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TO: HQ

DATE: 4 June 1997

**FOR: (1) C. O'Flóinn
(2) P. Teahon
(3) T. Dalton**

FROM: Second Sec O hUiginn

NUMBER OF PAGES (including this cover sheet): 10

-
1. I attach a draft paper on decommissioning which we have just received from the British side.
 2. I will be in contact later for your assessment of it.

Chairman's call retained

*1. Dead man's brake gone
2. Ref to compromise approach under which some review wld take place during the negotiations. is dropped*

CONFIDENTIAL**RESOLVING THE ADDRESS TO DECOMMISSIONING**

[A Paper intended to secure sufficient consensus for the completion of item 2 of the agenda for the remainder of the opening plenary]

1. In the light of the extensive discussions which have taken place since mid-October last year on the issue of decommissioning the two Governments have prepared the attached statement of "possible conclusions" on items 2(a) - (c) of the agenda for the remainder of the opening plenary.
2. The two Governments commend these proposals to the other participants and urge their acceptance as a basis for resolving the address to decommissioning and securing the launch of substantive political negotiations.
3. The Governments' proposals would ensure that their own role and influence in the negotiations respected and reinforced the high priority which the Report of the International Body urged that decommissioning should receive in all-party negotiations (paragraph 38 and passim). This would involve:
 - (a) insistence on subscription to and respect for the six principles of the Report by all participants, as a basic requirement to ensure confidence that the negotiations will be conducted on a level and exclusively democratic playing field, and with equal respect for all participants;
 7. (b) commitment by all concerned, but especially by the two Governments, to work to achieve the implementation of all aspects of the report of the International Body;
 - (c) provision in the negotiations of structures to ensure that all parties have the capacity and opportunity to have the necessary input as envisaged in the Report;
 - (d) a reporting mechanism so that all participants can be kept fully apprised (by the Governments, the Chairmen, the future independent Commission or others as appropriate)

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of developments in this area, in the light of their common interest to have the issue satisfactorily resolved, notwithstanding their potentially different contributions to this goal;

- (e) adequate mechanisms to ensure that the modalities of decommissioning envisaged in the Report can be implemented as needed and that no delay or obstacle is caused by any lack of Governmental preparation or provision in this respect.

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30 May 1997

POSSIBLE CONCLUSIONS ON ITEM 2(a) - (c) OF THE AGENDA FOR THE REMAINDER OF THE OPENING PLENARY

note of Feb + some more talks - relayed and ...

1. The participants in the multi-party negotiations have since mid-October 1996 comprehensively debated the International Body's proposals on decommissioning, and a range of other proposals on this subject. All participants have had full opportunities to set out their position in writing; to explain that position in oral presentations; to question other participants about their proposals; and to discuss the issues in plenary, in meetings with the Independent Chairmen and in a range of bilateral and multi-lateral meetings with other participants.

2. In reaching a determination on the issues raised by agenda item 2 the participants acknowledge that there are widely varying and deeply held views on the best way forward. However, they all - without exception - subscribe to the following basic propositions:

(a) there should be an immediate, complete, universal and permanent end to violence by all [paramilitary organisations] in Northern Ireland;

to all violence in NI

in the context of ... guns out of the equation

(b) the total decommissioning of illegal weaponry [held by all such paramilitary organisations] should commence as soon as possible and be achieved as rapidly as possible; and all the participants are ready to work to achieve that objective;

(c) neither force, nor the threat to use force, can be allowed to influence the course or outcome of the negotiations. Consistent with their commitment to the principles set out in paragraph 20 of the report of the International Body, all participants have renounced for themselves and will oppose any effort by others to use or threaten force for any such purpose.

Inclusiveness process - best chance of mutual understanding - if para 8 of our paper reality then not front-loaded

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low resolution of the decommissioning approach

Commitments

3. Although individual participants would prefer to see the implementation of their own proposals they have collectively come to acknowledge that the report of the International Body offers the only realistic basis on which to proceed. Accordingly, the participants each hereby commit themselves to work constructively and in good faith to secure the implementation of all aspects of the report of the International Body, including the compromise approach to decommissioning envisaged in paragraphs 34 and 35.

Get in "consider"

Seems better

4. They also commit themselves to work constructively and in good faith with the Independent Commission, once it is established, to enable it to carry out its role, in the context of an inclusive and dynamic process in which mutual trust and confidence is built as progress is made on the issues of concern to all participants. A reality for all past and future participants is that progress in the negotiations will only be possible on this basis.

We have been seeking this

but if we go for that, he has his inspiration elsewhere - here

Recognise must be... 5. For their part the two Governments give a formal joint undertaking that they will do all they can to ensure that the decommissioning issue is resolved to the satisfaction of the participants as an indispensable part of the process.

requirement of many participants, including themselves

Mechanisms

6. The participants acknowledge that the operational and practical implications of securing decommissioning do not affect each of them in the same way. There are many aspects which, without prejudice to the equal right of all participants to see a satisfactory resolution of the issue, relate specifically or exclusively to the responsibilities of the two Governments. Those parties with some record of influence or insight relating to the paramilitary organisations who would need to engage in decommissioning may have a particular role to play.

of para 3, Irish paper

not 6-9p

whose involvement needed or who alone have the capacity to bring

7. For their part the two Governments acknowledge a particular responsibility to carry the process forward with energy and determination. They have made clear that for their part they would expect to see the commitments referred to in paragraphs 3 and 4 above reflected in due progress

with

expect

we had (para 13)

"hope" we shld expect

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on decommissioning alongside progress in the substantive political negotiations; and will work to achieve that.

8. The participating parties welcome, as an important step towards the implementation of the report of the International Body, the enactment of appropriate enabling legislation in the two Parliaments which will provide the statutory basis for giving effect to the International Body's recommendations on the modalities of decommissioning.

9. The participants agree that

- the mechanisms for achieving further progress on decommissioning alongside progress in the three strands should comprise an Independent Commission and a Committee of the Plenary. That Committee should have two sub-Committees dealing with decommissioning and with developments in relation to other confidence building measures respectively. The respective roles and responsibilities of the Commission and the Committee should be as set out in the attached annex;

2007 - to be a summary of the negotiations which will be fully worked out by the end of the year

is deferred implementation not better - mutuality

for SF consideration sub-committee will need a programme/calendar

- those mechanisms should be formally established in time for their first meetings to coincide with the first substantive discussions in the three strands;

- the business of the opening plenary, including (agenda item 4) the launch of three stranded negotiations and the establishment of agreed mechanisms on decommissioning, should be completed by [] July;

D.K.

- the three strands of substantive political negotiations should commence substantive discussions on 15 September;

- the Independent Chairmen in consultation with the Business Committee should make all necessary preparations for the effective conduct of those substantive negotiations;

- in order to advance work and make the maximum use of the opportunities ahead, the participants themselves undertake to make all necessary preparations for substantive

time frame calendar - participants accept up to May

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Take out this para & relate it to a wider para. on time frame

negotiations, including through preliminary discussions with other parties where mutually helpful.

From same 14 sun paper

10. The Report of the International Body envisaged mutual progress on political issues and decommissioning as helping to create a progressive pattern of mutual trust and confidence. With a view to encouraging this, and to allowing the participants in the negotiations to review and discuss progress across the negotiations as a whole (including the three strands, decommissioning and other confidence-building measures), the participants further agree that the Chairman of the Plenary should convene a meeting of the Plenary every two months or such longer period as may be agreed, specifically to review and consider developments across the entire spectrum of the negotiations, including the areas listed above. At those meetings participants would consider whether the necessary basis still exists, or could be recreated, to enable further progress to be made in the negotiations as a whole.

Defeatist of South African experience - steps/schedule

11. The participants hereby invite the members of the Independent Commission, following their appointment, to draw attention to any case in which a participant demonstrably dishonours a commitment of the kind referred to in paragraph 4.

Chair to make a statement particip to involvement

12. The participants also hereby invite the Independent Chairmen as a group to keep overall progress in the multi-party negotiations as a whole under review and to offer their judgement from time to time on the need for progress on particular issues if confidence is to be sustained. *moment from primary agreement* In particular the Chairmen are invited, whenever they feel the appropriate point has been reached, 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, *leave it more general* on the point at which they believe decommissioning should commence.]

- but can we now rely on sense of chair given Mo's view -

Invitations to join/rejoin the negotiations

13. The participants confirm that if any party is invited to join (or rejoin) the negotiations, the Chairmen of the plenary should convene a plenary meeting at the earliest practicable moment. At this meeting the party concerned would be required to affirm its total and absolute

but. I re Blair's

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commitment to the principles of democracy and non-violence as specifically as set out in paragraph 20 of the report of the International Body.

- 14. Such a party would, in common with all the other participants, be subject to all the agreed provisions and rules of procedure adopted by the existing participants. The agreements reflected in this document, for example, will not be open to negotiation by any party who might wish to join the process at a later stage and that party would accordingly be required to affirm its acceptance of the commitments set out in paragraphs 3 and 4 above.

conform to the procedure

CONFIDENTIAL**ANNEX****1. Independent Commission**

An Independent Commission shall operate in both jurisdictions with appropriate immunity as determined by the special legislation and regulations on decommissioning enacted by the British and Irish Parliaments. It shall be furnished with independent legal and technical advisors and, where appropriate, shall be given access to the technical expertise of the British and Irish Security forces.

Responsibilities

to consult with the Liaison sub-Committee on Decommissioning, both Governments, and others whom it deems relevant on the type of scheme or schemes for decommissioning including the role of the Independent Commission in respect of each scheme;

to present to both Governments proposals for schemes have due regard to the views expressed by the Liaison sub-Committee on Decommissioning;

those whom it has consulted

to facilitate, observe, monitor and verify decommissioning and to receive and audit armaments, according to the schemes laid down;

to report periodically to the Liaison sub-Committee on Decommissioning and to both Governments.

Don't "on the progress being achieved" - this is better

2. Committee of Plenary

A Committee of Plenary shall be established comprised of representatives of all participants in the negotiations. It shall be chaired by the Chairperson of the Plenary and will report regularly to the Plenary. It shall have two sub-Committees, a Liaison sub-Committee on Decommissioning and a Liaison sub-Committee on Confidence Building Measures, with the following responsibilities.

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CONFIDENTIAL**(a) Liaison sub-Committee on Decommissioning**

The sub-Committee will be charged with assisting the implementation of all aspects of decommissioning as set out in the Report of the International Body. In particular it will be required:

to consider any legislative proposals by either government, and any proposed regulations;

to consider the type of scheme or schemes for decommissioning and the role of the Independent Commission in respect of same;

to consider proposals for such schemes drawn up by the Independent Commission, and to submit any agreed opinion on these proposals for consideration by the Commission.

(b) Liaison Sub-Committee on Confidence-Building Measures

The sub-Committee will be charged with monitoring developments in relation to any of the confidence building measures mentioned in the report of the International Body which participants may raise, and any others which may be referred to it, by agreement, by the plenary. In particular it will be expected

to review developments in relation to such measures

to consider any reports on such measures as may be submitted by those with responsibility for the issue in question

to draw to the attention of the Chairman of the relevant strand any institutional or systemic implications which may arise from its consideration of particular confidence building measures.

On paper also had regulations or scheme under Acts 12

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