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TELNO GUIDANCE 83

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SUBJECT: NORTHERN IRELAND ARMS DECOMMISSIONING BILL

SUMMARY

1. Guidance on Northern Ireland Arms Decommissioning Bill, to be introduced to Parliament today.

DETAIL

2. The Northern Ireland Arms Decommissioning Bill is to be introduced to Parliament today. The Bill was announced in the Queen's Speech. Its purpose is to facilitate the decommissioning of firearms, ammunition and explosives related to Northern Ireland and enables HMG to give effect to the recommendations on decommissioning in the Report of the International Body (the Mitchell report).

3. The aim is for the Bill to have a Second reading before Christmas and be enacted early in the New Year. It is expected to be supported by the Opposition, but there may be opposition from some Unionist parties, claiming that the Bill goes too far in its evidential, amnesty and forensic testing provisions. The Irish government are preparing similar legislation which they have undertaken to introduce soon.

4. The Bill, and the fact that HMG wishes to enact it swiftly, is

an earnest of our intention to push the decommissioning issue forward. It would enable us to be in a position to facilitate actual decommissioning in the event of an IRA ceasefire and Sinn Fein's consequent entrance to negotiations (Guidance telno 82 gives further details on the requirements for Sinn Fein entry).

5. The main provisions of the Bill are:

- i) To make provision in respect of decommissioning schemes to apply to arms in Northern Ireland, England and Wales and Scotland.
- ii) An amnesty from prosecution in respect of certain (mainly possession-related) offences. The amnesty is available only to those acting in accordance with a decommissioning scheme; it is not (not) a general amnesty for terrorist-related offences.
- iii) A time limit (five years) within which things can be handed in under a decommissioning scheme to take advantage of the amnesty.
- iv) A prohibition, except in certain circumstances, on the use in evidence in criminal proceedings of a decommissioned article or information derived from it or anything done in accordance with a decommissioning scheme.
- v) A prohibition, except in certain circumstances, on the forensic testing of decommissioned articles.
- vi) Definition of an independent Commission to facilitate the decommissioning of firearms etc and a power to confer appropriate legal status, immunities and privileges.

6. The Bill extends to Great Britain as well as Northern Ireland. But any decommissioning schemes in England, Wales or Scotland must be for purposes related to the affairs of Northern Ireland. The precise details of how this would work in practice will be drawn up in due course.

7. The Mitchell Report's guidelines on the modalities of decommissioning, published in January, were that the decommissioning process should:

- suggest neither victory nor defeat;
- take place to the satisfaction of an independent commission;

- result in the complete destruction of armaments in a manner that contributes to public safety;
- be fully verifiable;
- not expose individuals to prosecution;
- be mutual.

LINES TO TAKE

8. The following lines may be used freely in response to enquiries or for briefing regular contacts.

- Have fulfilled our commitment to introduce legislation to give effect to the Mitchell report guidelines on decommissioning. Aim to take Bill through Parliament as quickly as possible.
- We endorsed Mitchell guidelines on modalities of decommissioning immediately the report was published in January. We accept Mitchell compromise of some decommissioning during talks.
- HMG 28 November statement (v11 of 28.11) said that the process of decommissioning should not be seen as a block to progress in the negotiations, but rather a way of building confidence during them. Decommissioning Bill aims to facilitate this. Hope it will help parties focus on and agree approach to decommissioning to allow talks to move forward to substantive issues.
- Bill shows our determination to carry forward the talks process.
- Bill will provide firm statutory foundation for whatever detailed decommissioning arrangements are in due course put in place.
- Bill's central features are: a prohibition on criminal proceedings for those who act in accordance with a decommissioning scheme; certain evidential and forensic testing restrictions; and the power to set up an Independent Commission to oversee decommissioning and to confer upon the Commission legal status and certain immunities and privileges.
- Have worked closely with Irish government in preparing legislation. They are preparing similar legislation, to be

introduced soon.

- Work in hand on how scheme will work in practice. Parties to talks will wish to discuss.

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