

CONFIDENTIAL**DRAFT "RESPONSE" TO UUP CONCERNS ABOUT THE
ESTABLISHMENT OF THE INDEPENDENT COMMISSION
AND THE MAKING OF SCHEMES FOR DECOMMISSIONING**

It has obviously been impracticable to take steps to establish the Independent Commission in the absence of agreement on what its role should be. It would in any event have been premature to establish the Commission before the talks had reached item 4 of the agreed agenda for the remainder of the opening plenary session ("Launch of three-stranded negotiations and establishment of agreed mechanisms on decommissioning").

However, the necessary enabling legislation is in place in both jurisdictions and the two Governments have, on a contingency basis made preparations such that if the "possible conclusions" they have suggested are agreed, they will be able to:

- make the necessary Commencement Order[s] under the Northern Ireland (Entry to Negotiations etc) Act 1996 [and the Irish Act] before the end of July. The necessary Order under the UK legislation can be made by the Secretary of State by statutory instrument. {Irish Order?};
- sign the necessary International Agreement between the two Governments on 29 July;
- formally establish the Independent Commission under item 4 of the agenda for the remainder of the opening plenary session on 29 July;
- nominate a Chairman for the Independent Commission, on 29 July, following discussion with the other participants;

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- engage in consultation with the other participants about other possible members of the Commission, with a view to making the necessary appointments by the end of August if at all possible;
- as part of the wider programme of preparatory activity envisaged in paragraph 5 of the joint paper of 25 June, engage in preparatory discussions with the Commission in the period before 15 September;
- present the Commission by 15 September with a portfolio of workable draft schemes for decommissioning, reflecting those modalities mentioned in paragraph 44 of the Report of the International Body;
- invite the Commission in consultation with those identified in the first tier of its proposed terms of reference to make rapid progress after 15 September in refining those schemes as necessary and drafting further schemes for decommissioning.

A scheme can under the UK legislation be made by the Secretary of State without reference to Parliament [and under the Irish Act ...] so there need be no delay at that point. Both Governments have given an undertaking that no delay or obstacle in achieving decommissioning will be caused by any lack of Government preparation or provision. In particular they undertake that they will immediately give effect to an appropriate scheme as soon as there is any indication of any intent by a paramilitary organisation to commence decommissioning.

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