NEG 31/96

Meeting of Irish Officials With UUP Delegation (1)
17 September 1996, 10.45 am

Present

Irish Officials	UUP Delegation
Paul Hickey	David Trimble
David Cooney	Ken Maginnis
Brendan Callaghan	Reg Empey
	Alan McFarland

1. Mr Cooney explained to the UUP delegation that the Irish Draft Decommissioning Bill would be made available to them on a confidential and completely exceptional basis. They would be allowed time to read the Draft Bill but the Irish officials were not free to allow them to retain the copies. The officials were in a position to deal with any technical questions in relation to the meaning or purposes of particular provisions but any policy issues would have to be left over to when Ministers arrived. Mr Maginnis said that at their briefing by British officials on the British Draft Bill they had omitted to ask for an indication of the differences between the Irish and British Draft Bills. They asked if the Irish officials could indicate the differences.

2. Mr Trimble noted that there was no limit on the time during which regulations could be in force. Mr Hickey said that section 2(2)(a), which stated that regulations might make provision for the times during which decommissioning might take place, provided for time limits. Mr Maginnis said that it was possible that there could be a schism between the Irish and British decommissioning periods, but he did not envisage this happening. Mr Hickey said that the Draft Bill was drafted to give maximum flexibility. Mr Trimble asked whether the Draft Bill allowed for more than one amnesty period. Mr Hickey referred to sections 2(2) and 5(1)(c). Mr Empey asked about the situation as regards offences continuing to be committed during the decommissioning period. Mr Hickey said that section 5(1) was a cumulative test that had to be fully satisfied before a person could avail of the amnesty. The amnesty would not therefore be available in the situation mentioned.

3. Mr Maginnis asked whether persons designated by the Commission could be designated for different purposes, eg, a person designated for verification might not have experience of firearms. Mr Hickey confirmed this and said designation would be looked at when the modalities of decommissioning were being addressed and they were translated into procedures. With regard to section 5(1)(a), Mr Maginnis asked whether the onus of proof lay with the authorities or the person concerned. Mr Hickey said that the intention was that the scheme would be sufficiently clear to make this determinable.

4. Mr Empey asked whether the Commission could operate before or after designated decommissioning periods. Mr Hickey confirmed that this was the case and said that section 9 when read with other sections provided maximum flexibility in specifying function and role. Mr Empey asked what powers the Commission would have to act

on information received on the location of arms. Mr Trimble asked whether the regulations would be sufficient to give the Commission the right to enter property if its work was being obstructed or in the case where someone decommissioning claimed to have destroyed more arms than was in fact the case. He also asked whether the Commission would have the right to be present when decommissioning was being carried out by persons other than persons designated by it. Mr McFarland cited the example of inspections of the Warsaw Pact (under the Helsinki Agreement?) and of Iraqi weapons, where inspectors had the power to open up buildings. Mr Hickey said that decommissioning was going to be a voluntary act and it was not envisaged that the Commission would have a policing or enforcing function. Mr Trimble asked whether the Commission would be dependent on the good faith of those holding the arms. Mr Hickey said that section 4(2)(g)(ii) and (iii) went beyond that - the Commission would be verifying. Mr Empey said decommissioning required that one set of paramilitaries had confidence in what the other set was doing.

5. The Tánaiste, the Minister for Justice, Secretary Tim Dalton and Secretary Sean Ó hUiginn joined the meeting at this point (see separate report).

B Callaghan

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