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John 5/11



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Prime Minister

NORTHERN IRELAND ARMS DECOMMISSIONING BILL

I have seen Patrick Mayhew's minute of 1 November on the Decommissioning Bill and I am grateful for being closely involved in the further consideration of whether the Bill could be extended to the rest of the UK.

2 I strongly endorse Patrick's conclusions. I do not believe it would be acceptable to the public and the police effectively to provide an amnesty which could be exploited by any criminal wishing to dispose of weapons he had used without risk of forensic testing or evidential use. This would be unprecedented and can only be justified in the special circumstances of Northern Ireland where the vast majority of weapons are in terrorist hands, and when the terrorists have determined that they will no longer use violence. The mainland criminal would be giving up a weapon which could otherwise be used as evidence against him; he would not necessarily have any intention of giving up his violent activities.

3 If, as we all hope, the peace process makes progress and a settlement, with decommissioning, becomes increasingly likely, the issue of arms held in GB will be a further element to be addressed. We will obviously want to put as much effort into this as possible if the terrorist groups concerned have irrevocably determined to abandon violence. But without knowing the situation that would then apply we cannot give an absolute commitment to produce a viable scheme; to do so now would be irresponsible given the serious problems which we are aware of. There will be a practical and political balance of judgement that can only be taken at the time.

4 I agree with Patrick that this is a very sensitive area, and we will be very ready to look again at how we present the Government's position on GB arms when the Bill is published. The lines to take set out at Annex B to Patrick's minute will need to be revised, as Patrick himself recognises, not least to avoid committing us to taking some action when none may be practical. It may well be necessary to set out rather more fully the present dangers of violent criminals exploiting the situation to avoid any risk of being brought to trial for their own offences. We can offer our best endeavours to produce a satisfactory scheme, but not a commitment which binds us whatever the circumstances.

I am copying this to recipients of Patrick's minute.

M. H.

45 November 1996

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