

C O N F I D E N T I A L

FROM: N P PERRY
SECURITY POLICY AND OPERATIONS DIVISION
25 NOVEMBER 1996

PA

cc: Mr Thomas (B&L) - B
Mr Steele - B
Mr Stephens - B
Mr Leach - B
Mr Beeton - B
Ms Mapstone - B
Ms Bharucha - B
Mr Whysall (B&L) - B
Mr Margetts *
Mrs Evans * - B

Mr Hill (B&L) - B

(* with copy of 22 November minute)

TALKS: THE DECOMMISSIONING DEBATE

Thank you for your minute of 22 November. We in SPOB will of course do all we can to assist, including participating if necessary in a re-run of the sort of meeting we had with the UUP in September.

2. As far as practical and legislative constraints on possible mechanisms are concerned, it may just be worth recalling two points:

- (a) The Commission. The Commission can be set up by the two Governments in advance of the Bill's enactment, provided that it does not require any privileges or immunities, which for the initial phase of its work it probably won't. It could be established either by a formal international agreement between the two Governments, or informally (like the International Body) with a view to putting it on a formal footing once the various decommissioning options have been worked up. The former approach is neater, but it may not be easy at this stage to set out in sufficient detail in the agreement the functions of the Commission during actual decommissioning: this is important because it is the description of the Commission's role as set out in the agreement that provides the 'hook' from which to hang the

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provisions on privileges/immunities in the British and Irish legislation. (The agreement could, I suppose, be amended subsequently if necessary, though this would not be particularly desirable.)

- (b) Members. Realistically, identifying and putting in place suitable members/staffers for the Commission - unless its 'pre-decommissioning' work is passed to the Independent Chairmen - will take a little time. Our initial discussions with the Irish did not get beyond agreement that the 'independent experts' might include candidates from military, diplomatic and technical/academic backgrounds: particular individuals were not identified. Nor will we know precisely the sort of person we want until we have a clearer idea of the role of the Commission. If General de Chastelain is appointed to head it the situation is eased, though his expert assistance, if this is to come from overseas, still needs to be organised (there are some retired Governments experts here who could be drafted in, but would probably not be acceptable on grounds of independence).

3. In short, while preparatory work is continuing - I am, for example, chairing a meeting with police, Army and FSANI colleagues tomorrow to discuss outline schemes - an irreducible amount of time will be needed to put the practical arrangements in place. I mention this obvious point only because, given the need to move very quickly if an agreement on mechanisms is reached, the time needed to establish different models could be a factor in selecting the one eventually used. Nor should we lose sight of the fact that the Bill's extension gives the Home and Scottish Secretaries a more direct interest than hitherto in some of these issues.

[signed]

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