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Press

FROM N P PERRY
SECURITY POLICY AND OPERATIONS DIVISION
28 JULY 1997

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cc: PS/Mr Ingram (B&L) - O
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HMA Dublin
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1/8.

PS/Secretary of State (B&L) - O

MEETING WITH MR BURKE: DUBLIN 29 JULY: NOTE ON DECOMMISSIONING MECHANISMS

I attach a note, agreed with the Department of Justice, on the practical steps still to be taken before the International Commission becomes operational.

[Signed: Nick Perry]

N P PERRY

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Joint DOJ/NIO Briefing Note on the practical steps needed to establish the
Independent International Commission

Membership

1. The working assumption is that the Commission's three members will be drawn from the same countries which provide the Talks' Chairmen (US, Canada and Finland) and will provide a mix of skills. Joint approaches to the Governments of those countries will be necessary for the purpose of identifying potential members, as well as securing the provision of appropriate support staff. This will take place as soon as possible.
2. The International Body's Report envisaged appointments to the proposed Commission being made following consultations with the other parties to the negotiating process. It is proposed that those consultations should also begin shortly. Discussions between the Governments on the chairmanship have to date focused on General de Chastelain, who has indicated his willingness in principle to serve. The consequential reallocation of the Talks Chairmanship on the basis previously discussed within the Liaison Group (ie Senator Mitchell to chair Strand 2) would have to be agreed by the UUP and sufficient other participants before General de Chastelain can be nominated as Commission Chairperson.

International Agreement

3. Work on a Draft Agreement based on the proposals contained in the Governments' Joint Paper is at an advanced stage. That text, however, assumed acceptance of those proposals, including the establishment of the Liaison Committee within the framework of the Talks.



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4. A revised version of that Draft Agreement in more general terms is being finalised so that it will be available for signature, subject to the relevant procedural requirements in both jurisdictions, as soon as the Governments consider appropriate. A copy of the revised text, tabled by the British side for discussion, is at Annex A. The Draft Agreement will not come into force until the two Governments exchange notification of their acceptance of it. This could facilitate early signature, if this were judged politically desirable.

Orders, etc

5. The necessary commencement orders activating the relevant sections of the Decommissioning Act 1997 and section 7 of the NI Arms Decommissioning Act 1997 have been prepared and can be made, subject to final consultation, either before or after the Agreement establishing the Commission comes into force.

6. Orders conferring appropriate privileges and immunities on the Commission and its staff in both jurisdictions have still to be finalised. Consultation and co-ordination between the two Governments will be necessary so that the privileges and immunities which will attach to the Commission will be the same in both jurisdictions. In addition, an order conferring corporate status upon the Commission in the UK will be necessary, though it may be possible to combine this with the privileges and immunities order. Consideration will also be given to the terms of any regulations to be made under section 4 of the Decommissioning Act 1997.



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Options for Draft Schemes

7. It is for the Commission to prepare draft decommissioning schemes, but it is likely that it will look to the two Governments among others for suggestions and proposals.

8. Work is being taken forward between both Governments on a menu of options for such schemes, by reference to the methods of decommissioning identified by the International Body, which could facilitate any preparatory discussions with the Commission. This would in turn facilitate the Commission in its consultations with other participants and the preparation of its own proposals for schemes for decommissioning, in conformity with its proposed terms of reference and the Report of the International Body.

Other Matters

9. Practical preparations by way of the provision of appropriate accommodation, financing etc for the Independent Commission will continue to be taken forward in both jurisdictions in the period between now and September. Potential office accommodation has been identified in both Dublin and Belfast but it has yet to be fitted out. Pay and conditions of members and staff has still to be finalised, and will need to be agreed with the periods concerned.