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United States Department of State

Washington, D.C. 20520

September 24, 1995

TO: NSC-European Directorate - Mary Ann Peters
FROM: State-S/IR - Martha Pope *MAP*
SUBJECT: Senator Mitchell and Decommissioning of Arms in
Northern Ireland

We have prepared the attached paper on several issues related to Senator Mitchell's potential service as head of a body to look into decommissioning of illegally held arms in Northern Ireland. As noted in the paper, Senator Mitchell has not been formally approached by any side about a role in decommissioning. Should he be approached and agree, with USG approval, to serve, the attached paper represents our views on his status and staff support in such a capacity. The paper is not a legal analysis but does use an initial review (also attached) of possible options by L as the basis for its discussion.

Attachments: As stated

Senator Mitchell and Decommissioning in Northern Ireland

Senator Mitchell on a Decommissioning Commission

No party has formally asked Senator Mitchell to consider a position as head of a body to consider the decommissioning issue in Northern Ireland. However, he is obviously aware of reports that he might be asked to chair such a commission and is following related talks and progress closely. He has adopted a wait-and-see attitude.

Senator Mitchell's Status on a Commission

At this point, the prospects for a decommissioning entity are uncertain. However, if all parties agree to a commission, it seems likely that its work would be expected to commence rapidly. Thus, it is not premature to determine the best way that the Senator could serve, should he agree to participate in an eventual USG-supported proposal. In an initial review, State Department lawyers have found four alternatives as follows:

(a) Senator Mitchell would act in his capacity as a private citizen. In this circumstance, the Emoluments Clause of the Constitution would dictate that Senator Mitchell resign as Special Advisor to the President and Secretary of State for Economic Initiatives in Ireland. His staff and expenses would prospectively be provided and funded by the Irish government and HMG. However, significant USG staff support might be possible as long as those officials reported back to the USG. (L is currently uncertain about this possibility.)

(b) Decommissioning would be added as an additional but limited responsibility to Senator Mitchell's existing portfolio (decommissioning would certainly further economic expansion in the region). This option avoids constitutional conflicts and USG staff support is possible. This would provide Senator Mitchell the ability to ask for guidance and assistance from agencies of the USG, as needed.

(c) Senator Mitchell is appointed as "wise man" a la Roberts Owen on the Bosnian constitution. He would not be a USG employee and would not represent the USG. This option would require his resignation as Special Advisor. However, the USG could pay his expenses. Presumably USG staff support might be possible on a basis similar to that in option (a). The Office of Legal Counsel (OLC) at the Justice Department would have to approve this arrangement, which could be a lengthy process.

(d) Mitchell would remain as Special Advisor, and head an "international commission" at the same time. Significant USG involvement in an international body is required to avoid Emoluments Clause problems. Strong verbal support for the commission would be insufficient. This option requires an OLC determination as to whether the level of USG involvement is adequate to alleviate problems of divided loyalty between Senator Mitchell's duties as "special government employee" and his role on the commission.

Analysis

Option b (to add to Senator Mitchell's current duties for a limited time) is preferable for a variety of reasons:

(1) It can be done quickly and with relative ease. With options (a), (c), and (d), staff support might have to be secured. That would take time. With option (b), staff support is built in and no time would be lost in pursuing the mandate of the commission. (Presumably service on a commission would count against Senator Mitchell's service as an unpaid "special government employee." Senator Mitchell has approximately ninety days left of the 130 days that came with his appointment as Special Advisor)

(2) Senator Mitchell's resignation as Special Advisor, options (a) and (c), would send a confusing signal about U.S. interest in trade and investment in Ireland.

(3) Hashing out the legal basis permitting Senator Mitchell to serve simultaneously as Special Advisor and head of an international commission (option d) in which the USG has substantial interest (that heretofore has in practice meant actual membership in the international organization) could delay the convocation of such a commission and thus slow the peace process.

(4) Nobody would really believe that Senator Mitchell (or any American who accepted such a role), acting in a "private" capacity (options a and c), would be serving without USG political support. The "distance" that the USG would gain with a "decommissioner" in a "private" capacity would be illusory. Also, a "private" American decommissioner would in reality look more like a "special envoy" than someone whose principal focus remains the encouragement of trade and investment in Northern Ireland and the six border counties of Ireland.

Dear Mr. Brill:

Since our meeting last week, Jim Thessin and I have discussed the issue of Mr. Mitchell's potential involvement in arbitrating a solution to the problem involving the decommissioning of weapons in Northern Ireland. We have also consulted with the Office of Legal Counsel at the Department of Justice (OLC), which is the ultimate authority within the Executive Branch on Emoluments Clause issues. Before proceeding further, we need additional guidance regarding what the Department and the Administration would like to have happen.

There are several different options, although they vary in feasibility. The first and easiest option would be for Mr. Mitchell to resign his current position as Special Adviser to the President for Economic Initiatives in Ireland. If Mr. Mitchell were to resign his government position, he would no longer be subject to the Emoluments Clause, which prohibits anyone who holds "an office of profit or trust" from receiving any "present, emolument, office, or title" from any foreign state absent congressional consent.

The second option, also relatively simple, would be for Mr. Mitchell to assume the responsibility for seeking a solution to the decommissioning problem as part of his official duties for the USG. Under this potential scenario, the USG would pay any expenses for Mr. Mitchell. The Emoluments Clause would not pose a problem because Mr. Mitchell would be working to promote a USG-sponsored process and would clearly owe his loyalties to the USG and not to any foreign state or group of foreign states. It also would be possible for Martha Pope to assist Mr. Mitchell as part of her official duties.

The third option would be more difficult to implement. It might be possible for Mr. Mitchell to perform a role similar to that performed by Mr. Roberts Owen when the Bosnian Serbs and Croats asked the President to appoint a "wise man" to resolve their conflicting interpretations of the Bosnian constitution. Mr. Owen's arrangement was approved by the OLC because he would play a neutral role and would not seem to be working for any foreign state. The USG pays his expenses and he is not a USG employee and does not receive a salary for this work. Under this type of an arrangement, however, Ms. Pope probably would not be able to provide the type of substantive assistance she currently gives to Mr. Mitchell in his role as Special Adviser to the President. If we were to decide to create such an arrangement, we would need to seek the OLC's concurrence.

The final option would be the most difficult to carry out. If, as we discussed at our meeting, an international commission is established, significant USG participation in the commission

would be required to avoid an Emoluments Clause problem. The OLC has stated in the past that if the U.S. is a member of an international organization, it does not qualify as a "foreign state" for purposes of the Clause. However, strong USG verbal support of an organization composed of foreign states other than the U.S. (such as the EU) is not enough to vitiate the Emoluments Clause problem. Once we have a better idea of the degree to which the USG would be willing to be involved in the commission, we would have to consult again with the OLC to determine whether the USG involvement would be sufficient to alleviate any potential problems of divided loyalty between Mr. Mitchell's official duties as a "special government employee" of the USG and his duties as an arbitrator between the British and the Irish.

Please do not hesitate to contact me by phone (x76668) if it would be helpful to discuss this matter further. Thank you.

Caroline Krass
Attorney-Adviser
L/EP

The [Prime Minister and Taoiseach/Secretary of State for Northern Ireland and Tanaiste] met today to review progress in the peace process. After intensive efforts by both Governments, and with the benefits of consultations with parties in Northern Ireland, the two Governments agreed to launch a 'twin track' process to make progress in parallel on the decommissioning issue and towards all-party negotiations.

2. Both Governments reaffirmed their commitment to securing the launch of all-party negotiations. By way of the twin tracks, the two Governments' target is to achieve this ^{not later than mid-Feb} [by the end of February 1996]. It is the two Governments' considered view that, with cooperation from all the relevant parties in both tracks, that objective should prove achievable. Both Governments commit themselves to working, with others, to achieve it.

3. To this end, the two Governments have agreed to sponsor preparatory talks with a remit to reach agreement, acceptable to all parties, on the basis, participation, structure, format and agenda for all-party political negotiations. These talks will have an open agenda, allowing any party to raise any relevant matter, including how best the structure and format of all-party negotiations, directed to addressing in a comprehensive manner all the relevant relationships in a single process, can properly take account of democratic mandates and principles, [including whether and how an elected body could play a part.]

4. In managing the process of preparatory talks, each Government will build on existing exchanges and bilateral contacts, treating each party on an equal basis, and will encourage other formats for meetings with the parties and among the parties which might further the objective of the preparatory talks.

5. In parallel, the two Governments have agreed to establish an International Body to provide an independent assessment of the decommissioning issue.

6. Recognising the widely expressed desire to see all weapons removed from Irish politics, the two Governments will ask the International Body to report on the arrangements necessary for the removal of those arms and other materiel silenced by the statements of 31 August 1994 and 13 October 1994 from the political equation.

7. In particular, the two Governments will ask the Body to:

- identify and advise on a suitable and acceptable method for full and verifiable decommissioning; and
- report whether there is a clear commitment by or on behalf of those in possession of such arms to a satisfactory process to achieve that.

8. It will be for the International Body to determine its own procedures. The two Governments expect it to consult widely, to invite relevant parties to submit their analysis of the decommissioning issue and, in reaching conclusions on its remit, to consider such evidence on its merits.

9. In establishing the Body, the British Government reaffirms its willingness to take responsive measures, on the advice of the security forces, as movement on such arms reduces the threat.

10. The two Governments have invited Senator George Mitchell to chair the Body, and have invited [....] to serve as the other members of the Body.

11. The two Governments have asked the Body to submit its report to the two Governments by mid-January 1996. Neither Government, nor any other party cooperating with the work of the Body, is bound in advance to accept their recommendations, which will be purely advisory and not operational.

12. The two Governments will consider carefully any recommendations it makes and give them due weight on their merits. To this end, and to review progress in preparatory talks and towards the target date for all-party negotiations, the two Governments plan to meet again by
<mid-February 1996.

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THE INTERNATIONAL BODY

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REPORT OF THE INTERNATIONAL BODY

22 January 1996

I. INTRODUCTION

1. On 28 November 1995, the British and Irish Governments issued a Communiqué which announced the launching in Northern Ireland of a "‘twin track’ process to make progress in parallel on the decommissioning issue and on all-party negotiations."

2. One track was "to invite the parties to intensive preparatory talks with a remit to reach widespread agreement on the basis, participation, structure, format and agenda to bring all parties together for substantive negotiations aimed at a political settlement based on consent." This has become known as the political track.

3. The other track concerned the decommissioning of arms and was set forth as follows in the Communiqué:

" 5. In parallel, the two Governments have agreed to establish an International Body to provide an independent assessment of the decommissioning issue.

6. Recognising the widely expressed desire to see all arms removed from Irish politics, the two Governments will ask the International Body to report on the arrangements necessary for the removal from the political equation of arms silenced by virtue of the welcome decisions taken last Summer and Autumn by those organisations that previously supported the use of arms for political purposes.

7. In particular, the two Governments will ask the Body to:
 - identify and advise on a suitable and acceptable method for full and verifiable decommissioning; and
 - report whether there is a clear commitment on the part of those in possession of such arms to work constructively to achieve that.
8. It will be for the International Body to determine its own procedures. The two Governments expect it to consult widely, to invite relevant parties to submit their analysis of matters relevant to the decommissioning issue and, in reaching its conclusions within its remit, to consider such evidence on its merits."

4. We are that Body. This is our report. We have no stake in Northern Ireland other than an interest in seeing an end to the conflict and in the ability of its people to live in peace. Our role is to bring an independent perspective to the issue. We are motivated solely by our wish to help. This assessment represents our best and our independent judgement. We are unanimous in our views. There are no differences of opinion among us.

5. To provide us with sufficient information to meet our remit, we held two series of meetings in Belfast, Dublin and London: the first, 15 through 18 December 1995; the second, 11 through 22 January 1996. In addition, we held an organisational meeting in New York on 9 December 1995.

6. In the course of our meetings we heard orally and in writing from dozens of government officials, political leaders, church officials and representatives of other organisations and institutions. We received hundreds of letters and telephone calls from members of the public and met with many others. We thank all for their submissions. Contributions from those who suffered losses during the time of troubles but are strongly committed to the peace process were especially moving. All the submissions have been carefully reviewed and considered.

II. DISCUSSION

7. Our examination of the issues and of the facts, and the perspectives brought to us by those who briefed us or who made written representations to us, convince us that while there is no simple solution to the conflict in Northern Ireland, the factors on which a process for peace must be based are already known. We can indicate the way we believe these factors should be addressed so that decommissioning of arms and all-party negotiations can proceed, but only resolute action by the parties themselves will produce progress.

8. That noted, we are aware of the enormous contribution already made by individuals and groups in advancing the process of peace in Northern Ireland to its current stage. The tireless and courageous efforts

of Prime Minister John Major and *Taoiseach* John Bruton (and before him Albert Reynolds) have been essential to the peace process. They have been joined by other political leaders, institutions, organisations and individuals in the promotion of peace.

9. We considered our task in the light of our responsibility to all of the people of Northern Ireland; the need for the people to be reassured that their democratic and moral expectations can be realised; and in the spirit of serious efforts made by the British and Irish Governments to advance the peace process.

10. For nearly a year and a half, the guns have been silent in Northern Ireland. The people want that silence to continue. They want lasting peace in a just society in which paramilitary violence plays no part. That was the dominant theme expressed in the many letters and calls we received from those in the North and South, Unionist and Nationalist, Catholic and Protestant, Loyalist and Republican.

11. Notwithstanding reprehensible "punishment" killings and beatings, the sustained observance of the cease-fires should not be devalued. It is a significant factor which must be given due weight in assessing the commitment of the paramilitaries to "work constructively to achieve" full and verifiable decommissioning.

12. Since the cease-fires, the political debate has focused largely on the differences that have prevented the commencement of all-party negotiations intended to achieve an agreed political settlement. This circumstance has obscured the widespread agreement that exists -- so widespread that it tends to be taken for granted. In fact, members of both traditions may be less far apart on the resolution of their differences than they believe.

13. No one should underestimate the value of the consensus for peace, and the fact that no significant group is actively seeking to end it.

14. In paragraph five of the Communiqué we were asked "to provide an independent assessment of the decommissioning issue." It is a serious issue. It is also a symptom of a larger problem: the absence of trust. Common to many of our meetings were arguments, steeped in history, as to why the other side cannot be trusted. As a consequence, even well-intentioned acts are often viewed with suspicion and hostility.

15. But a resolution of the decommissioning issue -- or any other issue -- will not be found if the parties resort to their vast inventories of historical recrimination. Or, as it was put to us several times, what is really needed is the decommissioning of mind-sets in Northern Ireland.

16. We have asked ourselves how those who have suffered during the many years of internal strife can accept the fact that the establishment of a lasting peace will call for reconciliation with those they hold responsible for their loss and pain. Surely the continued suffering and bereavement of individuals and of families should never be forgotten. But if the focus remains on the past, the past will become the future, and that is something no one can desire.

17. Everyone with whom we spoke agrees in principle with the need to decommission. There are differences on the timing and context -- indeed, those differences led to the creation of this Body -- but they should not obscure the nearly universal support which exists for the total and verifiable disarmament of all paramilitary organisations. That must continue to be a principal objective.

18. However the issue of decommissioning is resolved, that alone will not lead directly to all-party negotiations. Much work remains on the many issues involved in the political track. The parties should address those issues with urgency.

III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NON-VIOLENCE

19. To reach an agreed political settlement and to take the gun out of Irish politics, there must be commitment and adherence to fundamental

principles of democracy and non-violence. Participants in all-party negotiations should affirm their commitment to such principles.

20. Accordingly, we recommend that the parties to such negotiations affirm their total and absolute commitment:

- a. *To democratic and exclusively peaceful means of resolving political issues;*
- b. *To the total disarmament of all paramilitary organisations;*
- c. *To agree that such disarmament must be verifiable to the satisfaction of an independent commission;*
- d. *To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;*
- e. *To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,*
- f. *To urge that "punishment" killings and beatings stop and to take effective steps to prevent such actions.*

21. We join the Governments, religious leaders and many others in condemning "punishment" killings and beatings. They contribute to the fear that those who have used violence to pursue political objectives in the past will do so again in the future. Such actions have no place in a lawful society.

22. Those who demand decommissioning prior to all-party negotiations do so out of concern that the paramilitaries will use force, or threaten to use force, to influence the negotiations, or to change any aspect of the outcome of negotiations with which they disagree. Given the history of Northern Ireland, this is not an unreasonable concern. The principles we recommend address those concerns directly.

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

IV. COMMITMENT TO DECOMMISSIONING

24. The second of the specific questions in paragraph seven of the Communiqué asks us "to report whether there is a clear commitment on the part of those in possession of such arms to work constructively to achieve" full and verifiable decommissioning.

25. We have concluded that there is a clear commitment on the part of those in possession of such arms to work constructively to achieve full

and verifiable decommissioning as part of the process of all-party negotiations; but that commitment does not include decommissioning prior to such negotiations.

26. After careful consideration, on the basis of intensive discussions with the Governments, the political parties, religious leaders, the security forces, and many others, we have concluded that the paramilitary organisations will not decommission any arms prior to all-party negotiations. That was the unanimous and emphatically expressed view of the representatives of the political parties close to paramilitary organisations on both sides. It was also the view of the vast majority of the organisations and individuals who made oral and written submissions. It is not that they are all opposed to prior decommissioning. To the contrary, many favour it. But they are convinced that it will not happen. That is the reality with which all concerned must deal.

27. Competing views were advanced on prior decommissioning. One was that decommissioning of arms must occur prior to all-party negotiations. We were told that the clearest demonstration of adherence to democratic principles, and of a permanent end to the use of violence, is the safe removal and disposal of paramilitary arms, and that at this time only a start to decommissioning will provide the confidence necessary for all-party negotiations to commence. In this view, all parties were aware of the need for prior decommissioning before the

cease-fires were announced and should not now be able to avoid that requirement.

28. In the competing view we were told that decommissioning of arms prior to all-party negotiations was not requested before the announcement of the cease-fires, and that had it been, there would have been no cease-fires; that those who entered into cease-fires did so in the belief they would lead immediately to all-party negotiations; and that the request for prior decommissioning, seriously pursued for the first time months after the cease-fires were declared, is merely a tactic to delay or deny such negotiations. In this view, the cease-fires having been maintained for nearly a year and a half, all-party negotiations should begin immediately with no further requirements.

29. We believe that each side of this argument reflects a core of reasonable concern which deserves to be understood and addressed by the other side.

30. Those who insist on prior decommissioning need to be reassured that the commitment to peaceful and democratic means by those formerly supportive of politically motivated violence is genuine and irreversible, and that the threat or use of such violence will not be invoked to influence the process of negotiations or to change any agreed settlement.

31. Those who have been persuaded to abandon violence for the peaceful political path need to be reassured that a meaningful and inclusive process of negotiation is genuinely being offered to address the legitimate concerns of their traditions and the need for new political arrangements with which all can identify.

32. Clearly, new approaches must be explored to overcome this impasse. That is the purpose of the six principles we recommend. They invoke a comprehensive commitment to democracy and non-violence that is intended to reassure all parties to the negotiations.

V. DECOMMISSIONING DURING ALL-PARTY NEGOTIATIONS

33. One side has insisted that some decommissioning of arms must take place before all-party negotiations can begin. The other side has insisted that no decommissioning can take place until the end of the process, after an agreed settlement has been reached. This has resulted in the current impasse.

34. The parties should consider an approach under which some decommissioning would take place during the process of all-party negotiations, rather than before or after as the parties now urge. Such an approach represents a compromise. If the peace process is to move forward, the current impasse must be overcome. While both sides have

been adamant in their positions, both have repeatedly expressed the desire to move forward. This approach provides them that opportunity.

35. In addition, it offers the parties an opportunity to use the process of decommissioning to build confidence one step at a time during negotiations. As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps in a progressive pattern of mounting trust and confidence.

VI. RECOMMENDATIONS: GUIDELINES ON THE MODALITIES OF DECOMMISSIONING

36. The first of the specific questions in paragraph seven of the Communiqué asks us "to identify and advise on a suitable and acceptable method for full and verifiable decommissioning."

37. We recommend the following guidelines on the modalities of decommissioning. These recommendations are realistic in light of the nature and scale of the arsenals in question, estimates of which were provided to us by the Governments and their security forces. We believe these estimates to be accurate.

38. Decommissioning should receive a high priority in all-party negotiations. The details of decommissioning, including supporting

confidence-building measures, timing and sequencing, have to be determined by the parties themselves.

The decommissioning process should suggest neither victory nor defeat.

39. The cease-fires and the peace process are products not of surrender but rather of a willingness to address differences through political means. This essential fact should be reflected clearly in the modalities of the decommissioning process, which should not require that any party be seen to surrender.

The decommissioning process should take place to the satisfaction of an independent commission.

40. The decommissioning process should take place to the satisfaction of an independent commission acceptable to all parties. The commission would be appointed by the British and Irish Governments on the basis of consultations with the other parties to the negotiating process.

41. The commission should be able to operate independently in both jurisdictions, and should enjoy appropriate legal status and immunity.

42. In addition to having available to it independent sources of legal and technical advice and adequate field resources to receive and audit armaments and to observe and verify the decommissioning process, the commission should be able to call upon the resources and the relevant technical expertise of the British and Irish Armies, when it is appropriate.

The decommissioning process should result in the complete destruction of armaments in a manner that contributes to public safety.

43. The decommissioning process should result in the complete destruction of the armaments. Procedures for destruction would include the cutting up or chipping of small arms and other weapons, the controlled explosion of ammunition and explosives, and other forms of conventional munitions disposal.
44. The decommissioning process could encompass a variety of methods, subject to negotiation, including:
- the transfer of armaments to the commission or to the designated representatives of either Government, for subsequent destruction;
 - the provision of information to the commission or to designated representatives of either Government, leading to the discovery of armaments for subsequent destruction; and.

- the depositing of armaments for collection and subsequent destruction, by the commission or by representatives of either Government.

Parties should also have the option of destroying their weapons themselves.

45. Priority should be accorded throughout to ensuring that armaments are safely handled and stored, and are not misappropriated.

The decommissioning process should be fully verifiable.

46. Whatever the options chosen for the destruction of armaments, including the destruction of weapons by the parties themselves, verification must occur to the satisfaction of the commission.
47. The commission would record information required to monitor the process effectively. The commission should have available to it the relevant data of the *Garda Stochana* and the Royal Ulster Constabulary. It would report periodically to relevant parties on progress achieved in the decommissioning process.

The decommissioning process should not expose individuals to prosecution.

48. Individuals involved in the decommissioning process should not be prosecuted for the possession of those armaments; amnesties should be established in law in both jurisdictions. Armaments made available for decommissioning, whether directly or indirectly, should be exempt under law from forensic examination, and information obtained as a result of the decommissioning process should be inadmissible as evidence in courts of law in either jurisdiction.
49. Groups in possession of illegal armaments should be free to organise their participation in the decommissioning process as they judge appropriate, e.g. groups may designate particular individuals to deposit armaments on their behalf.

The decommissioning process should be mutual.

50. Decommissioning would take place on the basis of the mutual commitment and participation of the paramilitary organisations. This offers the parties another opportunity to use the process of decommissioning to build confidence one step at a time during negotiations.

VII. FURTHER CONFIDENCE-BUILDING

51. It is important for all participants to take steps to build confidence throughout the peace process. In the course of our discussions, many urged that certain actions other than decommissioning be taken to build confidence. We make no recommendations on them since they are outside our remit, but we believe it appropriate to comment on some since success in the peace process cannot be achieved solely by reference to the decommissioning of arms.

52. Support for the use of violence is incompatible with participation in the democratic process. The early termination of paramilitary activities, including surveillance and targeting, would demonstrate a commitment to peaceful methods and so build trust among other parties and alleviate the fears and anxieties of the general population. So, too, would the provision of information on the status of missing persons, and the return of those who have been forced to leave their communities under threat.

53. Continued action by the Governments on prisoners would bolster trust. So would early implementation of the proposed review of emergency legislation, consistent with the evolving security situation.

54. Different views were expressed as to the weapons to be decommissioned. In the Communiqué, the Governments made clear their view that our remit is limited to those weapons held by paramilitary organisations. We accept and share that view. There is no equivalence between such weapons and those held by security forces. However, in the context of building mutual confidence, we welcome the commitment of the Governments, as stated in paragraph nine of the Communiqué, "to continue to take responsive measures, advised by their respective security authorities, as the threat reduces."

55. We share the hope, expressed by many on all sides, that policing in Northern Ireland can be normalised as soon as the security situation permits. A review of the situation with respect to legally registered weapons and the use of plastic bullets, and continued progress toward more balanced representation in the police force would contribute to the building of trust.

56. Several oral and written submissions raised the idea of an elected body. We note the reference in paragraph three of the Communiqué to "whether and how an elected body could play a part." Elections held in

accordance with democratic principles express and reflect the popular will. If it were broadly acceptable, with an appropriate mandate, and within the three-strand structure, an elective process could contribute to the building of confidence.

57. Finally, the importance of further progress in the social and economic development of Northern Ireland and its communities was emphasised time and again in our meetings, in the context of building confidence and establishing a lasting peace.

VIII. CONCLUDING REMARKS

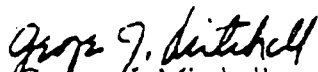
58. Last week we stood in Belfast and looked at a thirty foot high wall and at barriers topped with iron and barbed wire. The wall, which has ironically come to be known as the "peace line," is a tangible symbol of the division of the people of Northern Ireland into two hostile communities. To the outsider both are warm and generous. Between themselves they are fearful and antagonistic.

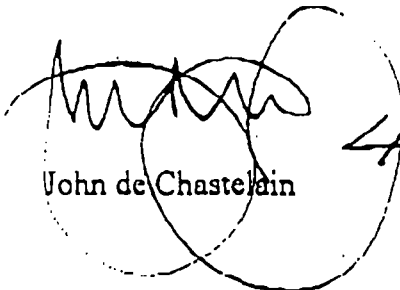
59. Yet, it is now clear beyond doubt that the vast majority of the people of both traditions want to turn away from the bitter past. There is a powerful desire for peace in Northern Ireland. It is that desire which creates the present opportunity.

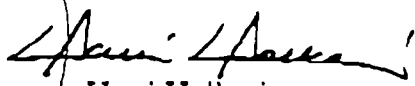
60. This is a critical time in the history of Northern Ireland. The peace process will move forward or this society could slip back to the horror of the past quarter century.

61. Rigid adherence by the parties to their past positions will simply continue the stalemate which has already lasted too long. In a society as deeply divided as Northern Ireland, reaching across the "peace line" requires a willingness to take risks for peace.

62. The risk may seem high but the reward is great: a future of peace, equality and prosperity for all the people of Northern Ireland.


George J. Mitchell


John de Chastelain


Harri Holkeri

22 January 1996

**SUPPORTING PEACE IN NORTHERN IRELAND
THE PRESIDENT'S ECONOMIC AND LEADERSHIP INITIATIVES**

TRADE AND INVESTMENT

White House Conference for Trade and Investment in Ireland

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One of the partnerships cemented since the conference is between the Center for Advanced Fiberoptic Applications (CAFA), a consortium of the Massachusetts fiberoptics industry, and companies and universities in Northern Ireland and Ireland. A formal memorandum commits the parties to cooperate to create jobs and promote economic growth in Massachusetts and Northern Ireland and Ireland. The memorandum envisages development of the "Irish Information Superhighway" between Dublin and Belfast.

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NORTHERN IRELAND

Report of International Body on Decommissioning

(Background: International body, chaired by Senator George Mitchell, submitted its report on decommissioning to the British and Irish governments January 22 . Report was made public January 24. Essence of it is idea that acceptance of set of principles, all related to renunciation of violence, would allow talks to take place in atmosphere free of intimidation. Report finds that Washington 3 (prior decommissioning), though desirable, is not feasible. It suggests possible compromise of having decommissioning take place during talks rather than before or after them.)

- The British and Irish governments have welcomed the report and expressed their gratitude to Senator Mitchell and his colleagues, General de Chastelain of Canada and Mr. Holkeri of Finland , for their contribution to the peace process.
- U.S. very pleased that a distinguished American like Senator Mitchell has been able to play such an important role in the Northern Ireland peace process.
- Important that the report be used to maintain momentum of the process, not picked apart by the different parties. Hope that parties will consider its recommendations seriously and with an open mind.
- Administration intends to remain in touch with the two governments and the parties and do whatever we can to support their efforts.

Does the fact that the report does not mention Washington 3 (prior decommissioning) mean it is dead?

- That is an issue only the parties can decide. The reports offers recommendations and suggestions that could be helpful in moving the process forward to the goal of all-party talks.

Administration Support for Idea of Elected Assembly?

- We have urged that the proposal be discussed as part of the twin track. Again, it is an issue that only the parties can decide.

What happens now? Talks by end of February as anticipated?

- The British and Irish Governments are looking closely at the international body's report. Expect them to continue to assess progress in the political track as well. Understand that a summit between Prime Ministers Major and Bruton will be held in mid-February. Up to two leaders to decide whether original timetable can be met.

Do recommended principles amount to new pre-conditions?

- **No, the report provides way to move the process forward. Hope all parties will look at it in that light.**

Punishment" Murders

Background. Reports of five murders of suspected drug dealers in NI in the past month -- a total of 7 such murders this year. Everyone (Hume, Bruton, Major etc) has condemned the killings, except Adams, who has said he does "not condone" them. The killings have increased pressure for decommissioning.

- We condemn these killings. There is no justification for murdering people, regardless of what they are suspected of having done.

If asked whether they constitute a breach of the cease-fire (as some unionists, including Paisley, have claimed)

- In spite of deplorable killings, no reason to believe that the peace process is in jeopardy. Two governments and the parties of Northern Ireland, including Sinn Fein, remain actively engaged in the twin track process.

TALKING POINTS ON NORTHERN IRELAND

ACTIVE ADMINISTRATION SUPPORT

- President Clinton is first U.S. President to become actively engaged in supporting the search for peace in Northern Ireland.
- Historic visit to Northern Ireland on November 30, 1995 -- also a first -- galvanized support for peace among people of Northern Ireland, both Protestant and Catholic.
- Provided momentum to twin-track strategy for moving the peace process forward which was announced by British and Irish governments November 28.

MITCHELL BODY

- Twin track established international body, chaired by Senator George Mitchell, to look into the issue of decommissioning, in parallel with preliminary political discussions among the two governments and the parties of Northern Ireland.
- Senator Mitchell and his colleagues, General de Chastelain of Canada and Mr. Holkeri of Finland, have held two rounds of intensive consultations with relevant parties, and studied the many written submissions they received.
- They submitted their report to the British and Irish Governments on Monday, January 22. The report was made public on the 24th.
- Essence of the report is recommendation that parties commit to principles of non-violence and use of exclusively peaceful and democratic means of influencing political and constitutional decisions.
- Concept is that acceptance of these principles would address underlying concerns, assure that negotiations not held in atmosphere of threat or intimidation.
- Report also suggests a possible compromise on decommissioning of having it take place during talks, as opposed to before or after. Not a formal recommendation from the international body, but a suggestion.

- Report notes that an elective process that is broadly acceptable could play a useful role in the process.
- Also points to areas where further confidence building measures from both sides, on such issues as missing persons, prisoners, and policing, could help build trust and confidence.
- Report has made a very positive and significant contribution to the peace process. Pleased that a distinguished American, Senator George Mitchell, has played such an important role in moving process forward.
- Important that report be used to advance the process, not picked apart by the different parties. Would hope that parties would consider its recommendations seriously and with an open mind.

POLITICAL TRACK

- Political track has been proceeding while international body received submissions and prepared its report.
- In the political track, the Alliance, SDLP, and Sinn Fein have held trilateral meetings with the two governments. The UUP has maintained its dialogue with the British Government.
- Know governments are discussing range of issues, including ideas elections and further confidence-building measures, that will help reach goal of inclusive all-party talks.
- British and Irish Prime Ministers plan to hold a summit in mid-February at which next steps will be discussed.
- We encourage all parties to show leadership and good-will in actively seeking ways to move the peace process forward.
- Administration intends to remain in contact with the governments and the parties and do whatever we can to support their efforts.
- For long-term, will continue to support economic regeneration in Northern Ireland to assure a bright future for its young people. Considering how best to build on the momentum

generated at the White House trade and investment conference last May.

- As President has said so many times, U.S. role is not to take sides, or advocate any particular outcome. We support those who stand for peace.

Q: Does the fact that the international body's report does not mention "Washington 3" (the requirement for some decommissioning prior to talks) mean that it is dead?

A: That is an issue which only the parties can decide. The report offers recommendations and suggestions that may be helpful in moving the process forward to the goal of all-party talks.

Q: Does the Administration support the idea of an elected assembly, along the lines proposed by UUP leader Trimble?

A: Prime Minister Major has said that the British Government is ready to introduce legislation to allow an elective process to go ahead as soon as practicable. We have urged that the proposal be discussed as part of the twin track.

Q: What happens now? Will talks be held by the end of February as expected?

A: The British and Irish Governments are looking closely at the international body's report. We would expect them to continue to assess progress in the political track as well. We understand that a summit between Prime Ministers Major and Bruton will be held in mid-February. It will be up to the two leaders to decide whether the original timetable can be met.

Q: Do the principles that the Mitchell body recommends be accepted amount to new preconditions?

No, the report provides a way to move the process forward. We hope all parties will look at it in that light.

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SUPPORTING PEACE IN NORTHERN IRELAND
THE PRESIDENT'S ECONOMIC AND LEADERSHIP INITIATIVES

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*Hand
in
decommissioning
file*

*Hi
Beland
Michelle Bohy*

456-9460

TO: Nancy Soderberg

FR: Martha Pope

DT: December 17, 1995

CC to MAP &

re: ...

FYI -

Attached you will find a number of press releases and statements from the International Body. We will try to keep you apprised of the International Body's statements by fax throughout the coming weeks. I hope this finds you well.

THE INTERNATIONAL BODY

Address in Dublin

Block L
Ship Street Range,
Ship Street,
Dublin Castle,
Dublin 2.

Tel. No. (01) 4759600
Fax No. (01) 4759614

Senator George J. Mitchell (Chairman)

General John de Chastelain Mr. Harri Holkeri

Address in Belfast

12th Floor,
Windsor House,
6-12 Bedford St.,
Belfast.

Tel. No. (01232) 895900
Fax No. (01232) 322988

STATEMENT OF THE INTERNATIONAL BODY FOLLOWING DECEMBER MEETINGS IN BELFAST Saturday, December 16, 1995

We have just completed two days of meetings in Belfast. We met with Sir Patrick Mayhew and other officials of the Government of the United Kingdom, representatives of the political parties, religious leaders and other relevant persons. A complete list of the participants is attached.

We appreciate the participation of all who met with the International Body during these two days. The discussions were candid and straightforward. We learned a great deal about this complex issue.

As we announced yesterday, we will return to Belfast and Dublin in January to continue our work. We will announce that schedule in the near future.

We want to reiterate a statement we made yesterday morning - we have and we will continue to have open minds and are motivated solely by the desire to make a constructive contribution. We look forward to our meetings in Dublin.

THE INTERNATIONAL BODY

*Address in Dublin**Block 1.**Ship Street Range,**Ship Street,**Dublin Castle,**Dublin 2.**Tel. No. (01) 4759600**Fax No. (01) 4759614**Senator George J. Mitchell (Chairman)**General John de Chastelain**Mr. Harri Holkeri**Address in Belfast**12th Floor,**Windsor House,**6-12 Bedford St.,**Belfast**Tel. No. (01232) 895900**Fax No. (01232) 322988*

THE INTERNATIONAL BODY MET ON DECEMBER 15 & 16, 1995 IN BELFAST WITH THE FOLLOWING:

The Government of the United Kingdom

The Secretary of State Sir Patrick Mayhew QC MP
supported by: Sir John Wheeler MP

Minister of State for Security

Michael Ancram MP

Minister of State for Political Development

and senior officials

The Alliance Party

Mr. John Alderdice, Leader

Mr. Seamus Close, Deputy Leader

Mr. Sean Neeson, Chief Whip

Mr. Steve McBride, Chair

Ms. Eileen Bell, Vice Chair

The Labour Party

Dr. Marjorie (Mo) Mowlam, MP, Shadow Secretary of State for Northern Ireland

Mr. Tony Worthington, MP, Labour Shadow Northern Ireland Minister

Mr. Clive Soley, MP

Mr. Nigel Warner, Assistant to Dr Mowlam

Reverend Roy Magee, retired Presbyterian minister

Reverend David Cooper, Council on Social Responsibility

Dr. David Gallagher "

Reverend Henry Keys "

Mr. Harald Good "

Dr. Godfrey Brown, Convener of the Church and Government Committee
 Reverend Samuel Hutchinson, Clerk of the General Assembly
 Dr. Warren Porter, Member, Church and Government Committee
 Reverend Ivor Smith, Member, Church and Government Committee

Mr. David Ervine
Mr. Billy Hutchinson
Mr. William Smith
Mr. Jackie Mahood

Mr. Hugh Annesley, Chief Constable, and senior officials

Mr. John Hume, MP, MEP, Leader
Mr. Seamus Mallon, MP

Mr. Gary McMichael
Mr. Gary Matthews

The Ulster Unionist Party (UUP)

Mr. David Trimble, MP, Leader
Mr. Ken Maginnis, MP

The Workers Party

Mr. Tom French
Mr. John Lowry
Mr. Des O'Hagan

FOR IMMEDIATE RELEASE

Friday, December 15, 1995

MEDIA ADVISORY

The International Body is meeting in Belfast and Dublin on December 15 - 18, 1995. These meetings will be private.

This is an updated schedule of media opportunities:

Saturday, December 16, 1995 - BELFAST

10:00 - 10:15 pm *- Brief comments to the media by members of the International Body

Location: International Body Offices
Windsor House
12th Floor - reception area

Sunday, December 17, 1995 - DUBLIN

12:00 - 12:15 pm Photo opportunity and brief comments to the media by members of the International Body

Location: Conrad Hotel
The Liffey Room

Monday, December 18, 1995 - DUBLIN

6:30 - 6:45 pm*- Brief comments to the media by members of the International Body

Location: Conrad Hotel
The Liffey Room

*Please note: These are estimated times only. These events will take place at the conclusion of the meetings in Belfast and Dublin, respectively.

For further information, please contact: Diane Dewhurst - 895 900 (Belfast)
- 475 9600 (Dublin)

FOR IMMEDIATE RELEASE

Tuesday, December 12, 1995

STATEMENT OF THE INTERNATIONAL BODY

The members of the International Body held an organizational meeting in New York on Saturday, December 9. They agreed on a schedule for meetings in Belfast and Dublin and on the procedures to be followed in those meetings.

The members will hold meetings in Belfast on December 15 and 16. At those meetings, they will hear from representatives of the British Government, representatives of the political parties, and other relevant persons.

The members will hold meetings in Dublin on December 17 and 18. At those meetings, they will hear from the Irish Government, representatives of the political parties, and other relevant persons.

All meetings will be private.

In Belfast, there will be a photo opportunity and brief comments to the media by the members of the International Body on Friday morning, December 15. The members will also make brief comments to the media on Saturday, December 16 at the conclusion of the Belfast visit. In Dublin, there will be a photo opportunity and brief comments to the media on Sunday, December 17. The members will also make brief comments to the media on Monday, December 18 at the conclusion of the Dublin visit. Details of the times and locations for those events will be released later this week.

For further information, please contact: Diane Dewhirst 202/547-4917

FOR IMMEDIATE RELEASE
Wednesday, December 6, 1995

INTERNATIONAL BODY ON DECOMMISSIONING
TO MEET IN BELFAST AND DUBLIN,
DECEMBER 15-18, 1995

The International Body on Decommissioning will meet on the decommissioning issue December 15-18, 1996, in Belfast and Dublin.

The independent International Body was jointly announced by British Prime Minister John Major and Irish Prime Minister John Bruton on November 28 as part of the twin-track approach in Northern Ireland. It is chaired by former Senate Majority Leader George J. Mitchell of the United States. Harri Hermann Holkeri, former Prime Minister of Finland, who now serves on the Board of the Bank of Finland, and General A. John De Chastelain, Chief of the Defense Staff for Canada, also serve on the three member panel.

The International Body has been asked by the two governments to provide an independent assessment of the decommissioning issue.

The December meetings will allow the independent International Body to receive testimony from the British and Irish governments as well as other relevant parties. Members of the public who wish to provide testimony to the International Body may do so with written submissions to the following offices of the International Body:

In Belfast: Windsor House
Bedford Street
Belfast BT1, Northern Ireland

In Dublin: Dublin Castle
Dublin 2, Ireland

All meetings of the Commission will be closed.

For further information, please contact: Diane Dewhirst at
202-547-4917

AMBASAID NA HEIREANN
TELEPHONE: (202) 462-3939
FAX: (202) 232-5993



EMBASSY OF IRELAND
2234 MASSACHUSETTS AVE., N.W.
WASHINGTON, D.C. 20008

FAX COVER SHEET

FAX NO. _____

DATE: 11 JANUARY 1996

TO: THE WHITE HOUSE

FOR: MS NANCY SODERBERG

FROM: AMBASSADOR GALLAGHER

TOTAL NUMBER OF PAGES INCLUDING THIS COVERING SHEET: 6
TRANSMITTED FROM FAX NUMBER: (202) 319-9757

For information, please.

Report Number: J.137

Transmission: RTE Radio 1 - Morning Ireland

Date: 11th January 1996

Time: 8am

P.S.T.P.S.S. S/O Higgins
 Counsellors A.I. Section,
 Messes Teahan, Dalton
 Murray & Dalton
 Ambassadors London
 Washington, Joint Secretary

Subject: Interview With Gary McMichael, Ulster Democratic Party

Aine Lawlor:

a Decommissioning & Paper

Well the Mitchell Decommissioning Body is in London today to talk to the British Government about the vexed question of arms decommissioning. This debate has dragged on for nearly a year now with the Republicans sticking rigidly to the cry of no surrender, but in Sinn Féin's submission to the Mitchell Body, published yesterday, there is some sign of flexibility, with the idea that, and I quote, "as part of the peace settlement the disposal of arms by those in possession of them is a method which may find acceptance" and when it comes to making sure that these arms have actually been decommissioned, Sinn Féin says again, that the independent third party concept is one which may find acceptance. So, does all this amount to a sign of light at the end of the decommissioning tunnel? On the line now is Gary McMichael of the Ulster Democratic Party, which has a special insight into the workings of the UDA. Gary McMichael, are you in favour of Sinn Féin's proposals?

Gary McMichael: (Ulster Democratic Party)

Well, we have been discussing the modalities, that is the theoreticals behind physical decommissioning for some time and certainly the option of paramilitary organisations decommissioning their own weapons takes away the difficulties that exist, particularly within the Republican camp of handing over weapons to the British Government or the Irish Government.

Aine Lawlor:

So, so you're broadly optimistic about this approach?

PAGE 2

Gary McMichael:

Well I think it's realistic and certainly it is not, I have to say it's not a new idea in that we've been discussing this type of issue with the British Government since May of 1995.

Aine Lawlor:

It was actually based, this proposal actually came, didn't it, from them in a document last May, did you discuss it with Michael Ancram?

Gary McMichael:

We did, we discussed it twice in two meetings with the Minister. However, because it is the theoreticals, because we are not at the stage where physical decommissioning is a likely option the discussions were more or less put on hold, you know, I wouldn't get too encouraged by Sinn Féin's remarks. I think it's an element of realism being demonstrated by Sinn Féin.

Aine Lawlor:

Now what about the question of verification, would you see the Mitchell Body for instance, as being competent to take on the role of verifying paramilitary decommissioning their own weapons?

Gary McMichael:

I would say that, fundamentally I would say the Mitchell Commission may constitute the nucleus of what that verification body could be. It's also possible, just to throw something else into the debate here, it's also possible that paramilitary organisations would wish to be present at the decommissioning of their counterparts weapons.

Aine Lawlor:

How would that be arranged, is that a serious possibility?

Gary McMichael:

Well, this is not something which I'm talking authoritatively about but I think that it would be sensible...

PAGE 3

Aine Lawlor:

Do you think the British Government, the Irish Government would be likely to accept it, they might have reservations?

Gary McMichael:

Quite frankly I think if there was a prospect of decommissioning of arms that the Irish and British Governments would jump at it no matter what the conditions were.

Aine Lawlor:

The problem is of course, not just the modalities but when, I mean Washington 3, decommissioning first or as Sinn Féin are saying, it has to be part of an overall peace settlement, what's your position on that?

Gary McMichael:

Well, I think it's unlikely that paramilitary organisations either Republican or Loyalists side are going to physically decommission until they are secure in their own minds that one, they're not being duped within a political process and secondly, that they have no legitimate reason for retaining those weapons.

Aine Lawlor:

Well the specific preconditions set forth in the Sinn Féin document are agreement on the future of the RUC as an unarmed police service and the withdrawal of British troops, what preconditions would apply on the Loyalist side, would they be the same?

Gary McMichael:

Well, no they would be quite different. Loyalist organisations have pointed out two areas of concern. One is that the rights of the democratically expressed wishes of the people of Northern Ireland are upheld, that is that anyone, that there is no threat within a talks process that the IRA may opt out because it is not going their way politically. Everyone has to abide by the guiding principle of consent and secondly, that there be no threat to the Loyalist community.

PAGE 4

Aine Lawlor:

Because Loyalist paramilitaries have always argued that they exist in response to the threat from the IRA, does that mean the IRA would have to decommission first?

Gary McMichael:

That is the Loyalist position at this moment in time and I think it's a reasonable position.

Aine Lawlor:

So that's your version of Washington 3. Is it?

Gary McMichael:

At this moment in time, however, you know, let's be honest and clear about what this is about. We're not going to see physical decommissioning in the near future, certainly not before any talks mechanism is put into place and to pursue a debate which is, even this as a likely option is, I think is nonsense.

Aine Lawlor:

Now, British sources yesterday were giving a fairly lukewarm response to the Sinn Féin proposals. Do you agree with Sinn Féin when they say, in their document, that an objective of the peace settlement which would be, what they call demilitarization is being turned into an obstacle to peace?

Gary McMichael:

Right, well first of all I don't think that the objective of a peace settlement is demilitarization...

Aine Lawlor:

No, they say one of the objectives.

Gary McMichael:

Yeah, well we want to see a situation where there's political agreement and where there is a normal society and, having troops on the streets

PAGE 5

isn't part of a normal society, having paramilitary organisations
isn't part of a normal society so we want to achieve that also.

Aine Lawlor:

There's one final point, Gary McMichael, there's also a very high number of personal weapons held legally by a number of people in Northern Ireland, Nationalists would argue they're mainly Protestants, do you think that question would have to be addressed as part of the peace settlement as well?

Gary McMichael:

Well, in the, in the area of personal protection weapons, if people don't need to have personal protection weapons because there's no threat against them then obviously that's something that has to be dealt with, but, you know, let's also look at this constructively. Are we saying that all farmers should be looked at, that they should have their shot guns taken from them...

Aine Lawlor:

No, but there seem to be many more farmers in Northern Ireland who hold guns than, for instance in Scotland?

Gary McMichael:

Well I'm not sure whether that's the case or not and I would query whether it is true to say that most people who hold guns within the farming community are Protestants, you know, I mean, it's a wee, I think it's a wee bit petty, you know, we've got to be realistic about this and really, what this is about and what the argument of demilitarization is about is the troops on the streets and you know, let's call a spade and a spade and let not make the, the argument any more silly than it already is.

Aine Lawlor:

Okay, Gary McMichael of the Ulster Democratic Party, thank you for coming on the line.

1-24-1996 2:19PM

FROM FRIENDS OF SINN FEIN 2023318117

P. 3



Sinn Féin

Nuacht raiteas: News release

For immediate release: 24/1/96

Sinn Féin President Gerry Adams responding to John Major's comments in the British House of Commons said:

The Mitchell report, published today, was the conclusion of one track of the twin track which was set up to move us all into all-party talks by the end of February. In his reaction to this John Major has effectively dumped the twin-track process.

He is quite clearly acting in bad faith by swapping one precondition to all-party talks for another..

John Major has now adopted an entirely unionist agenda in an attempt to buy unionist votes in Westminster.



Friends Of Sinn Féin



FOR IMMEDIATE RELEASE:
24 January 1996

CONTACT: Mairead Keane, Sinn Féin
(202) 331-7886

Sinn Féin President Responds to Mitchell Commission Report

Commenting on today's report issued by the International Body on Decommissioning, the Sinn Féin President Gerry Adams said:

"In my initial response to the publication of the joint communiqué last November I said that Sinn Féin would seek to explore the possibilities contained in it in a positive way. This was despite our grave and justifiable reservations about the British government's commitment to the peace process. Our party's contribution to each phase of the search for peace has been consistent and positive. Our commitment to inclusive honest dialogue and a democratic peace settlement is absolute.

The impasse in the peace process was caused by the introduction of a new precondition to all-party negotiations by the British government after the IRA cessation. I am glad that the International Body has accepted the argument that this is an unreasonable demand, that it should not be a precondition and that all issues should be dealt with in open, democratic negotiations. This provides a basis for moving forward so that all matters can be settled to the satisfaction of all sides and as part of the process.

The British have already wasted 17 months. There is no justification for further stalling. The onus is very clearly on John Major. He should act now by immediately commencing all-party talks."

JAN 24 '96 13:05 TO-M.A. PETERS

FROM-EMBASSY OF IRELAND

T-666 P.01/01 F-887

SENT BY: DUBLIN PRESS 011 072

FOR: MARY ANNE PETERS

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**Press statement by the Irish Government
on publication of the Report of the International Body**

The Irish Government welcomes the timely publication of the Report of the International Body which was established as part of the twin-track process launched on 28 November last year. The Irish and British Governments will be making statements on the report in the Dail and the House of Commons respectively this afternoon.

The Government wishes to record its deep appreciation to Senator George Mitchell, to his distinguished colleagues and to the staff of the Body for discharging their mandate with such dedication and skill in the short time envisaged. The Irish Government believes this carefully-considered report will significantly advance the task of achieving the launch of all-party negotiations by the end of February 1996, which remains the firm aim of the Irish and British Governments.

Working on the basis of this report and addressing the many other issues involved in the political track, the two Governments will now intensify their consultations with the parties in the preparatory round of talks with a view to agreeing the basis, participation, structure, format and agenda for those negotiations.

The two Governments will hold a Summit meeting during the month of February to review progress on these issues.

24 January 1996

24 JAN '96 11:15 ULSTER UNIONIST HQ 01232 246738

P.1/2



ULSTER UNIONIST PARTY

PRESS RELEASE

TOWNS
RUE MAP
ULSTER UNIONIST PARTY

THE MITCHELL REPORT

24 January 1996

The issue of the prior decommissioning of paramilitary weapons derives from paragraph 10 of the Downing Street Declaration which refers to the need for parties to "establish a commitment to exclusively peaceful methods".

It is a disappointment that the International Body chaired by George Mitchell was unable to find a way in which this requirement of the Downing Street Declaration could be met immediately.

We note that the Report says that the insistence on prior decommissioning is reasonable. The Report, however, says that it will not be achieved. We note that it is not a case of "cannot" but "will not". In other words the obstacle is simply the unreasonable obduracy of the paramilitaries. In the light of the clear public endorsement of prior decommissioning by 83% of all the people of Northern Ireland, an endorsement shared by 74% of SDLP supporters, it would be unthinkable to simply abandon this requirement.

The Report requires careful study. It does not call for immediate inter-party talks without so-called preconditions. It does not recommend that the requirement of prior decommissioning be dropped. It merely suggests what it calls a compromise, namely decommissioning alongside "talks". This suggestion is not in fact included in their recommendations.

The recommendations recognise the need to build trust and set out certain principles and confidence building measures that might create that trust. It calls on parties to affirm their commitment to these principles. It adds that "these commitments when

Leader of the Party: DAVID TRIMBLE MP

Parson: COLONEL JAMES O'CONNORHAM OBE DL

President: JORIAN CUNNINGHAM MA DL CBE/Baroness: JIM WILSON



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IRELAND IRELAND IRELAND

PRESS RELEASE

IRISH FOREIGN MINISTER DICK SPRING RESPONDS TO THE REPORT OF THE INTERNATIONAL BODY (MITCHELL BODY)

24 JANUARY, 1996

Responding to the report of the International Body chaired by Senator Mitchell, the Irish Foreign Minister, Mr Dick Spring, TD, made the following points:

- The report is clearly objective and fair-minded, representing the unanimous view of three very distinguished individuals from very distinct backgrounds.
- They have clearly gone out of their way to be fair to all viewpoints and to acknowledge the genuine concerns on all sides.
- It is a report which challenges all sides but which, with flexibility and good will, can serve everyone as a road map out of the present dangerous impasse.
- It sets out six carefully considered principles and commitments which, when made and honoured, would remove the threat of force before, during and after all-party negotiations.
- We hope that all parties will find it possible to accept these principles in their totality as an essential element in the basis for talks, however challenging that may be.
- We believe the report of the Body gives everyone a basis to move forward without loss of principle and on the basis of reasonable compromise.
- We would appeal to all parties to give it the careful consideration and constructive follow-up which it deserves.
- It remains the firm aim of both Governments to launch substantive all-party talks by the end of February.

Please contact:

*Patrick Hennessy, Political Counsellor
Tel (202)462.3939/Fax (202) 232.5993*

Statement by the Tánaiste and Minister for Foreign Affairs.

Mr. Dick Spring, T.D., to Dáil Éireann
on the Report of the International Body

24th January, 1996

The Report of the International Body has been laid before the Houses of the Oireachtas today. The House will recall that the two Governments established the International Body last November, with a mandate to provide an independent assessment of the decommissioning issue. The report of the International Body was presented to both the Irish and British Governments simultaneously on Monday, 22nd January, and launched this morning at a press conference hosted by the Body in Belfast.

Before I address the content of the report, I would like on behalf of the Government, and I am sure on behalf of this House also, to express our warm appreciation to the Chairman of the International Body, Senator George Mitchell, and to his colleagues, former Prime Minister Harri Holkeri and General John de Chastelain. The three members of the Body and their staff have displayed enormous commitment, skill and energy in the discharge of their difficult mandate. The Irish and British Governments and the peoples of these islands have every reason to be profoundly grateful to them for the service they have rendered to the cause of peace. I want to take this opportunity also to place on record our thanks to their respective Governments for the practical and moral support they have given to the work of the Body.

The essential goal we seek through the twin-track process is to bring the parties around the table. The ceasefires are an unprecedented opportunity to resolve a tragic conflict on an exclusively peaceful and democratic basis. The democratic process, and the future welfare of all our people, will be poorly served if we allow this opportunity to be lost. The report puts the choice before us very simply:

"This is a critical time in the history of Northern Ireland. The peace process will move

forward or this society could slip back to the horror of the past quarter century."

For some time there has been a dangerous impasse between two deeply-held and opposing views: Was decommissioning the prior condition for political progress, or, on the contrary, was political progress the prior key to decommissioning? The two Governments launched a twin-track approach, aimed at replacing that essentially sterile and circular debate by a search for complementary progress on both fronts.

The time-frame allocated to the Body was extremely short, reflecting the urgency of the Governments firm aim of launching all-party talks by the end of February. In spite of this pressure, the Body consulted very widely, and I believe their report shows that they used that process to establish a very impressive grasp of the situation and of the difficulties involved.

It is also clear from the report that they have gone to great lengths to be fair to all viewpoints and to acknowledge the genuine concerns on all sides. This report, represents the unanimous and impartial view of three very distinguished individuals, from very distinct backgrounds. It offers all of us a clear and very practical road map to the negotiating table. It sets out the guidelines necessary to ensure that the negotiating process is fully democratic and untainted by any threat or use of force. We accept it without reservation.

I believe the Body, with its valuable outside perspective, has helpfully drawn attention to some positive factors in the present situation which those of us who are totally immersed in it may sometimes be inclined to undervalue. They point to the strength of the deep consensus behind the peace. The very widespread acceptance of the need for total decommissioning, including by former paramilitaries, offers a potentially valuable starting point for the search for an acceptable solution to this problem. They also remind us of the need to give due weight to the sustained observance of the ceasefires (notwithstanding the reprehensible killings and beatings which they so strongly condemn). Our understandable concern with the problems we still need to solve should not blind us to the great

gains already made.

I was particularly impressed at this morning's press conference by Senator Mitchell's passionate appeal to avoid a point-scoring approach to his report. This was, he reminded us, a matter literally of life and death. I hope his appeal will be heeded by all and that the report will be given the careful and positive consideration it so clearly deserves.

I welcome also the focus in the report on the underlying issue of trust, or more accurately, the lack of trust, for which the decommissioning debate is in many ways an over-simplified code. The Body has very skilfully sought to disentangle the different components of the problem, and to treat each in the appropriate way. It recognises that the lack of trust is an essentially political problem, and must be addressed by political means. The six principles it sets out are a stringent and challenging test of commitment to democratic and peaceful methods, including during and after negotiations. I believe accepting and honouring them would be a very persuasive test of the commitment required under Article 10 of the Downing Street Declaration.

However the Body also recognises that there are genuine practical problems arising from the existence of unauthorised weapons which must be resolved as an essential part of a process of total and verifiable decommissioning. These are set out in a realistic and flexible way, leaving many of the details, quite properly, for subsequent negotiation and agreement.

The report of the Body replaces the polemics which had sprung up around the so-called "Washington Three" debate with an alternative, more logical, and ultimately more promising approach. To solve both aspects of the problem in the way they suggest, is ultimately to solve the problem as a whole. That is the crucial point for both Governments, not whether it must be achieved in one step rather than two, or according to one particular prescription rather than another.

While the Body was anxious to stay within its remit, it nevertheless usefully listed a number of further confidence-building measures which, while not the subject of formal recommendations, are

flagged for the attention of the parties. I believe all these issues should be on the agenda for talks. That includes the proposal for an elective process which, as the report points out, would have to be broadly acceptable if it is to contribute to confidence - or even, I would add, if it is to happen at all. That consideration means that it is for those who support the idea to persuade those who do not. The talks process is there for that.

The next step is for the two Governments working on the basis of the report and addressing also, of course, the various other issues in the political track, to intensify still further the round of preparatory talks so as to achieve the launch of inclusive negotiations. Both Governments remain fully committed to the firm aim and time-frame set out in the November Communiqué in this regard.

The report sets out, in very direct and straightforward terms that every citizen can understand, the unanimous view of the Body on the way forward. I hope that it will be very widely read by the public at large. Even more, I hope all the parties will avail themselves of the opportunity it offers. The unionist parties would gain, perhaps most of all, from an agreed settlement which protected their position and heritage. Political impasse is dangerous for everyone. I believe many unionists recognise that.

The process of negotiation now on offer contains guarantees for the unionist community at every level: The principles set out by the Body guarantee that any attempt to use force or to threaten force will be incompatible with the basis of talks, and will be rejected. The unionists themselves, by participating in talks, will be able to monitor compliance with that directly. Secondly, they have the guarantee that the outcome will be subject to what Prime Minister Major called the "triple lock", including the most stringent possible test of democratic validation, through the process of referendum.

A refusal to negotiate, given all of these safeguards, is only too likely to be decoded as a refusal even to acknowledge the existence of problems for the nationalist community. That attitude has taken a heavy toll in the past, and I hope we can all put it definitively behind us. Negotiations in

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relation to Northern Ireland are not a luxury, and not a favour for any one side to grant or withhold. They are quite simply a necessity, if we are to have a better future for all. Both nationalists and unionists have the duty firstly to listen to each others proposals carefully and constructively across the table, and secondly, to seek a just and honourable accommodation of their differing viewpoints.

The report points the way, but acknowledges that only resolute action by the parties themselves will produce progress. It challenges all sides to take the necessary risks for peace. The greatest tribute we can pay to the Body for their dedicated work will be to rise to meet that challenge.

END

CHECK AGAINST DELIVERY

PRIME MINISTER'S STATEMENT

THE MITCHELL REPORT

24 JANUARY 1996

CHECK AGAINST DELIVERY

**MITCHELL REPORT:
STATEMENT TO PARLIAMENT
24 JANUARY 1996**

With permission, Madam Speaker, I shall make a statement on the report of the International Body on the decommissioning of illegal arms which was published earlier today.

The key to progress in Northern Ireland is confidence - confidence to enable the parties to sit down together without threat of force. The retention of arms by the paramilitaries on both sides is the biggest single factor in holding back that confidence. It has so far prevented the holding of all-party talks.

That is one of the reasons why we and the Irish Government established the international body to provide an independent assessment of the decommissioning issue as one track of the Twin Tracks Initiative John Bruton and I launched last November.

- 2 -

The Body's remit was to identify and advise on acceptable methods of verifiable decommissioning, and to report on the commitment of the paramilitaries to work constructively to achieve that. We set the Body the challenging target of reporting by mid-January. I am extremely grateful to Senator Mitchell and his colleagues for the energy and determination with which they have completed their task.

The Body's main conclusions are:

- that the total and verifiable disarmament of all paramilitary organisations has nearly universal support and must continue to be a principal objective.

- that to reach an agreed political settlement and take the gun out of politics, all parties should commit themselves to, and honour, six principles embodying the path of democracy and non-violence. These principles include

- 3 -

- the total and verifiable disarmament of all paramilitary organisations,
 - the renunciation of force and the threat of force,
 - agreement to abide peacefully by whatever agreement is finally reached,
 - and an end to so-called punishment killings and beatings.
-
- that there is a clear commitment on the part of those in possession of illegal arms to work constructively to achieve full and verifiable decommissioning as part of the process of all-party negotiations. The Body make a series of recommendations on the modalities of decommissioning of illegal arms. They emphatically declare that there is no equivalence between such arms and those held by the security forces. They rightly emphasise the need for independent verification.

- 4 -

- that other confidence building measures are needed, such as an end to targeting of potential victims by the paramilitaries, information on missing persons and the return of those previously intimidated out of their homes.

The Body also record their conclusion, on the basis of their discussions, that the paramilitaries will not decommission any arms prior to all-party negotiations. The House will note that the Body did not conclude that they cannot decommission but that they will not. The House will draw its own conclusions. Although the Body make no formal recommendation on this point, they suggest an approach under which some decommissioning would take place during the process of all-party negotiations.

Madam Speaker, the Government welcome the Body's endorsement of the seriousness of the decommissioning issue. We welcome and fully endorse the six principles they set out. We call on all parties to do the same.

- 5 -

If all concerned were to accept these principles, and honour them, as the International Body also rightly emphasise, that would be a significant step forward. Even more significant would be if, in addition, all parties, particularly Sinn Fein, also joined the two Governments in supporting the wide principles of consent set out in the Downing Street declaration.

The Government also welcome the Body's broad recommendations on the modalities of the decommissioning process. We are ready to implement them. It is now for those in possession of illegal arms to say whether they will accept and act on them. We look forward to an early and definitive response from the paramilitaries on both sides.

We welcome too the emphasis on other confidence-building measures. If the paramilitaries give up their present practice of keeping themselves ready for a return to action, that will be a most welcome sign of real commitment to peaceful methods. Otherwise gun-law continues to hang over the heads of the people of Northern Ireland.

- 6 -

There is therefore much in the report we can welcome and endorse. But the practical problem remains: how to bring all the parties together. Self-evidently the best way to generate the necessary confidence is for the paramilitaries to make a start to the decommissioning process. We see no reason why they should not.

There can be no justification for the maintenance of private armies by those who claim to be committed to exclusively peaceful means. Opinion polls in both Northern Ireland and the Irish Republic have shown overwhelming public support in both communities for decommissioning before talks. We shall therefore keep up the pressure for an immediate start to this process.

However I am not prepared to accept that any one group should, through their intransigence, stand in the way of peace and a comprehensive settlement for the people of Northern Ireland. We will not be deflected from our aim. It is now apparent that there may well be another way forward, consistent with the basic principles we have always adhered to.

- 7 -

One of the confidence-building measures taken up by the International Body is the idea of an election. The Body made clear that a broadly acceptable elective process, with an appropriate mandate and within the three-strand structure, could contribute to the building of confidence.

Madam Speaker, the Government believe that such an elective process offers a viable alternative direct route to the confidence necessary to bring about all-party negotiations. In this context it is possible to imagine decommissioning and such negotiations being taken forward in parallel.

The election proposal originated in Northern Ireland and, as recent opinion polls have shown, has widespread cross-community support there. A number of parties, including those led by the hon. Members for Upper Bann and North Antrim, as well as the Alliance Party, have put forward proposals for some form of elected body as a means of bringing all parties together, even if the paramilitaries persist in their refusal to decommission prior to negotiation.

- 8 -

It is true that other parties have registered their concerns. They will certainly need to be addressed. We will discuss urgently with all the parties how to overcome them. But in a democratic system like ours I cannot see how elections could be regarded by any of the parties as a side issue or as a block to progress.

As the Mitchell report says: "Elections held in accordance with democratic principles express and reflect the popular will". So let me make it quite clear to the House that we are ready to introduce legislation, and to seek both Houses' urgent approval for it, in order to allow an elective process to go ahead as soon as may be practicable. I would hope that this will attract support right across the House.

To sum up, Madam speaker, we believe that, in the light of the Mitchell report, there are two ways in which all-party negotiations can now be taken forward. Both are fully consistent with the six principles set out in the report.

- 9 -

The first is for the paramilitaries to make a start to decommissioning before all-party negotiations. They can - if they will. If not, the second is to secure a democratic mandate for all-party negotiations through elections specially for that purpose.

Two routes to all-party negotiations and to decommissioning. The choice between them is ultimately for the parties themselves. I believe that the people of Northern Ireland have every right to expect that one or other of these routes will be taken and taken soon.

For our part we, together with the Irish Government, will intensify our discussions with all the parties. I intend to meet the Taoiseach again in the middle of February to review progress.

Madam Speaker, the people of Northern Ireland are enjoying today's peace. They want it to be permanent. They also want and deserve political progress. It is time to put old enmities aside and to allow the people of Northern Ireland and their representatives once again to have a normal say in their future and their affairs.

- 10 -

The proposals I have put forward today require all concerned to take risks for peace. We have done so before and will do so again, consistent with our principles. That is what is needed if we are to build on the achievements of the past two years.

Let us never forget that we are dealing here with the lives of innocent men, women and children. We are dealing with their future and the future of Northern Ireland. In the end our obligation as politicians is to the people we govern.

I pledge that I will leave no stone unturned to deliver to the people of Northern Ireland on a permanent basis the precious privilege of peace they have now enjoyed for seventeen months.

To sum up, Madam speaker, we believe that, in the light of the Mitchell report, there are two ways in which all-party negotiations can now be taken forward. Both are fully consistent with the six principles set out in the report.