

MANDATE

6. In brief, the Commission's *mandate* as directed in legislation and in supplementary Government directions was to:

- a. Consult widely;
- b. Recommend decommissioning methodology to the two Governments;
- c. Execute the decommissioning of paramilitary arms; and
- d. Report to the two Governments.

7. As detailed in Article 3 of Ref. D, the Commission was charged to: *facilitate the decommissioning of firearms, ammunition, explosives and explosive substances (hereinafter referred to as "arms") in accordance with the Report of the International Body, and regulations or arrangements made under the Decommissioning Act 1997 and any decommissioning schemes within the meaning of section 1 of the Northern Ireland Arms Decommissioning Act 1997.*

8. Ref. D required the Commission to: *Present to the two Governments proposals for schemes for decommissioning having due regard to the views expressed by those it has consulted.* After consultation with the two Governments, with the Northern Ireland political parties represented in the Decommissioning Sub-Committee of the Plenary Session, with the spokesman representing the Ulster Volunteer Force (UVF) and the Red Hand Commando (RHC), and with those the Commission believed could pass on the views of the other main paramilitary groups then on ceasefire, the Commission recommended two of the decommissioning options that had been suggested in the report of the International Body and reflected in Section 3 of Reference B and Section 2 of Reference C. These included:

- a. Provision of information for the purpose of collection and destruction by the Commission or a designated person; and
- b. Destruction by persons in unlawful possession (with verification provided by the Commission).

9. On 15 January 1998 the Commission recommended these two methods of decommissioning to the Governments (ANNEX I and J) and these were subsequently incorporated into a decommissioning *Scheme* by the British Government (Reference E) and in decommissioning *Regulations* by the Government of Ireland (Reference F), which gave the Commission direction and authority to conduct the decommissioning of paramilitary arms in both jurisdictions. The Arms Decommissioning Acts (References B and C) defined *decommissioning* as the destruction of arms, and *destruction* was further defined as *making (arms) permanently inaccessible or permanently unusable*. The *Scheme* and *Regulations* were to be implemented accordingly. A subsequent decommissioning *Scheme*, supplementing the 29 June 1998 *Scheme*, was brought into force by the Secretary of State on 2 August 2001 (Reference G) and subsequent decommissioning *Regulations*, supplementing the 29 June 1998 *Regulations*, were brought into force by the Minister of Justice Equality and Law Reform on 3 August 2001 (Reference H).

10. Article 4 of Reference D also directed the Commission to report periodically to both Governments, as well as to verify and audit (make a record of) the arms decommissioned by it.

ORGANIZATION

11. **Personnel.** Reflecting its international construct and mirroring the composition of the International Body and the Office of the Independent Chairmen, the Commission's members were all drawn from Canada, Finland and the United States of America. Drivers and building security personnel were drawn from nationals in each jurisdiction. At the outset the Commission consisted of three Commissioners, three Assistants, four office staff members and three locally employed drivers. Later the numbers were reduced to three Commissioners, one Assistant, a budget and administrative aide, a part-time office staff member, and two locally employed drivers. The three Commissioners were not permanently located in theatre but travelled from their home countries in the execution of their function. The Assistant, the budget and administrative aide, and the part-time office staff member were based in Northern Ireland or Ireland.

12. **Offices.** The Commission, being an organization established by the two Governments, had offices in both jurisdictions. The Dublin Office was located at Dublin Castle and the Belfast office was located at Stormont Estate, initially in Rosepark House and subsequently in Knockview Buildings. One Commissioner and the budget and administrative aide were located in the Dublin office, supported by one locally-employed driver. Two Commissioners, the Assistant and the part-time office staff member were located in the Belfast office, supported by one locally-employed driver. Security of both offices was provided by the Governments.

13. **Finance.** Being an independent organization, the Commission was self-accounting and managed its own budget, which was audited on an annual basis. The Government of Ireland acted on behalf of both Governments in the allocation of the budget, costs of which were shared by each, and audit was also the responsibility of the Irish Government. The Commissioner located in Dublin was responsible for overseeing the management of the budget, and the budget and administrative aide in Dublin worked with Irish officials in its day to day accounting. The Commission's financial records are held by the Government of Ireland.

14. **Agents of the Commission.** As foreseen in the legislation, the two Governments had the option of naming Agents of the Commission. They did so in 2000, when they named Cyril Ramaphosa of South Africa and Martti Ahtisaari of Finland as Agents to examine arms dumps belonging to the Irish Republican Army (IRA) to confirm that the arms contained in them were not in use. This action was intended as a confidence building measure in the absence of actual decommissioning activity by that paramilitary group. As Agents, the two were independent, but they reported to the two Governments through the Commission, twice in 2000 – on 26 June and 26 October and once in 2001 – on 30 May. After the first IRA arms decommissioning act in 2001 the two ceased their role as Agents. During some of the decommissioning acts verified by the Commission, the paramilitary group concerned requested that independent witnesses be present. The witnesses were not declared to be Agents of the Commission, but both Governments agreed that equivalent immunities would apply in practice for dealing with proscribed organizations during the period they acted as witnesses.

15. **Explosive Ordnance Disposal.** As a measure of its independent role, and to give it the professional capability to deal safely with paramilitary ammunition, explosives and explosive substances, the Commission approached the Governments of Canada and the United States of America to provide EOD officers to assist the Commission, as and when needed. These officers were provided by the United States Army and the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE), as well as by the Canadian Armed Forces. They were provided at no charge to the Commission, other than transportation and accommodation costs, and a number of them were subsequently involved in decommissioning events with the Commission. The Commission is grateful to Canada and the USA for the provision of these officers who did valuable and necessary work in the execution of the decommissioning mandate.

CONSULTATION

16. The Commission has consulted with both Governments on a regular basis since it was brought into being in 1997. Consultation was with representatives of the Northern Ireland Office in Belfast and London and with representatives of the Department of Justice and Law Reform in Dublin. Consultation took the form of regular meetings between the Commission and Government representatives, as well as, when called for, with the Secretary of State for Northern Ireland and the Minister of Justice and Law Reform.

17. As mentioned in paragraphs 3 and 8 above, we consulted with the political parties engaged in the talks through the means of the Decommissioning Sub-Committee of the Plenary Session. After the talks concluded with the Good Friday/Belfast Agreement in April 1998, we continued to meet with the Northern Ireland political parties, on request, until the Northern Ireland Assembly came into operation.

18. We also consulted with other agencies involved in the peace process, including the Patten Commission, the Police Oversight Commission and the Independent Monitoring Commission. We consulted with church groups and with various non-governmental organizations such as the Independent Commission for the Location of Victims' Remains, and we responded to correspondence from private citizens or groups that offered advice on decommissioning and on the disposal of decommissioned arms. As mentioned in paragraph 3 above, copies of correspondence exchanged between the Commission and private individuals are not included with this report but are being deposited with our files in Boston College.

LIAISON

19. During its operation, the Commission established a regular liaison link with the security agencies in both jurisdictions, including the Royal Ulster Constabulary (subsequently the Police Service of Northern Ireland) and the Army in Northern Ireland, and with the Garda Síochána and the Defence Forces in Ireland. We found that liaison with these organizations was vital to our function and we met on an as-required basis with liaison officers designated by each of the organizations. We benefited from their advice, from the regular provision of escorts when travelling on the public highway with arms to be decommissioned, with some aspects of decommissioning itself, and with searches carried out by the Commission based on information provided by paramilitary groups.

REPORTING

20. The Commission reported regularly to the representatives of the two Governments named for that purpose. The majority of the reporting was verbal, during consultative meetings, but written reports were also provided by us when the Governments requested them – on some occasions when we had carried out decommissioning acts. Copies of the written reports we provided to the Governments are included at ANNEX K.

DECOMMISSIONING: GENERAL

21. **Paramilitary Representatives.** When the Commission began its mandate in 1997 we recognized that we needed to interact with 'contact persons' from individual paramilitary groups who could represent to us authoritatively the views of their organization. The UVF and RHC jointly named a representative in late 1997 and the Loyalist Volunteer Force (LVF) did so in 1998, subsequent to the Good Friday/Belfast Agreement. Representatives of the IRA and the Ulster Defence Association (UDA) were named in late 1999, following the Review of the Agreement by Senator George Mitchell. The South East Antrim Brigade of the UDA, which split from the mainstream organization in 2007, named a representative that year, and the Official Irish Republican Army (OIRA) and the Irish National Liberation Army (INLA) each named representatives in 2008. In 2007 the Commission opened contact with the Shoukri paramilitary element which had been ousted from the UDA the previous year.

22. Our purpose in engaging with paramilitary representatives was to determine the willingness of the paramilitary groups concerned to decommission their arms, to agree on terms and methods of doing so that we felt met the requirements of our mandate (arms being rendered *permanently inaccessible or permanently unusable*), as well as to address questions of safety, completeness, verifiability and timings.

23. **Determining Terms and Methods of Decommissioning.** The Report of the International Body (Reference A) raised the need for arms decommissioning to be carried out in a manner that *should suggest neither victory nor defeat*, given that any decommissioning on the part of paramilitary groups would be voluntary acts. To that end we discussed with individual paramilitary group representatives:

- a. Whether the group wished to carry out decommissioning in public or in private;
- b. Whether the group wished cameras or witnesses to be present; and
- c. Whether the group or the Commission should be the first to make an act of decommissioning known publicly (noting that we had an obligation to inform the two Governments when such an act took place).

24. Only the LVF, which carried out an act of decommissioning in 1998, wished it to be executed in public with a media pool present. The other groups all wished their acts of decommissioning to be carried out in private with verification by the Commission. On occasion, some groups wished independent witnesses to be present.

25. **Paramilitary Arms.** In some instances estimates were available to the Commission of the quantity of arms held by individual paramilitary groups. These estimates identified the general nature of the weapons, ammunition, explosives or explosive devices believed to be held by individual groups, and possible quantities in a range between high and low figures. We considered the estimates as a guide during decommissioning. Representatives of each of the paramilitary groups (the LVF excepted) told us of the difficulties they had in confirming that the arms they decommissioned constituted the totality of the arms originally held by the group. Reasons given included:

- a. The passage of time and fading memories as to the locations of individual arms or caches;
- b. The fact that the organization had suffered a split and arms had been taken by those who had left;
- c. The distribution of arms to subordinate 'quartermasters' and the death of individuals who had been responsible for where arms were hidden;
- d. The recovery of arms by the security forces; and
- e. Imprecision in recalling the quantities of ammunition and explosives used in training and in paramilitary attacks.

26. In some cases the representatives of paramilitary groups told us where they believed arms they had been unable to find had originally been stored. We carried out searches in these areas, on occasion in cooperation with the security forces. With the concurrence of the paramilitary group concerned we have passed on to the security forces in both jurisdictions information regarding areas in which a paramilitary group believed some of its arms had been stored which it had been unable to recover.

27. Instances have occurred where a paramilitary group that decommissioned its arms, subsequently discovered previously un-recovered arms, and re-engaged with us to decommission them. In that regard, some paramilitary group representatives have asked us what they should do with arms they may

recover after the commission no longer exists. We refer that question to the Governments for their determination and we make suggestions commencing in paragraph 53 below.

28. Given the uncertain nature, or the absence of estimated arms holdings, when a paramilitary group declared it had completed decommissioning we asked its representative to confirm whether the arms decommissioned constituted its complete inventory. While each of the paramilitary groups we dealt with (the LVF excepted) confirmed that the arms they decommissioned constituted the totality of the arms under the leadership's control, none was able to confirm definitively that all of its arms had been decommissioned for the reasons listed in paragraph 25 above.

29. As required by direction from both jurisdictions (References D, E and F), the Commission has maintained a record of all the arms it verified as having been decommissioned. We are aware that by maintaining strict confidentiality with regard to arms decommissioned during the execution of our mandate (the LVF arms excepted) we caused concern to some in the wider political process. But we believe that decommissioning would not have been achieved had we not been able to maintain confidentiality about its conduct (paragraph 38 below).

30. While the reference direction is silent on the final disposition of the record of decommissioned arms, it has been our understanding from the outset that we would provide that record to the two governments for their information. We continue to believe that to be the right course of action, but we also believe that to do so now would be unhelpful to the peace process. Decommissioning is still incomplete in that armed and active paramilitary groups still possess a variety of arms. We have already referred to the issue of arms that come to light subsequent to the Commission's dissolution. Providing details now of what paramilitary arms have been put beyond use, could, in our opinion, encourage attacks on those groups which have taken risks for peace. This is true of both Loyalist and Republican paramilitary groups. We would not wish, inadvertently, to discourage future decommissioning events by groups that are actively engaged today, nor to deter groups that have decommissioned their arms from handing over any arms that may subsequently come to light.

31. Accordingly, we have made arrangements for the safe retention of the records of decommissioned arms by the United States Department of State in Washington, DC. The Department will hold them securely until such time as both the British and Irish Governments make a joint written request for them – when they consider it appropriate to do so, taking into consideration the prevailing circumstances and the issues we have identified here.

DECOMMISSIONING: THE POLITICAL DIMENSION

32. At no time did the Commission's mandate include a political remit. Its role was solely to execute paramilitary arms decommissioning and to report to the two Governments on it. But arms decommissioning itself was inextricably linked to political issues and its success or failure was dependant on progress in the political arena. In turn, progress or otherwise on decommissioning influenced events in the political arena. The reason that talks to address the future of politics in Northern Ireland did not begin immediately following the Republican and Loyalist ceasefires of 1994, was due to the issue of decommissioning. This failure led to the creation of the International Body to examine decommissioning and to make recommendations on it, but even after the Body's report was made public in January 1996, and even after the talks started the following June, the failure to reach agreement on anything other than procedural issues lasted for yet another year – largely over disagreement on where the issue of decommissioning should be placed on the Agenda. It was not until the Commission was established in 1997 to address the decommissioning problem, that the talks addressed substantive constitutional and political issues, leading to the Good Friday/Belfast Agreement

being concluded in April 1998 and subsequently approved in referendums North and South the following month.

33. Even then, progress in setting up the Assembly and devolving authority to it, was delayed by the lack of progress on decommissioning. A series of events whereby the Assembly was set up and then suspended, and then set up again and then suspended, occurred over a period of years, due in part to the lack of progress on decommissioning. From the onset of the Commission's establishment, we urged the paramilitary groups to make contact with us and to address decommissioning substantively. Even when all the groups had named representatives, progress on actual decommissioning lagged. We were given a number of reasons for the delay, some of them relating to political issues. These include:

a. **Timing.**

- (1) The decommissioning section of the Good Friday/Belfast Agreement states in part: *They (the Parties participating in the talks) also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.* Since the referendums took place in May 1998, the target date for decommissioning was May 2000. But other than the LVF decommissioning event in 1998, and despite our urgings to the other groups, no acts of decommissioning took place until 2001. Some of these groups reminded us that the Agreement called for decommissioning to take place: *in the context of the implementation of the overall settlement*, and pointed out that all aspects of the Agreement had not yet been implemented. Indeed, the implementation of the last major component of the Agreement – the devolution of policing and justice – only occurred early in 2010; and
- (2) As an aside, and not necessarily in connection with the political dimension of the delay in starting decommissioning, we also found that in some cases misperceptions caused delay. We were told by one loyalist paramilitary group shortly after the final IRA decommissioning event in 2005 that: “Everyone knew the IRA would never decommission, so we have not prepared our volunteers for this step.”

b. **Political Stability.** Other groups were cautious in agreeing to start decommissioning in light of what they observed to be the fragility of the political process. They reminded us that their groups had originally declared cease-fires in order to give politics the chance to address their concerns. But with the seemingly ‘on again, off again’ establishment and subsequent suspension of the Assembly, they were uncertain as to whether politics would indeed be able to address those concerns. In this regard we also believe that while the leadership of paramilitary groups on both sides was convinced that decommissioning and inclusive government was the way forward, they felt they had to move cautiously to ensure that their organizations did not split, and that called for demonstrable political progress; and

c. **Reintegration.** Some groups referred to the difficulty of reintegrating their paramilitary members into society, given that many had not completed their education or trades-training before joining their group, either before or during the period of the ‘Troubles’, and to the fact that the communities in which many lived were economically deprived

with few opportunities for employment. They sought recognition of these difficulties by the political authorities and action to address them, to encourage the membership to decommission their arms.

34. Although our ability to make progress on decommissioning was dependent on political issues outside our mandate, we did pass these concerns – expressed to us repeatedly and in detail by the representatives of some paramilitary groups – to the two Governments for their consideration.

DECOMMISSIONING: CHRONOLOGY

35. Numerous individual acts of decommissioning were carried out and verified by the Commission between 18 December 1998 and 8 February 2010. Written reports to the Governments on some decommissioning acts are among the reports included at Annex K. The chronology of these acts, and the related events between 1997 and 2010 are as follows:

- November 1997 – The UVF/RHC nominates a representative to the Commission.
- 10 April 1998 – The Good Friday/Belfast Agreement is concluded, calling for decommissioning within two years of referendums North and South on the Agreement.
- September 1998 – Sinn Féin nominates a representative to the Commission.
- 18 December 1998 – An act of decommissioning of some LVF arms is conducted by the Commission.
- 06 September to 19 November 1999 – The Mitchell Review of the Good Friday/Belfast Agreement takes place.
- 02 November 1999 – The Commission responds in writing to George Mitchell regarding decommissioning.
- November 1999 – The IRA and the UDA nominate representatives to the Commission, which commences separate discussions with them in December.
- November 1999 – The UVF/RHC representative agrees in general with proposed methods of decommissioning, but says they will not begin before the IRA has said “the war is over.” The Commission meets with four UDA representatives who generally agree on methods of decommissioning but claim they will not begin to decommission their arms before the IRA begins to do so.
- 30 November 1999 – The Northern Ireland Act 1998 devolves powers to the Northern Ireland Assembly with effect 2 December 1999.
- 11 February 2000 – The Commission reports it has received no information on when IRA decommissioning will start. The Secretary of State suspends the Assembly and reinstitutes Direct Rule. The IRA suspends contact with the Commission.
- 05 May 2000 – The two Governments make a joint statement to set up the Executive and to address the concerns about implementing the remaining issues of the Good Friday/Belfast Agreement. The decommissioning target of May 2000 having not been met, the two

Governments set a new target for decommissioning to be completed by June 2001. Subsequently the IRA propose, as a confidence building measure, to have outside observers examine some of their arms dumps to demonstrate that they are not being used. The governments call on Cyril Ramaphosa and Martti Ahtisaari to act as Agents to do this. The IRA agrees to resume discussions with the Commission.

- 30 May 2000 – Devolution of powers to the Northern Ireland Assembly is restored.
- 01 July 2001 – David Trimble resigns as First Minister over paramilitary failure to decommission, followed by the remaining UUP Ministers on 18 Oct.
- 10 August 2001 – The Secretary of State orders 24-hour suspensions of the Assembly between 10 August and 22 September 2001.
- 23 October 2001 – The IRA announces its first act of decommissioning.
- 06 November 2001 – David Trimble is re-elected as First Minister and Mark Durkan as Deputy First Minister.
- 08 April 2002 – The IRA's second act of decommissioning is announced.
- 14 October 2002 – The Secretary of State suspends the Assembly over allegations of Sinn Féin spying at the Assembly Building in Stormont.
- 30 October 2002 – The IRA states that its cease-fire is intact and that it is committed to the peace process, but that it is suspending its contact with the Commission. Contact was subsequently resumed.
- 17 January 2003 – The UVF suspends contact with the Commission due to concern over the lack of political progress.
- 28 April 2003 – The Assembly is formally dissolved in anticipation of a May 2003 election, which was subsequently postponed until later in the year.
- 21 October 2003 – The IRA's third act of decommissioning is announced.
- 26 November 2003 – An election in Northern Ireland produces a new Assembly, which is subsequently suspended.
- December 2004 – An anticipated fourth IRA decommissioning event is postponed over demands that photos be taken.
- 20 December 2004 – A large bank robbery takes place in Belfast, allegedly carried out by the IRA. Disagreement among political parties over the issue of decommissioning transparency derails progress on decommissioning by any of the paramilitary groups.
- April 2005 – The leader of Sinn Féin calls on the IRA to end its war and to decommission its arms.

- 28 July 2005 – The IRA publicly announces that “the war is over” and that it will decommission the remainder of its arms.
- 26 September 2005 – The Commission announces the completion of IRA arms decommissioning.
- 19 January 2006 – The Commission reports to the Governments that it has opened up discussions with the Ulster Political Review Group (UPRG) on behalf of the UDA, which will consider decommissioning if the Assembly will address its socio-economic concerns. The report also notes the UVF’s continuation of its break in formal discussions with the Commission.
- 15 May 2006 – The Secretary of State creates a non-legislative fixed-term Assembly to make preparations for the re-institution of a devolved government in Northern Ireland and for a fully restored Assembly.
- 13 October 2006 – The St Andrews Agreement leads to the establishment of a Transitional Assembly and a timetable to restore devolution, and sets the date for the third election to the Northern Ireland Assembly on 7 March 2007.
- 03 May 2007 – The UVF announces the abandonment of the use of violence in the pursuit of political aims. It declares it will put all its arms “beyond reach”, but not by decommissioning them through the Commission.
- 08 May 2007 – A new power-sharing Assembly is convened with the First and Deputy First Ministers taking office and a ten member Executive sworn in.
- 27 October 2007 – The Commission reports it has decommissioned a quantity of arms belonging to the South East Antrim Brigade of the UDA.
- 22 October 2008 – The Commission reports to the Governments that it has re-opened discussions with the UVF. The UDA representatives said their group wishes to decommission its arms but still waits for recognition of the economic concerns affecting its constituency. It is also concerned by the seeming political impasse within the Assembly. The representatives of the South East Antrim Brigade echoed similar sentiments concerning their members’ intention to decommission.
- 01 December 2008 – The Commission reports a decommissioning event involving some arms of the Shoukri paramilitary element.
- 29 January 2009 – The Governments announce the extension of the Commission’s mandate into February 2010, stating that this will be the last extension. They add the caveat that unless substantive progress is made on the decommissioning of loyalist weapons by August 2009, the mandate will be ended then.
- 12 June 2009 – The Commission reports verbally to the Governments that it has decommissioned substantial quantities of UVF/RHC arms in front of independent witnesses, and that the leadership of these paramilitary groups has declared that these arms constitute all they had under their control. The IICD also reports verbally that over the previous months it carried out a further two acts of decommissioning with the South East Antrim Brigade.

- 16 June 2009 – The Commission reports verbally to the Governments that it has carried out an act of decommissioning of UDA arms, which the representatives said was the first in a series of acts that should lead to their complete decommissioning.
- 18 October 2009 – The Official Irish Republican Army (OIRA) carries out an act of decommissioning with the Commission in front of independent witnesses.
- 17 December 2009 – The Irish National Liberation Army (INLA) carries out an act of decommissioning with the Commission in front of independent witnesses. The Commission also decommissions a second quantity of arms belonging to the Shoukri paramilitary element which we were informed was the remainder of those in its possession.
- 04 January 2010 – The OIRA carries out a second act of decommissioning. The representative states that the arms decommissioned in this act were the remainder of all they could recover of stocks that had been inactive over a number of years.
- 05/06 January 2010 – The UDA carries out a major act of decommissioning conducted in the presence of independent witnesses. The leadership states that the arms decommissioned include the remainder of those under its control.
- 01 February 2010 – The INLA carries out a second act of decommissioning in front of independent witnesses, and their representative reports that the arms concerned were the remainder of those under the leadership's control.
- 08 February 2010 – The South East Antrim Brigade also carries out a decommissioning act of what they state is the remainder of their arms.

REFLECTIONS ON THE PROCESS

36. **Mandate.** Reflecting on the mandate given us by the two Governments, we believe that the direction in the original legislation and in subsequent government documents, as well as the parameters within which we were required to operate, were valid, necessary and appropriate to the circumstance. Nonetheless, the nature of that direction made the task of implementing the decommissioning mandate difficult in one respect. While the two Decommissioning Acts of 1997 were explicit and detailed, and while the Schemes and Regulations gave us the necessary authority and flexibility to carry out our task, the fact that several issues were left to our judgement was a concern to some, who would have preferred to see more specificity in the direction and more transparency in its execution.

37. If the Governments had been specific as to what methods had to be used to carry out decommissioning – in what circumstances, by which date and whether or not in the public eye – our task would have been simpler. But we believe it is unlikely that it would have been successful. We believe that the flexibility given us to negotiate and agree with each of the paramilitary groups the terms and method of decommissioning – while ensuring that they met the requirements of the legislation and did not demonstrate victory or defeat – was fundamental to decommissioning taking place at all.

38. **Transparency.** It was evident to us, as it had been to the International Body in 1996, that the clear wish of those who had suffered at the hands of paramilitary groups during the period of the 'Troubles' – and indeed, other members of the public and the political parties as well – would be to see

physical evidence that those same paramilitary groups had put aside their arms and foresworn violence. The manner in which the LVF conducted its first (and last) decommissioning event in 1998, with cameras and a media pool present, demonstrated the public's satisfaction at seeing paramilitary arms actually being put beyond use. In spite of our pointing out the negative consequences of a lack of transparency, all the other paramilitary groups opted to carry out their arms decommissioning in private, with only members of the Commission and in some cases EOD technicians and/or independent witnesses present. As a result, public expectations in this regard were not met. While this situation undoubtedly caused concern to some, we believe that our acceding to a paramilitary group's decision in this matter was necessary, if decommissioning was to take place.

39. **Trust.** The establishment of trust was another factor in extending the time for decommissioning to begin. As already mentioned, other than the UVF/RHC in 1997 and the LVF in 1998, paramilitary groups did not name representatives to deal with the Commission until late in 1999. Then, in addition to the paramilitary groups' other concerns, it took time to establish a sufficient level of trust between their representatives and the Commission before the former were prepared to recommend to their membership that decommissioning should happen. The basis of this trust involved each side believing that the other would do what they said they would do, and that each would always act in good faith. Some might question the concept of placing trust in individuals who represent proscribed organizations, but we found that creating trust was an essential part of our task and it proved to be fundamental to the execution of the mandate.

40. **Quantity of Arms.** This report has already made reference to the difficulty of knowing exactly the number and quantity or type of arms held by each of the paramilitary groups we dealt with – and consequently our inability to declare definitively that decommissioning has been totally completed by those groups. The reasons the paramilitary groups could not be definitive over the completeness of their arms decommissioning has also already been referred to. But we believe – partly based on the quantities we dealt with, bearing in mind some estimates; partly on the manner in which ammunition was delivered to us (frequently in containers with a wide variety of mixed calibers and different natures that reflected the results of collection from a number of different sites or individuals); and partly on our requiring the representatives to affirm that the quantities we dealt with constituted all that the group had or that was under the control of its leadership – that decommissioning, as conducted, was as complete as it could be.

LESSONS LEARNED

41. There were a number of factors not obvious to us at the outset of our involvement that are clearer now that it is at an end. These are perhaps self-evident but we repeat them as lessons learned.

42. The need for dialogue is paramount as well as the need to be impartial. The organizations we dealt with, however abhorrent they may be to their opponents and to the families and friends of their victims, each approached the process out of a desire to put an end to violence. Their wish to do so deserved respect as well as an understanding that the condition on which they based their willingness to negotiate was that political measures would be put in place to address their concerns. In that regard, and as mentioned earlier, the need to develop trust between us and the paramilitary groups we were dealing with was crucial. If either had suspected the other of harbouring resentment or of insincerity, the discussions would have gone nowhere.

43. Also as mentioned, when it became clear that decommissioning would not be rushed, and that it would indeed be tied to progress being made in the political arena, patience became a necessity. Both the Commission and the paramilitary groups were criticized for lack of progress, but it was essential that our discussions continued – or when broken off, that they were re-opened as soon as possible.

44. We found our liaison with the security forces in both jurisdictions to be essential to our operation. We could understand if members of the security forces might have been resentful of outsiders like ourselves being involved in issues that were rightfully their professional purview. As it was, we were given every courtesy and assistance by members of all the security organizations we dealt with, each of which seemed eager for us to succeed and anxious to do what they could to help us.

45. It was also essential that we had easy access to, and a good relationship with policy and operational officials of both Governments. Since these were the organizations from which we received our mandate and to which we reported, saying this may seem to be stating the obvious. Nonetheless, the officials in the Secretary of State's office and the Department of Justice to whom we reported, were always ready to receive us and to listen to any concerns we might have. Such an open and constant working relationship is essential to an organization like ours being able to operate effectively.

46. Our relationship with the Northern Ireland political parties was important to us, particularly in the early months of our operation. The advice we received about each party's thinking on decommissioning – during the period when we were reporting to the Decommissioning Sub-Committee of the Plenary Session – was helpful to us in formulating our approach to the task of making recommendations to the Governments on methodology. Our subsequent meetings with individual parties, prior to the Assembly going into full operation, were equally helpful. We benefited from hearing their views, particularly as they reflected the views of the people of Northern Ireland, and even when we received criticism, we used that to examine how we were executing our role.

47. The issue of decommissioning constituted a high-profile part of the peace process and it attracted prolonged and close international interest, so it was important that the Commission had a good relationship with the media. The public was understandably anxious to hear what we were doing and the media was always ready to meet that need; but equally, the nature of our work did not benefit from constant publicity. Indeed, those we dealt with were not anxious to have our discussions and our subsequent engagements open to the public. Members of the media in both the United Kingdom and Ireland exercised a helpful restraint in dealing with us and we are grateful to them for their forbearance.

48. The need for the potentially contrasting qualities of perseverance and flexibility became apparent in our discussions with the paramilitary representatives. Perseverance in that we were required to insist on holding to the basic precepts of our mandate (arms being rendered permanently inaccessible or permanently unusable in a safe and verifiable manner) and yet at the same time exercising the flexibility necessary to develop measures that met both our and the representatives' concerns.

49. At the risk of departing from the purely decommissioning aspects of our role and the lessons learnt from it, there are several elemental principles emanating from the overall conflict-resolution process in Northern Ireland – of which decommissioning was a significant part – that we believe might usefully be applied to other ethnic or sectarian-related conflicts. We found that a number of these principles had an impact on what we were attempting to do in executing our mandate and we offer them here accordingly:

- a. We believe there has to be a desire for a genuine peace agreement among the participants in the process – both those who are armed and unarmed. Leaders and supporters on both sides should accept that peace is preferable to continuing violence. Without acceptance of this point, any cease-fire agreement becomes tactical and subject to potential collapse by one side or the other for short-term advantage. When that

happens, the political arrangements constructed on the basis of that cease-fire collapse also;

- b. We believe there is likely to be no lasting cease-fire until key leaders and significant numbers of supporters on both sides accept that while the opposition can perhaps be fought to a standstill, it cannot ultimately be permanently eradicated – at least, not without measures being taken that are unthinkable in a free and democratic society. Some will hold firmly to the idea that if the armed security forces are unleashed, they can defeat the opposition once and for all. But the price of unleashing armed security forces is high in political and moral terms. While guns may be eliminated by force, ideas cannot be. A constructive solution is more likely to be found through negotiation and compromise, which can lead to the realisation that illegal arms are both unacceptable and unnecessary;
- c. It seems to us that peace in Northern Ireland inherently involves accepting what is referred to here as *parity of esteem*. It means accepting that the other side has an absolute right to equal protection under the rule of law. It also means that however reprehensible some acts are that were committed in the past, at some point a line needs to be drawn under them – never to forget, but to be able to move on. For many, and particularly for those who have suffered loss or grievous injury in the past, accepting this conclusion may be very difficult. For some it may be impossible and it may even take generations – but it is, we believe, a worthwhile goal;
- d. We believe that political, community and religious leaders need to say convincingly that behaviour fostering social division is unacceptable. People with influence in society should consistently make the case that peace and civility are preferable to continuing strife, no matter what grievances are held. An expression we have frequently heard in Northern Ireland refers to this situation as the *decommissioning of mindsets*. It requires leaders at all levels to accept the difficult task of telling their supporters that some previously-held convictions may no longer be tenable. We feel they should explain that the time has come to look forward, not backward. We understand that doing so takes courage and commitment;
- e. Name-calling – the use of pejoratives like “terrorist” – or the labelling of opponents – may seem justifiable, but we believe it is counter-productive to progress and it increases the influence of those opposed to compromise. Moreover, until each side is willing to listen to what the other has to say, neither will understand the extent to which there is justification for the amends sought. And if one side does listen to what the other has to say, it is easier to demand that the other listen in return;
- f. We believe it is unhelpful to refuse to recognise opponents as legitimate negotiating partners. Face-to-face discussion, we feel, is essential to successful negotiation. The longer discussion is put off the longer it will take to get to the core of the underlying differences and to an exploration of where mutually acceptable compromise may lie. We think that, difficult as it may be, proponents in negotiations should be prepared early on to accept the idea that their opponents should be treated as political equals;
- g. We believe it is not helpful to demand an opponent to admit to wrongdoing. As Reference A noted, *The decommissioning process should suggest neither victory nor defeat*, and we believe this principle applies to other negotiations. It may be extremely tempting to try to arrange an outcome that can be construed as a victory over the other

side or to have decisively won the debate. But we believe that doing so will only harden an opponents' resolve not to compromise. One can negotiate compromise, but not contrition;

- h. It is our contention that extremists on either side should not be allowed to derail negotiations. Those at the fringes, the irreconcilables, should not be permitted to hijack any peace process. In the same vein we feel that political leaders should not walk away from the table when extremists commit atrocities, whose aim is designed to derail negotiations. It may be necessary to suspend the talks for a period, but some contacts should always be kept open. There will be some whose sense of injustice or indignation over the other sides' arguments is so extreme that any compromise is seen only as betrayal or treachery, and they may do whatever they can to stop the process going forward. Leaders should warn their supporters in advance that such behaviour is possible and stress the need not to react to it; and
- i. Finally, it may be the case that some difficult issues can usefully be addressed by using organizations or individuals drawn from outside. But we think it should be made clear that those individuals or bodies are simply the instruments to help reach a satisfactory conclusion to the dispute – and that a conclusion that will satisfy the majority can only be reached by the participants themselves.

FUTURE ARMS DECOMMISSIONING

50. We have been asked our views on future arms decommissioning in Northern Ireland, which we take to include dealing with the arms of currently active paramilitary groups as well as the disposal of arms belonging to those groups which have already decommissioned, but some of whose misplaced arms may subsequently come to light.

51. One response is that the Independent International Commission on Decommissioning is a body enacted by law in both the United Kingdom and Ireland, and while its mandate ceased at the end of February 2010, it can be brought back into being again whenever necessary under new legislation. Thus with the agreement of both Governments, a Commission could be reconstituted with a new mandate at any time. It could then deal both with active paramilitary groups that declare ceasefires and that wish to disarm, as well as with any arms that subsequently come to light within other organizations seeking to dispose of them without penalty.

52. It may be that a different approach needs to be taken in dealing with the arms of groups that are not now on ceasefire, and the new discovery of arms belonging to those who have already decommissioned.

53. **Arms Newly Discovered.** As already mentioned, a small number of arms belonging to groups which have already decommissioned may still come to light. This situation could arise against the background set out in paragraph 25. It would seem to us that in such an event consideration could be given to the terms of the current legislation preventing the forensic testing of arms being continued. The newly discovered arms could be turned over to individuals approved by the paramilitary group concerned and empowered by the respective Government to receive and deal with them. Such individuals may or may not be foreign nationals and may or may not include members of the security forces. Whoever is chosen, they could be mandated to arrange decommissioning in a manner consistent with the current legislation, that is, to render arms permanently inaccessible or permanently unusable.

54. **Decommissioning the Arms of Active Groups.** The legislation in References B and C was made at a time when a political solution to the troubles in Northern Ireland had not yet been reached. Decommissioning was called for as progress was made in the political discussions, and, subsequent to the approval of the Good Friday/Belfast Agreement, it was expected to take place as the terms of that Agreement were implemented. That situation is in the past. The paramilitary groups that declared ceasefires to allow politics to address their concerns have now decommissioned their arms, there now being in place political structures to address those concerns.

55. If and when paramilitary groups that are currently active decide to declare ceasefires and decommission their arms, it is likely they will wish to be treated in the same way as groups that decommissioned theirs earlier. They should be given that opportunity and a Commission should be re-enacted and mandated to allow that. We would suggest that a specific and shortened period of time be given for decommissioning, since the question of political progress is no longer a factor. We would also suggest that if the question of mandate-extension does become a factor, a simpler process might be considered.

56. Looking back on the experience of earlier decommissioning, we would emphasize the importance of reintegrating into society the members of paramilitary groups who voluntarily cease their paramilitary activities. Concern over this issue, and its effect on some communities, was one reason decommissioning was delayed earlier, and it may be an issue with members of groups currently active. The reintegration into society of those previously involved in conflict is accepted by the United Nations as an integral part of conflict-resolution and we believe it applies to the Northern Ireland conflict as well.

CONCLUSION

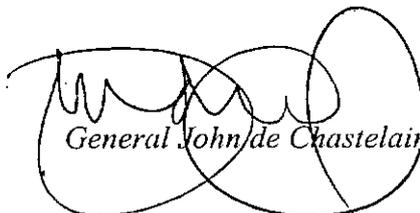
57. The leadership of the IRA, the UVF/RHC, the UDA, the South East Antrim group of the UDA, the OIRA, the INLA and the Shoukri paramilitary element, have all declared that the arms they decommissioned constituted all they had under their control. The Commission accepts their declaration. However it seems inevitable that some paramilitary arms remain un-decommissioned, either through loss or remaining in the hands of those who have not acceded to their leadership's direction, and it is unclear if all of the LVF's arms (if that group still exists as an organization) are decommissioned. While we recognize that this situation is unsatisfactory, it is important to note that each of the paramilitary organizations we dealt with (the LVF excepted) has stated that for them the war is over and that they have undertaken to pursue their goals by political and democratic means exclusively.

58. Earlier reference to dissident paramilitary groups still being active raises an area where the Commission has had no success. During our involvement in the process we have examined, sometimes in conjunction with some of the paramilitary groups with which we were in contact, the possibility of opening up discussions with groups such as the Continuity IRA and the Real IRA. We have also made public our readiness to open such discussions. We were unsuccessful in doing so and the decommissioning of the arms of those organizations remains outstanding.

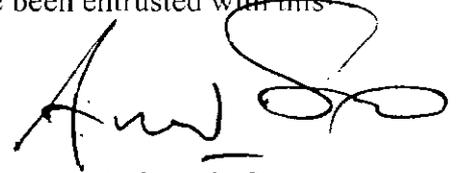
59. In closing its operation, the members of the Commission wish to thank all who co-operated with us for their support and assistance throughout the lengthy period we have been entrusted with this challenging mission.



Brigadier Tauno Nieminen



General John de Chastelain



Andrew D. Sens

- ANNEXES
- A. Report of the International Body 22 January 1996
 - B. The Northern Ireland Arms Decommissioning Act 1997 (UK)
 - C. The Northern Ireland Arms Decommissioning Act 1997 (Ireland)
 - D. Agreement between the Government of Ireland and the Government of the United Kingdom Establishing the Independent International Commission on Decommissioning, 26 August 1997
 - E. Decommissioning Scheme, Northern Ireland Office, 29 June 1998
 - F. Decommissioning Regulations, Government of Ireland, 29 June 1998
 - G. Decommissioning Scheme, Northern Ireland Office, 2 August 2001
 - H. Decommissioning Regulations, Government of Ireland, 3 August 2001
 - I. IICD Proposal to the Governments for a Decommissioning Scheme I, 15 January 1998.
 - J. IICD Proposal to the Governments for a Decommissioning Scheme II, 1 January 1998.
 - K. IICD Reports to the Governments, 21 November 1997 to 25 February 2010.

Please note that the annexes to this report are available on the NIO website www.nio.gov.uk