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Meeting of Minister for Justice, Equality and Law Reform, and  
Minister of State at the NIO, Mr Adam Ingram, with  
the Independent International Commission on Decommissioning,  
Dublin, 10 November 1997

Attendance

- Irish Side** Minister for Justice, Equality and Law Reform, Tim Dalton, Val O'Donnell, Paul Hickey, Brendan Callaghan
- British Side** Minister of State, Paul Wilkinson, Stephen Leach, Jonathan Margetts, John Mills
- Commission** General John de Chastelain, Brigadier Tauno Nieminen, Ambassador Donald Johnson, Clifford Garrard, Aaro Suonio

Meeting with Ministers

1. The Minister for Justice, Equality and Law Reform spoke along the lines of the attached speaking note. In reply, General de Chastelain said that the Commission had explained their task to Sinn Féin as putting mechanisms for decommissioning in place which could be used when the decision was made to decommission. They had said to the UUP that they did not want the lack of progress on the issue to have a deleterious effect on the political side of the negotiations. If they gave their report to the parties before presenting it in the Sub-Committee on Decommissioning, the Commission would be faced with a whole series of amendments. They intended that their final report would take account of the views of the parties. They recognised that they had produced a framework rather than schemes for decommissioning, but they wanted to be as flexible and general as possible. Minister Ingram in brief remarks endorsed Minister O'Donoghue's welcome for the report and emphasised the sensitivity of the issue.
2. Ambassador Johnson said that the contents of the report would not come as a bolt from the blue to the parties. The Commission had already explained their thinking to them. None of the parties had yet gone beyond their slogans. They had not addressed the question "How could it be done, if it were done?". General de Chastelain said that their parameters were set by the fact that decommissioning was a voluntary process. The other aspect was that decommissioning was indispensable. The strongest response they had got was from the loyalist parties who had misunderstood the Secretary of State to say in an interview that the Commission would pay for guns. In the view of the loyalist parties, this would be a disaster. The Commission had made clear to them that this was not an option. Mr Dalton said that it was important that the parties be given an indication of what was in the report, without necessarily giving them a copy. The Governments would see the report as an advance discussion document. It would be useful if progress was made on the report around the same time as progress was made in the Talks.

3. General de Chastelain said that they had to produce a final version of their report by the meeting of the Review Plenary at the beginning of December. They would like to have a discussion in the Sub-Committee on it before then. Part of their judgement in their report would be that all of the parties they had met, including Sinn Féin, had been helpful.

#### Meeting with Officials

4. Following the withdrawal of Ministers, the Commission continued the meeting with officials, who went through the changes to the Commission's draft which the two Governments were jointly suggesting (copy attached). In addition to the tone of the draft report, Mr Hickey set out the main concerns of the two Governments as being:
- The Governments were suggesting that the report be part of a consultative process and referred to the changes at paragraphs 5 and 51. Ambassador Johnson said that he did not like writing a report which said that they would be writing another report. Brigadier Nieminen said that they were developing more detailed schemes, but did not intend to publish them. Mr Hickey referred to the legislation which would require the schemes to be translated into statutory form and published. Mr Leach said that further discussion with the parties could narrow down the options. However, discussion involved a process of acclimatisation and it might not prove possible to exclude a lot of options. Further discussion could also assist in building confidence.
  - A related group of amendments were directed to presentation and tone and designed to avoid a situation where the Commission itself might be accused of adopting a hard and fast position in advance of consultations.
  - The manner in which discussions with some of the parties were described might be misused for purposes the Commission did not intend.
  - The information on paramilitary holdings in paragraphs 18 and 19 might equally be exploited by some of the parties. Mr Leach said that it might allow people to calibrate progress in decommissioning, which might create difficulties if there was political progress and only some decommissioning. Mr Hickey stressed that the estimates have not to date been promulgated by the Governments and remained only estimates.
  - The expression of hope that decommissioning would take place at various times might be counterproductive.
  - The references to decommissioning of non-paramilitary arms. Mr Leach suggested that the Commission should consult the two Governments if such arms were handed in to it. The Governments would wish to consider whether schemes should be framed to cover such arms. Mr Hickey said that such decommissioning might not require the assistance of the Commission, since members of the general public would not have any problems in principle in dealing with the security forces.

5. Clarification was also requested from the Commission on a number of points in the report:
- Whether the reference to different arrangements in the two jurisdictions was intended to mean that there would be fundamental differences.
  - The treatment of the four options omitted a reference to designated representatives.
  - The treatment of the self-destruction option was at odds with the International Body's, in that there was no reference to ex post facto verification.
  - The treatment of Government agencies (paragraph 46).
  - The language in which the legislative provisions was treated was somewhat absolutist.
6. Ambassador Johnson said that they had not wanted to tie the hands of the Governments in drafting regulations by giving details. They had therefore given more breadth than specificity. They did not want to produce "slush". They thought they had produced proposals. Mr Leach said that if the Commission could achieve specificity on the basis of dialogue with the parties this would show progress. If this could be achieved at this point, it would be useful to have specificity now. What the Governments wanted was schemes which were workable, but which catered for a broad range of options. General de Chastelain said that he got the sense that the Governments wished the Commission to engage in more consultation, so that the parties could take ownership of the proposals and might respond to them. Ambassador Johnson said that they would have to give something definite to the parties in order to get a response from them.
7. Ambassador Johnson said that they did not wish to foreclose any options. They envisaged that in the contact phase with a paramilitary organisation the contours of a decommissioning event would be discussed. But their paragraph 45 was formulated in a strong way because of the impossibility of foreclosing the involvement of Government officials. The Governments were suggesting a watering down of this paragraph. He said that discussing a revised version of the report with the four parties most directly involved (Sinn Féin, PUP, UDP, UUP) would disadvantage the "legal" parties. Mr Hickey said that it was important that the parties linked with paramilitary organisations were not surprised by the report's contents and that they were taken through it. He also emphasised that it was the groups close to those parties who would have to decommission at the end of the day. Ambassador Johnson said that none of the parties had objected to date to what the Commission were doing. If they objected at this stage, it was because they wanted to throw "a spanner in the works".
8. General de Chastelain referred in passing to contact with Martin McGuinness of Sinn Féin who had approached him for a meeting. The only issue which he had raised was the question of the Commission's request to make direct contact with the paramilitary groups. McGuinness had indicated that he thought this premature.

9. General de Chastelain said that they would aim to amend the draft in the light of the Governments' suggestions by the following Wednesday and, after discussing their redraft with the Governments, would then aim to show it to the three paramilitary-connected parties and would also consult the UUP. They would aim to have a draft of the report for discussion at a meeting of the Sub-Committee on 24 November. Mr Hickey suggested that the Commission let these parties know the timetable to which they were working; if the parties had a difficulty with it they would tell the Commission. Ambassador Johnson suggested outline regulations which the Governments might introduce. Mr Hickey said that for constitutional reasons the Irish regulations would have to be detailed ones.

B Callaghan