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ANNEX D

(20 November)

IGC BRIEFING

HANDLING DECOMMISSIONING: POINTS TO MAKE TO THE IRISH

- We are keen to keep in step with the Irish Government. The modest adjustments proposed in our paper of 14 October remain faithful to the letter and the spirit of the International Body's report;
- the "suggested conclusions" to the decommissioning debate which were published by the two Governments on 1 October are not acceptable to the UUP for what seem to us to be good and sufficient reasons, forcibly expressed in plenary discussion and questioning. (In particular it seems politically inconceivable that the UUP could justify remaining in the talks with Sinn Fein present and the DUP and UKUP able to argue that progress on decommissioning was subject to an Irish Government or SDLP veto: attempting to proceed on the basis of the 1 October suggested conclusions would mean there were no inclusive negotiations for Sinn Fein to join);
- in the absence of agreement on an exit strategy from the decommissioning debate we cannot launch the three strands. Surely it is better to try to get beyond the decommissioning debate - on acceptable terms - before Sinn Fein join the talks;
- our paper of 14 November may offer a basis for moving into substantive negotiations and putting the Mitchell concept of mutually reinforcing progress on political negotiations and decommissioning to the test, without meeting the UUP's

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unrealistic demands. No sacrifice of principle for either Government. Not clear that it alters the situation vis a vis Sinn Fein, who must already be conscious that participation in the talks would imply acceptance that some decommissioning should happen during the negotiations;

- Commission's proposed role in offering a judgement would only apply in the context of commitment to the International Body's compromise approach and following extensive consultation with the parties. Any judgement would not be preremptory but advisory, with political and moral force not decisive effect. It would be a means of mediating the collective political will but in a way which would give the UUP some political cover;
- [UUP position. Prospects for co-opting them may be clearer after "Hume/Adams" is resolved one way or the other and text published];
- Not a cynical repositioning exercise but a genuine attempt to find a basis for agreement consistent with the two Governments' principles;
- Do you have any better ideas? [Obviously ready to consider constructively any variants which achieve similar effects];
- Hope you will at least agree to keep an open mind on this general approach until anything better is identified.

Fallback scenarios

- in the absence of early agreement on the handling of decommissioning the talks are unlikely to be able to move forward after Christmas. Should we aim to terminate the talks on as positive a basis as possible, or suspend them until [after the UK and local elections]?

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TERMS OF REFERENCE

The task of the Independent Commission shall be to work to secure implementation of all aspects of the International Body's report. In particular:

- to prepare for consideration detailed draft schemes for decommissioning in co-operation with the two Governments, consistent with the draft legislation both Governments have put forward;
- to determine the precise role of the Commission as regards implementation and verification in respect of each draft scheme;
- to make recommendations, following consultation on these draft schemes and having regard to the need for both Governments to be satisfied that the arrangements are workable, regarding the detailed arrangements for decommissioning and verification in accordance with the recommendations of the International Body;
- to consider, and make recommendations as appropriate, on other aspects of the International Body's report which may be relevant;
- to offer a judgement, on the basis of implementing the International Body's compromise approach to decommissioning and taking account of the conditions necessary for mutual decommissioning, on when decommissioning should start;
- to implement the detailed arrangements for decommissioning and verification in co-operation with the two Governments;

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- to draw to the attention of the Independent Chairmen, for circulation to all participants and appropriate action by the two Governments, any participant who demonstrably fails to co-operate constructively and in good faith with the Commission;
- to report progress in these tasks to participants in the negotiations on a regular basis and, in the first instance, no later than 3 months after the Commission is established.

The Independent Commission shall consult with participants in the negotiations through the Liaison Committee established for this purpose, but may also consult participants individually or otherwise and may consult any other persons who may be of assistance. The two Governments will make a range of relevant expertise available to the Commission.

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