

NEG 36/R6

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PST; PSS; Ministers Owen,
de Rossa & Taylor; Attorney
General; Minister of State
Coveney; Messrs. Teahon,
Donlon & Dalton; Amb.
London and Washington; Joint
Secretary; Counsellors A-I.

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DRAFT: 18 SEPTEMBER 1996

JOINT PROPOSAL BY GOVERNMENTS ON HANDLING OF DECOMMISSIONING
[to be put to debate on decommissioning in Opening Plenary]

1. The British and Irish Governments put forward for consideration at the opening plenary the following proposals for taking forward the handling of decommissioning.
2. The two Governments confirm their commitment to all aspects of the report of the International Body including their support for the compromise approach to decommissioning set out in paragraphs 34 and 35, which state:

"The parties should consider an approach under which some decommissioning would take place during the process of all-party negotiations, rather than before or after as the parties now urge. Such an approach represents a compromise. If the peace process is to move forward, the current impasse must be overcome. While both sides have been adamant in their positions, both have repeatedly expressed the desire to move forward. This approach provides them that opportunity.

In addition, it 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. The Governments also confirm their commitment to work with all the participants to implement all aspects of the Report. The political parties, for their part, commit themselves to cooperating fully with the Governments in this task, in respect of all areas relevant to them¹. As an important step towards implementation, each Government will publish [at the conclusion of the opening Plenary] draft enabling legislation which will provide the basis for giving effect to the International Body's recommendations on modalities, for the participants to consider and comment on in the committee referred to in paragraph 5 below, with a view to

¹ It is for consideration by Ministers whether participants should be required to make a specific commitment to work to secure the implementation of all aspects of the Report of the International Body (or, at least, those parts of the report relevant to them). In paragraph 11 of the Opening Scenario document of 6 June, it was proposed that the Independent Chairman be invited to satisfy himself that "there are clear indications of good intent on the part of all the participants to work constructively and in good faith to secure the implementation of all aspects of the Report in the context of an inclusive and dynamic process which builds trust and confidence as progress is made on the issues". However, a number of parties have objected to the Chairman being given this power. Should each participant therefore be required to make such a commitment in the plenary, along the lines of their commitment to the Mitchell Principles? If so, what would be the basis for applying sanctions against any participant failing to make such a commitment?

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introducing legislation in their respective Parliaments in the forthcoming session so that as progress is made on political issues the legislative framework is enacted by [Christmas 1996].

4. The Governments propose that the plenary should agree to work constructively to secure the implementation of all aspects of the Report, including the requirement for mutual commitment and participation, in the context of an inclusive and dynamic process which builds trust and confidence as progress is made on the issues, and that it is on this basis that the negotiations should now advance to substantive discussions in the three strands. All present and future participants would need to accept that progress in the negotiations will only be possible on this basis.

5. The Governments further propose that the plenary should establish a committee [IRL: charged with working] to secure implementation of all aspects of the International Body's Report on this basis, with all the participants represented and chaired by the Independent Chairman of the Plenary. [UK: Its membership will also include the Chairman designate of the Independent Commission proposed in the report of the International Body.] The committee would have the attached working agenda (Appendix 1). Its first task would be to consider and comment on the legislation proposed by each Government, so as to facilitate early introduction of the necessary legislation. It would first meet on [7/14 October].

6. As part of the arrangements, a plenary session would be convened in [December] to take stock of progress in the negotiations as a whole, including the work of the committee. At this meeting, all participants would review the position, and the progress which has been made across the entire spectrum of the negotiations. It would also be possible, under the provisions of paragraph 25 of the rules of procedure, for the plenary to be convened specifically to enable the Independent Chairman to brief participants on the progress made by the committee. [UK: It is understood that a successful outcome to the negotiations as a whole requires progress in each of the constituent elements of the negotiations.]

7. The two Governments finally propose that the adoption of the above proposals should conclude the address to decommissioning by the opening Plenary. With the completion of other business, including the agreement of the comprehensive agenda, [statements by participants], and final remarks by the Independent Chairman, the opening Plenary session would be concluded. Under the agreed rules of procedure the appropriate Chairmen will then convene meetings of the negotiations within the three strands and the proposed Committee on Decommissioning, opening on [7/14 October] and proceeding in parallel.

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Appendix 1

**COMMITTEE ON DECOMMISSIONING
WORKING AGENDA (IRISH DRAFT)**

1. Governments' legislative proposals.
2. Conditions necessary for decommissioning.
3. Modalities to include role of Independent Commission.
4. Role of other confidence building measures.
5. Other arrangements necessary to secure implementation of the report.

Provision will also be made for the Committee to review at appropriate stages progress made in regard to:

- enactment of enabling legislation;
- the establishment of the Independent Commission;
- finalisation of a detailed scheme for decommissioning, including any necessary subordinate legislation;
- implementation of mutual confidence building measures;

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COMMITTEE ON DECOMMISSIONING
WORKING AGENDA

1. Government's legislative proposals: consideration of draft Bills and ongoing review of progress towards enactment.
2. Conditions necessary for decommissioning:
3. Modalities: consideration of detailed scheme and precise role of Independent Commission.
4. Role of other confidence-building measures: consideration of those other aspects of the International Body's report which participants may wish to raise in this format.
5. Other arrangements necessary to secure implementation of the report: finalisation of detailed scheme for decommissioning, including consideration of any necessary subordinate legislation.
6. Review of implementation: ongoing review of implementation of all aspects of the Report.

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Appendix 2

POSSIBLE TIME-LIMITED AGENDA FOR REMAINDER OF OPENING PLENARY

[Preliminary stage: Debate and agreement on agenda for remainder of opening Plenary.
1 day: 23 September]

1. Consideration of International Body's proposals on decommissioning. [2 days: 24-25 September]
2. Consideration of comprehensive agenda for three-stranded negotiations. [2 days: 30 September - 1 October]
3. Statements by participants. [3 days: 2, 7 and 8 October]
4. Adoption of comprehensive agenda; establishment of whatever mechanisms to enable further progress to be made on decommissioning are agreed pursuant to item 1. [½ day: 9 October]
5. Concluding remarks by Independent Chairman. [½ day: 9 October]

Assumptions:

- a. Plenary sessions to run for total of 6 hours per day [10-12.30 and 14.30-18.00].
- b. Each participants allowed 1½ hrs for statement (and questions?) under item 3.
- c. Trilaterals between British Government, Irish Government and UUP to be concluded before item 1 ends (ideally, before it starts).
- d. Objective is launch of 3 strands and decommissioning sub-committee on **14 October**, unless it is decided to dispense with opening statements (see below), in which case the three strands would be launched on **7 October**.
- e. Several variants are possible - eg
 - statements by participants taken as item 1 (this would allow more time to complete the trilaterals);
 - statements by participants dropped altogether - or no questions allowed (this would cut down the time between the conclusion of the address to decommissioning and the commencement of the strands).

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