

NORTHERN IRELAND FORUM

Trilateral Meeting At Castle Buildings, Stormont 20/9/96

H.M.G.

Irish Government

Ulster Unionist Party - Peter WEIR

John HUNTER

Alan McFARLAND

Peter KING

1610

H.M.G. Here to address draft bills, questions put and issues which underlie questions.

UK and Irish governments are doing everything to recover illegally held arms - not entirely successful. Decommissioning is different, it is dependant on a need for cooperation. Therefore the international reports' compromise.

The two governments have produced enabling legislation - details cannot be in without agreement. To be a clear process of action re decommissioning alongside political talks :

- 1 . legislation as soon as possible dependant on climate
- 2 . a binding commitment on parties to impliment the international bodys' report - if commitment made it would be binding on Sinn Fein

3 . a committee of all the participants. The chair would be the independent chairman. This would run alongside the political process to allow for progress alongside and a degree of ownership.

There is a concern in the questions that this is a vehicle to stall. This is the essential vehicle to take forward the practical work to enable decommissioning. It would be hard to progress decommissioning in a vacuum - agreement is needed for modalities and a committee on its own may not be able to operationalise modalities. We would make available a body of experts to the committee. Provided from within the two governments with the possibility of outside experts.

Three aspects to committee:

1 . to work out a series of decommissioning schemes. In reality we need a number of these. This can ensure we move forward

2 . to prepare the ground for the commission. The committee has to set out parameters in which the commission can work

3 . there are other aspects to modalities referred to in the international body's report. Technical experts must make models and report to the government. To work alongside political talks.

The above has to be done prior to the commission. There would be provisions for reviews of the work of the committee. This is the way forward: the committee; the work plan - all unable to be stalled.

IRISH That faithfully represents the Irish view. This is a dynamic process. The committee would address concerns - not just a talking shop.

J.H. What about the parliamentary timetable ? Do we have a timetable for the legislation ?

IRISH To be introduced early this session. By Christmas. Dependant upon progress in talks. That is not leverage - must be a proper commitment of parliamentary time. Not a threat.

H.M.G. There are implications if the talks had collapsed. The theory is to implement the report. There is a firm commitment to go forward.

A.McF. Unionism is a broad church with attendant concerns. The committee has enormous potential to get bogged down. This can all bog down in a wrangle. Surely the thought process would lead to a commission. If the I.R.A. come in and Adams signs up there is no organisation to receive

equipment. No effort has been made. The key is to have something to oversee process. This is a delay to the commission. Both governments are down the road on modalities - why bother to have this committee.

IRISH The evidence suggests no move to decommission. Work must be done prior to that stage. The ethos is decommissioning in an atmosphere of trust. Modalities must be teased out by the committee.

A.McF. The last ceasefire was a Tactical Use of Armed Struggle. What must happen with the next ceasefire is that the paramilitaries must make it absolutely clear that violence is over. Without trust there will be no talks. Good faith must be shown in the short term. Decommissioning will build confidence.

H.M.G. The committee is to give effect to paras. 38 and 40 [International Bodys' Report]. Technical experts will do the work of an embryonic commission. It will be a means of making transparent progress.

The commission cannot be set up before the legislation.

The committee can be very much set up prior to legislation.

The committee would be advising on the scheme. No Finality until the legislation is through. Afterwards it could undertake effective work eg certain paramilitary issues.

J.H. Let's move to the questions.

IRISH We understand your concerns but from the Sinn Fein perspective if the offer of substantive talks was on offer then decommissioning would be aided.

A.McF. There is a degree of sensitivity about parties being railroaded. Confidence and trust are necessary.

H.M.G. The questions presuppose we know the shape of the commission. There are a range of options. We don't know where on specifics we are. We cannot answer your questions specifically.

A.McF. Therefore the need for a core commission. It is not clear what the governments are thinking.

H.M.G. The governments do not have concluded views on these matters. We have not taken forward our thinking on modalities on a very detailed basis - we need to know the views of the participants.

J.H. "No concluded views" sounds equivalent to the length of a piece of string. How far are we going to get - that is left completely vague.

IRISH The reason there are no conclusions is that a dimension of the International Body's Report is missing. We see the committee as providing a vehicle for consultation.

The committee is valuable and necessary.

The committee is faithful to the report. It creates a vehicle.

H.M.G. These issues have been thought through as far as they can. The legislation is very comprehensive.

J.H. You are not in a position to answer any questions ?

H.M.G. We cannot give final answers. We cannot rule anything out until consultation. The governments do not want to create prejudice by putting forward views. The committee is the best forum.

IRISH There are good reasons not to answer some questions.

H.M.G. Q.3 might involve local reps. The parties in the committee will have a view.

A.McF. There are concerns at the idea of a committee of plenary.
It would be helpful to explore; we need to be confident
that this is not a mechanism to slow progress.

H.M.G. We agree with that analysis.

IRISH I can see your dilemma. You are deeply interested in
decommissioning and would want to be involved. we cannot
establish the commission until certain understandings are
in place. If we get substantial negotiations going then,
and only then, is there a prospect of decommissioning.

This is cooperative decommissioning.

A.McF. You could also do this on a bilateral basis. We could have
great difficulty politically with Sinn Fein in the
committee.

IRISH There will be no ceasefire without substantial
negotiations.

H.M.G. There has to be agreement with those with the guns. Not
sensible to set up a commission without their input.

There has got to be agreement on modalities. The preparatory
phase needs to be done by somebody.

The committee is to the advantage of the parties.

1710

Agreement to meet again 23/9. Irish were pressing for UUP to be specific about the role and nature of the "core commission". H.M.G. may attempt then to answer questions by stating that they have already been answered during discussions. The proposed meeting to be prior to meeting at ministerial level.

P.A.K.

QUESTIONS ON DECOMMISSIONING

1 What is the intended parliamentary timetable for the passage of this legislation ?

2 What consideration has been given to the structure and membership of the Verification Commission ?

3 Will the membership contain representatives for the British and Irish governments , or will its membership be entirely drawn from outside the British Isles ?

4 Has the option of setting up an inchoate Commission with some of its staff and their functions designated at this stage been considered ?

5 What will the terms of reference for the Commission and when will these be in place ?

6 What will the powers of the Commission be ? Will these be entirely dependant on the grace and favour of the two governments or will it have powers to act independently of them ?

7 Will these powers be passive or will it ,for example, have the powers to enter and search,or require the production of information ?

8 Have any international comparisons been considered and investigated , e.g. SALT ?

9 What work has been done on the draft regulations on decommissioning (Irish Government)/ draft decommissioning scheme (British Government) ?

10 How much work can be done prior to the paramilitaries coming in ?

11 What procedures should be agreed now to cover the situation if and when Sinn Fein enter the process ?

12 What thoughts have been given to the timetable/schedule for actual decommissioning ?

13 How is this to be staged ?

14 What remedy will be available if there is failure of any paramilitary party to comply with the decommissioning process/ timetable ?

15 What decommissioning provisions would apply if one set of paramilitary parties/party were to leave or be expelled from the process,to the remaining paramilitary party/parties ?