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**Mr Timothy Dalton
Secretary
Department of Justice
St Stephen's Green
DUBLIN**

31 August 1995

IMMEDIATE

BY SECURE FAX

[Dear Tim]

INTERNATIONAL COMMISSION: US QUESTIONS

1. I believe that agreement has now been reached on the text to be used at the Summit on 6 September to announce the twin-track strategy, and that the operative paragraph on the Commission is as follows:

"The two Governments have agreed to establish an International De-commissioning Commission. This Commission will have the initial and limited remit of reporting to the two Governments by mid-November, 1995, on whether it has established that a clear commitment exists on the part of the relevant paramilitary organisations to the full and verifiable decommissioning of all illegally held arms in the appropriate context and manner."

2. Given this agreement, there would seem to be clear advantage in keeping open the option for the two leaders to be able to announce the name of Senator Mitchell as Chairman-designate on the 6th (if that is the decision they finally reach). To maintain this option, the key next step would clearly be for the two Governments rapidly to convey to Washington an agreed set of answers to the questions which the Americans forwarded earlier this month.

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EMM/4110

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3. We have therefore produced at official level here the attached draft answers. I should stress that this draft has not yet been cleared, or even seen, by our Ministers, and is therefore wholly ad referendum to their views. But in view of the shortage of time I thought it best to send it to you as it stands.

4. I hope to submit the draft to the Secretary of State this evening, and may therefore have some Ministerial reactions tomorrow. I hope we could then discuss the position further. It would clearly be very desirable (despite the time problems) to send our agreed answers to the US Government before the weekend (ie by close of play tomorrow), and you may wish to consider whether this is a feasible objective.

5. I look forward to speaking to you tomorrow.

[Yours ever,
Stephen]

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**QUESTIONS ON US PARTICIPATION IN INTERNATIONAL COMMISSION -
DECOMMISSIONING OF PARAMILITARY WEAPONS**

Membership

- Q1. In what capacity would a US representative be expected to serve? Official or private?**
- A1. The US representative, while nominated by the US Government, would be appointed jointly by the British and Irish Governments, and would serve in a private capacity.**
- Q2. How would the other members of the Commission be chosen? Would they serve as official representatives of their governments or in a private capacity? Has any thought been given to including people with experience in other conflicts?**
- A2. The other Commissioners would be appointed on the same basis. The countries to be approached will be a matter for agreement between the British and Irish Governments. Relevant experience would be helpful but, given the uniqueness of the NI situation, not essential.**
- Q3. What advantages do the British and Irish see to having an American chair the Commission, as opposed to a "wise man" from a smaller country like Norway or Canada?**
- A3. The US has played an important role in supporting and assisting the British and Irish Governments in taking the peace process forward, and in encouraging other parties to participate fully and constructively in that process. Against that background, and in view of the strong historical links which the US has with both communities in NI, a distinguished and widely acceptable American would, in the view of the British and Irish Governments, be especially well placed to take a leading role in the Commission.**
- Q4. Who will be responsible for writing the Commission's reports and recommendations? Will there be a staff, and if so, how will these positions be filled?**
- A4. We assume that the Commissioners themselves will prepare the reports to the two Governments, assisted as necessary by their staff. The Commissioners will be supported by a secretariat:**

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

EMM/4100

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

its size and composition will be a matter for discussion between the two Governments and the Commissioners, and its personnel will be selected by the Commissioners themselves: it could, however, include a combination of personal 'staffers' and local support staff. Options for staffing the Commission could include the secondment of British and Irish civil servants, or (if their Governments agreed) of diplomatic staff from the London and Dublin embassies of the countries nominating Commissioners.

Mandate

Q5. To whom would the Commission report?

A5. The Commission would report to the two Governments.

Q6. What would be the Commission's mandate? Would its reports and recommendations be binding on HMG and the GOI or would the two governments simply "acknowledge" or "accept" them? How specific would its recommendations be? How might they advance the overall peace process?

A6. On the first question, the Commission's initial task will be to report to the two Governments by mid-November 1995 on whether it has established that a clear commitment exists on the part of the relevant paramilitary organisations to the full and verifiable decommissioning of all illegally held arms in the appropriate context and manner. This report would include its assessment of the arrangements most likely to achieve the maximum degree of decommissioning. Subsequently, the Commission might be requested by the two Governments to assist in the implementation of those arrangements. On the other questions, the British and Irish Governments will give the most careful consideration to the recommendations put forward by the Commission, and these will inform their own thinking on decommissioning. The two Governments will approach the Commission's recommendations with an open mind, although final decisions will, of course, continue to rest with the Governments as the authorities which bear ultimate responsibility. Both Governments believe that the Commission

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

EMM/4100

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could be of the highest importance in helping to sustain and develop the peace process at a crucial stage.

Q7. Would the Commission proceed without prior assurances from representatives of paramilitaries that they will co-operate with it?

A7. The two Governments see no justification for any party which claims to be genuinely committed to constitutional politics to withhold its co-operation. Such a position would be particularly hard to sustain if the approach adopted by the two Governments had been endorsed by the wider international community, most obviously by direct involvement in the Commission's work.

Q8. With whom would the Commission meet? Would it seek the views of the SDLP, UUP and DUP as well as Sinn Fein, PUP and UDP? Would it meet directly with IRA and loyalist paramilitaries in spite of their illegal status in both the UK and Ireland?

A8. The legal arrangements under which the Commission will operate are still being finalised. We expect, however, that the Commission will be able to consult as widely as necessary to enable it to carry out its task, and to meet those parties and organisations which it judges can best assist it in its deliberations.

"Two-track" approach

Q9. How would the Commission fit in with other political and security "tracks" such as "procedural" talks or "all-party" talks?

A9. The two Governments have agreed to work together to create conditions so that all-party talks, aimed at reaching in round table format an agreed political settlement based on consent, could commence before the end of 1995. They therefore intend jointly to convene a series of meetings with all parties to discuss the groundwork for these talks; and, in parallel, to establish the International Commission. The Commission's initial report will be sought by mid-November 1995 (see A6,

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

(7)

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above) and the two Governments aim to meet before the end of November 1995 to agree the appropriate way forward.

Q10. If the Unionists boycott "procedural" or "all-party" talks, would the Commission proceed despite lack of movement in talks?

A10. The Commission's remit will not be directly linked to progress in the preparatory talks, although when the two Governments come to agree the appropriate way forward the degree of progress on both tracks will of course be relevant. The Governments will do all in their power to help bring about the conditions which would enable all-party talks to commence before the end of 1995.

Q11. Would the Commission's work and "procedural" talks begin simultaneously?

A11. We envisage both processes operating in parallel, if not actually beginning simultaneously.

Q12. How do you assess the chances that republican and loyalist leaders will go along with a "two-track" approach?

A12. There are grounds for believing that the PUP and UDP would co-operate with the Commission. If Sinn Fein are genuine about making progress on this issue, they will co-operate (and would be much more likely to do so if the scheme has the clear support of the US Government).

Logistics and timing

Q13. How much time would the Commission have to do its work? Is a report by November realistic?

A13. We hope that the Commission would be able to complete its initial report within a period of about two months, which appears a realistic target.

Q14. Who would fund the Commission's travel and expenses?

A14. The Commission will be jointly funded by the British and Irish Governments.

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

EMM/4100

(8)

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Q15. How public would the Commission's work be?

A15. If USG agreement is forthcoming, it is hoped to announce the establishment and mandate of the Commission, and the name of the chairman-designate, at the Summit meeting planned for 6 September. Names of the other Commissioners would be announced in due course. Once it was operating, details of the Commission's consultations with the two Governments and the relevant parties would be confidential. It would be for the Commission to decide, on a day-to-day basis, how much publicity to give its work.

Unforeseen consequences

Q16. What would happen if the Commission came up with conclusions or recommendations that HMG or the GOI found unacceptable?

A16. Having established this prestigious independent body, the two Governments would of course study very closely any recommendations it put forward, and these would clearly inform the judgments which the Governments will make on the key issues. While final decisions will continue to rest with the two Governments, they will naturally approach the Commission's recommendations with an open mind.

Q17. Would this not drive a wedge between or among HMG, the GOI and the USG? How could we ensure that we avoid such a scenario?

A17. No reason why it should. The initial purpose of the Commission, which will be an independent body, is to assist in the resolution of a difficult issue by consulting all the relevant parties and reporting its conclusions to the two Governments. These recommendations will be a matter for discussion between the Governments, which have already been working closely together on the issue: and we would expect the close co-operation between all three Governments which has characterised progress to date to continue.

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EMM/4100