

DRAFT [Irish considering; ad referendum to Ministers]

#### DECOMMISSIONING: THE WAY AHEAD

1. Both Governments continue to do everything in their power to recover illegally held arms and prosecute those who possess them. The security forces in both jurisdictions have extensive powers in this area. But clearly, those efforts alone have not been completely successful. The process of decommissioning will be a different and distinct procedure, which can only be based on co-operation designed to secure the removal of all those illegally held arms which have eluded the efforts of the security forces.

2. Because of this need for co-operation, both Governments accept the **compromise approach** to decommissioning set out in the report of the International Body, which envisages **parallel progress** on the political and decommissioning tracks -

"[The compromise approach] offers the parties an opportunity to use the process of decommissioning to build confidence one step at a time during negotiations. As progress is made on political issues, even modest mutual steps on decommissioning could help create the atmosphere needed for further steps in a progressive pattern of mounting trust and confidence."

3. Flowing from this interdependence, both Governments have prepared legislation of an **enabling** character which will permit the maximum flexibility in taking forward the decommissioning process. The modalities for decommissioning and the details of the Commission's resources, powers and privileges cannot be settled until there is agreement on a decommissioning scheme. That in turn will require agreement in a process capable of building mutual trust and confidence.

4. What the Governments therefore propose is that a clear structure of **purposeful action** should be established to take forward decommissioning alongside political negotiations within the Talks process. This would involve the following:

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- (i) Commitment by both Governments to introduce their enabling legislation early in the coming session with the aim of getting it enacted as quickly as possible and, in any event, before Christmas. That timetable of course assumes a supportive Parliamentary climate which in turn would be affected by the degree of constructive engagement in the negotiations as a whole.
- (ii) A commitment which would be binding on all present and future participants to work constructively to implement all aspects of the Report of the International Body, including the compromise approach to decommissioning. To be specific, were that commitment to be part of the "acquis" when Sinn Fein entered the Talks process, then the same requirement would apply to them as well.
- (iii) As the vehicle to secure that implementation, the Governments propose the establishment of a Committee, comprising all the participants in the Talks and chaired by the Independent Chairman of the Plenary. [Its membership will also include the Chairman designate of the Independent Commission, to minimise any hiatus when the Commission is established]. This Committee would, the Governments believe, provide exactly the right forum to make progress on the lines indicated by the International Body, enabling the participants to commence detailed discussion on decommissioning and maintain ownership of the issue.
- (iv) The Governments understand the concern that, unless specific action is taken, there might be little in the way of practical progress between the establishment of this Committee and the full introduction of the Independent Commission in line with the recommendations of the

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- (ii) A commitment which would be binding on all present and future **participants** to work constructively to implement all aspects of the Report of the International Body, including the compromise approach to decommissioning. To be specific, were that commitment to be part of the "acquis" when Sinn Fein entered the Talks process, then the same requirement would apply to them as well.
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International Body. This concern focuses on the absence of technical and legal expertise to enable a particular method or methods of decommissioning to be "operationalised". The Governments will therefore be willing to ensure that no gap exists by making a body of appropriate expertise available to the Committee to get on with the necessary and essential preparatory work. Such expertise would be provided from within the Governments' security and legal resources - although we would also be prepared to explore the possibility of securing the services of outside expertise if the decommissioning committee saw value in that course. In due course the fruits of this expertise - and if appropriate the experts themselves - would be available to the Commission.

(v) With these technical resources, the Committee could undertake from day one an active programme of essential preparatory work. This would include

(a) working up into a series of alternative schemes the different options for decommissioning outlined in the Report of the International Body;

(b) carrying out a rigorous practical analysis of the precise role, powers and privileges of the Independent Commission, as required by each of the possible schemes, as an essential preliminary to agreement on the modalities and the formal establishment of the Commission on the basis of with the appropriate personnel, resources, powers and so on;

(c) considering the necessary timing and sequencing of decommissioning.

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(vi) The Committee would review this work and make recommendations to the Governments, who would then finalise and promulgate a scheme for decommissioning, and precise arrangements for the Commission, as soon as they were satisfied that a workable scheme of decommissioning had been identified which would be capable of finding broad acceptance among the parties and among those expected to decommission.

5. Thus the timing of the establishment of the Commission will enable essential preparatory work to be done - and the Governments propose the Committee, with appropriate resources, as the vehicle for that work. The Committee could also take forward work on the context in which a decommissioning scheme could be developed (including progressive confidence building measures) and on the impact of the requirement for decommissioning to be mutual as between Republicans and Loyalists.

6. The Governments would also propose that a Plenary session should be convened in [December] to take stock of progress in the negotiations as a whole, including the work of the Committee.

7. The Committee would have a clear work programme and the resources to carry it through. Its work could not be stalled by the absence of any party. Moreover, the commitment which the Governments would be seeking from all parties to the negotiations would be to work constructively to secure implementation of the report of the International Body, including the compromise approach to decommissioning. When that commitment is made everyone will expect it to be honoured in good faith, in the context of an overall process of negotiations which builds mutual trust and confidence. The Governments invite all parties to start to create that mutual trust and confidence through the process of negotiation now.