



PRIME MINISTER

Prime Minister
The key to this is
Trimble. What Paddy
Mayhew proposes is sensible,
but we need to be sure
Trimble will not attack us.
Subject to that, are you
content?

John 5/7

NORTHERN IRELAND ARMS DECOMMISSIONING BILL

You and NI colleagues will wish to be aware of where work on the decommissioning legislation now stands, and our latest thinking on how this might best be played into negotiations.

Effective decommissioning will require complementary arrangements in Northern Ireland and the Republic. British and Irish officials have therefore been working closely together in drawing up draft legislation. This is at an advanced stage, although negotiations continue on one or two important issues. The legislation will be enabling in character, and is intended to allow the two Governments to implement the Mitchell recommendations on modalities, including those concerned with the provisions of a decommissioning scheme, the status of an independent Commission, and measures relating to protection from prosecution, evidential use and forensic testing. The intention behind the two Bills is the same, though slightly different approaches have been adopted in a number of areas in line with the different constitutional and legal requirements in each jurisdiction. The detailed scheme will, of course, be a matter for negotiations with the interested parties as part of the Talks process. I will write to NI colleagues again once the draft legislation has been finalised.



Before then, however, we need to take decisions on the handling of the draft legislation. We have been keeping open the option of enacting the decommissioning legislation before the Recess, with the dual aim of avoiding a situation where the absence of such legislation prevented, or was used as an excuse for delaying, progress on decommissioning, and of reassuring the Unionists and others of our determination to make progress on this issue. I discussed the possibility of early legislation with Tony Newton and other colleagues some weeks ago, and work on the draft Bill has taken on board a number of points made at that meeting.

In view of the changed political and security climate following the Manchester bombing, however I am now firmly of the view that we should not attempt to push the Bill through at this stage. In particular:

- there is no prospect in the short term of Sinn Fein being allowed back into the Talks process, and no realistic possibility of early decommissioning by PIRA. The UDP and PUP are participating in the Talks, but in the absence of decommissioning by PIRA there will be no loyalist decommissioning. The legislation is therefore most unlikely to be needed over the next few months, while early enactment could increase in an unhelpful way the already considerable pressure on the loyalist parties on this issue, while being misread by others as indicating an expectation on our part of the early reinvolved of Sinn Fein.



- my sense of the mood of the House is that legislation at this stage to provide an amnesty for terrorist-related offences would not be well received. This is compounded by the fact that time is now very short for the Bill's passage: Parliament, especially the House of Lords, is likely to be resistant to such a truncated timescale for a Bill of this kind.
- the Irish will not legislate before the Dail rises for the summer. Without their legislation, decommissioning in the Republic, where most PIRA weapons are hidden, cannot proceed: nor can a Commission with the sort of role envisaged by Mitchell be established. The Irish may, however, indicate publicly their willingness to recall the Dail during the recess to enact the legislation if required.

Intensive discussions continue with the parties, including the UUP, on the handling of decommissioning in the Talks process. On the specific question of early legislation, I put it to David Trimble that it would look odd for us to rush through legislation for an amnesty in current circumstances. He did not demur. I have no doubt that he still wishes to see clear evidence of the determination of both Governments to make progress on this issue. I believe we can meet his concern without legislating, but instead by publishing, together with the Irish, co-ordinated legislative proposals for consideration by the parties, probably in the sub-committee of plenary which we envisage



being established to take forward the decommissioning issue. The two draft Bills would be tabled under cover of a joint paper by the two Governments setting out their purpose and explaining any differences between them: preparation of this paper is in hand. This would give the sub-committee something substantive to bite on at an early stage, and would avoid accusations from the participants of inadequate consultation. It would also demonstrate the serious intent of both Governments to tackle decommissioning, while allowing us to adjust our proposals if necessary in the light of discussions on modalities in the sub-committee.

I should be grateful for confirmation that you and NI colleagues are content with the approach I have outlined above. I am copying this to members of NI, the Lord President, the Chief Whip and Sir Robin Butler.

A handwritten signature in dark ink, appearing to be "P.M.", is written above the typed name "PM".

PM

4 July 1996