



Treaty Series No. 54 (1997)

Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of Ireland

Establishing the Independent International Commission on Decommissioning

Belfast, 26 August 1997

[The Agreement entered into force, upon the exchange of
notifications of acceptance, on 24 September 1997]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty*

1997

**AGREEMENT BETWEEN THE GOVERNMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF THE REPUBLIC OF IRELAND
ESTABLISHING THE INDEPENDENT INTERNATIONAL COMMISSION
ON DECOMMISSIONING**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland:

Recalling their decision on the 28th day of November 1995 to establish an International Body to provide an independent assessment of the decommissioning issue;

Noting that the Report of the International Body presented to the two Governments on the 22nd day of January 1996 recommended that the decommissioning process should take place to the satisfaction of an independent commission;

Noting that the Decommissioning Act, 1997 in the Republic of Ireland and the Northern Ireland Arms Decommissioning Act 1997 in the United Kingdom make reference to a Commission to be established by agreement between the two Governments;

Recalling the Joint Communiqué issued on the 29th July 1997, following the meeting between the Minister for Foreign Affairs and the Secretary of State for Northern Ireland, in which they announced their decision to complete preparations for the establishment of an Independent Commission in order that the mechanisms on decommissioning would be capable of being launched simultaneously with substantive political negotiations;

Have agreed as follows:

ARTICLE 1

The Independent International Commission on Decommissioning (hereinafter referred to as "the Commission") is hereby established by the two Governments in accordance with this Agreement.

ARTICLE 2

- (1) The Commission shall be independent in the performance of its functions.
- (2) The Commission shall have the legal capacity of a body corporate in accordance with the Decommissioning Act, 1997 and any Order made by the Secretary of State under the Northern Ireland Arms Decommissioning Act 1997.

ARTICLE 3

The objective of the Commission is to facilitate the decommissioning of firearms, ammunition, explosives and explosive substances (hereinafter referred to as "arms") in accordance with the Report of the International Body, any regulations or arrangements made under the Decommissioning Act, 1997 and any decommissioning schemes within the meaning of section 1 of the Northern Ireland Arms Decommissioning Act 1997.

ARTICLE 4

In fulfilment of the objective set out in Article 3, the Commission shall have the following functions:

- (a) to consult with the participants in political negotiations in Northern Ireland, including both Governments, and others whom it deems relevant on the type of scheme or schemes for decommissioning including the role it might play in respect of each scheme;

- (b) to present to the two Governments proposals for schemes for decommissioning having due regard to the views expressed by those it has consulted;
- (c) to undertake, in accordance with any regulations or arrangements made under the Decommissioning Act, 1997 and any decommissioning schemes within the meaning of section 1, and in accordance with section 3, of the Northern Ireland Arms Decommissioning Act 1997, such tasks that may be required of it to facilitate the decommissioning of arms, including observing, monitoring and verifying decommissioning and receiving and auditing arms; and
- (d) to report periodically to both Governments and, through whatever mechanisms they may establish for that purpose, the other participants in political negotiations in Northern Ireland.

ARTICLE 5

The Commission shall consist of not less than two members. The members shall be appointed jointly by the two Governments who may also appoint additional members from time to time. The two Governments may jointly appoint one of the members as Chairperson. The members of the Commission shall serve on terms and conditions decided by the two Governments.

ARTICLE 6

The Commission, its property and premises, and the persons referred to in section 3(4)(b) of the Decommissioning Act, 1997 and in section 7(2)(c) of the Northern Ireland Arms Decommissioning Act 1997 shall have such privileges, immunities and inviolabilities as may be conferred or provided for in accordance with orders made by the Minister for Justice, Equality and Law Reform and the Secretary of State under those Acts.

ARTICLE 7

Such moneys, premises, facilities and services as may be necessary for the proper functioning of the Commission shall be provided by the two Governments on a basis to be determined by them.

ARTICLE 8

Members of the Commission, members of the staff of the Commission, persons carrying out work for or giving advice to the Commission and agents of the Commission shall be bound not to disclose any information obtained in the course of the performance of their functions as such members or persons unless such disclosure is authorised by or on behalf of the Commission.

ARTICLE 9

The Commission shall keep proper accounts and proper records of all moneys received or expended by it and shall, at the joint request of the two Governments, appoint auditors who shall audit the accounts of the Commission. The reports of the auditors shall be submitted to both Governments.

ARTICLE 10

The Minister for Justice, Equality and Law Reform and the Secretary of State may make further provision in relation to the Commission and the decommissioning of arms in accordance with the Decommissioning Act, 1997 and any decommissioning schemes within the meaning of section 1 of the Northern Ireland Arms Decommissioning Act 1997.

ARTICLE 11

This Agreement¹ shall enter into force on the date on which the two Governments exchange notifications of their acceptance of it.

ARTICLE 12

The Agreement shall continue in force until terminated by mutual agreement and thereafter shall cease to have effect save in so far as and to the extent necessary for meeting any liabilities or disposing in an orderly manner of any remaining assets of the Commission in accordance with the spirit of the Agreement.

In witness whereof the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done at Belfast in two originals on the 26th day of August 1997.

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

For the Government of the Republic of
Ireland:

MARJORIE MOWLAM

RAY BURKE

¹The Agreement entered into force on 24 September 1997.