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(Draft 13.11.96)

SUGGESTED CONCLUSIONS TO THE PLENARY ADDRESS TO DECOMMISSIONING
to be tabled by [the two Governments] [HMG]

The participants in the multi-party negotiations, meeting in plenary session:

- note the commitment of the two Governments 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 somder 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";

- note the commitment of the two Governments to work with all other participants to implement all aspects of the Report;
- note that as an important step towards implementation, each Government [will publish at the conclusion of the opening Plenary session/have published] draft enabling legislation

CONFIDENTIAL

CONFIDENTIAL

which will provide the basis for giving effect to the International Body's recommendations on the modalities of decommissioning. They [intend to introduce/have introduced] legislation in their respective Parliaments in the forthcoming session with a view to securing enactment [by Christmas 1996];

■ note that, to secure the remaining steps necessary for implementation of all aspects of the International Body's report, the two Governments will establish at the conclusion of the Opening Plenary an Independent Commission [chaired by] with the attached terms of reference. This Independent Commission will, among other matters, 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;

■ agree to work constructively and in good faith with the Independent Commission to enable it to develop detailed recommendations regarding the practical implementation of all aspects of the report of the International Body and subsequently to put agreed recommendations into operation, in the context of an inclusive and dynamic process in which mutual trust and confidence is built as progress is made on all the issues of concern to all participants. A reality for all present and future participants is that progress in the negotiations will only be possible on this basis;

■ agree to establish a Liaison Committee charged with co-operating fully with the Independent Commission for this purpose. The Committee will comprise representatives of all the participants and be chaired by the Independent Chairman of the Plenary. The Liaison Committee will be available for consultation by the Independent Commission, including in respect of modalities and on the conditions necessary for decommissioning, that is the circumstances in which mutual

CONFIDENTIAL

CONFIDENTIAL

decommissioning would be expected to occur. It may also assist the Commission as appropriate and shall regularly be informed by the Commission of progress in its task. But the Independent Commission shall be independent of the Committee and solely responsible for its own decisions and judgments. The Liaison Committee will be able to draw on the range of relevant expertise which both Governments will make available to the Commission;

■ agree that a plenary session should be convened in [.....] to take stock of progress in the negotiations as a whole and in the work of the Independent Commission. At that meeting, all participants would review the position, and the progress which has been made across the entire spectrum of issues relevant to the negotiations. It would also be possible, under the provisions of paragraph 12 of the rules of procedure, for the plenary to be convened specifically to enable the Independent Chairman to brief participants, on the basis of reports made to the Liaison Committee, on the progress made by the Independent Commission;

■ agree that, on this basis, the address to decommissioning by the opening Plenary is concluded; and

■ agree to complete the remaining business of the opening plenary session in time for the appropriate Chairmen to convene meetings of the negotiations within the three strands opening on [.....].

CONFIDENTIAL**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;

CONFIDENTIAL

- 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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