

488/97

ASST 08 18 7/9  
SEC 10 SEP 1997  
CENT SEC

REF: N/220  
FROM: JOANNE MAXWELL  
ANGLO IRISH SECRETARIAT  
10 SEPTEMBER 1997

CC: PS/Mr Murphy (L&B)  
PS/Mr Ingram (L&B)  
PS/PUS (L&B)  
PS/Sir David Fell  
Mr Thomas  
Mr Steele  
Mr Bell  
Mr Daniell  
Mr Leach  
Mr Stephens  
Mr Shannon  
Mr Watkins  
Mr Beeton  
Mr Brooker  
Mrs Brooker  
Mrs Brown  
Mrs Collins  
Mr Hill  
Mr Perry  
Mr Maccabe  
Mr Smyth  
Mr Whysall  
HMA, Dublin  
Mr Fergusson, RID

C

*Mrs McAuliffe 11/9*  
*LD 11/9*

PS/Secretary of State (L&B)

STATEMENT BY THE TAOISEACH REGARDING THE AGREEMENT WITH  
THE BRITISH GOVERNMENT TO ESTABLISH THE INDEPENDENT  
INTERNATIONAL COMMISSION ON DECOMMISSIONING

I attach for your information a copy of the statement made by the Taoiseach on the agreement with the British Government to establish the Independent International Commission on Decommissioning.

*Signed*

JOANNE MAXWELL

**Statement by the Taoiseach, Mr Bertie Ahern T.D. in Dail Eireann**  
**on Wednesday 10 September 1997**  
**in moving the Motion for approval of the**  
**Agreement with the British Government to Establish the Independent**  
**International Commission on Decommissioning**

A Cheann Comhairle,

I move

“That Dail Eireann approves the terms of the Agreement between the Government of Ireland and the Government of the United Kingdom Establishing the International Commission on Decommissioning, signed by Ireland in Belfast on 26 August, 1997, a copy of which was laid before Dail Eireann on the 28th day of August, 1997”.

I anticipated the leaders of the parties in Opposition would wish to take this opportunity to make some remarks on the wider peace and political processes that provided the context for the international agreement for which the Government are today seeking the approval of Dail Eireann. We have taken advantage of the recall of the Dail today to move this motion, in order to fulfil the commitment contained in the Joint Communiqué issued following the meeting between the Minister for Foreign Affairs and the Secretary of State

for Northern Ireland on 29 July, the commitment to ensure that the mechanisms for decommissioning would be capable of being launched simultaneously with substantive negotiations on 15 September. With the approval of this motion and the other steps already taken and being taken by the two Governments, we will be able to deliver on that commitment.

I shall speak to the motion and then say something about the wider context. But before I do so, let me welcome, once again, in the House the unequivocal restoration of the IRA ceasefire that took effect on 20 July. In practice, it has proved to be of a markedly better quality than the first ceasefire which ended with the bombing at Canary Wharf. There is an apparent absence of surveillance or targeting and punishment beatings in republican areas have ceased. The absence of military operations or associated activity has enabled Secretary of State Mowlam to conclude that the ceasefire is being observed both in word and deed and, in the light of this, has paved the way for the two Governments to issue an invitation to Sinn Fein to participate in the negotiations in Belfast. Pursuant to this, Sinn Fein have now, yesterday, in open plenary session at the talks, confirmed their acceptance of the exacting Mitchell Principles of democracy and non-violence. I greatly welcome that declaration which has the potential to represent a watershed in the history and politics of Ireland.

I am glad that the present Government here were able to play our constructive part in getting the IRA cease-fire restored. I acknowledge the

very substantial groundwork towards that end that was made by the previous Government and by Deputies Bruton and Spring, in particular.

We have the great blessing of peace now and thus a calm atmosphere and a level playing field for all eligible to take part in the talks. The guns have fallen silent. But we look forward impatiently to the time when, on a mutual basis and following on substantive negotiations on a comprehensive agenda, the gun and the bomb are removed completely and permanently from the political equation throughout Ireland and throughout these islands. That is the objective in view in the Agreement we ask the Dail to approve today.

Deputies have copies of the Agreement. It was signed by the Minister for Foreign Affairs on behalf of the Government at a meeting with the Secretary of State for Northern Ireland at a meeting in Belfast on 26 August, 1997. Approval of today's motion will enable the requirement of Article 29, sub article 5.2 of the Constitution to be met. That provides that the State shall not be bound by an international agreement involving a charge on public funds unless the terms of the agreement shall have been approved by Dail Eireann. A charge on public funds will arise by virtue of the Agreement as a result of the establishment of the Independent International Commission on Decommissioning. Under Article 7 of the Agreement, the Commission is to be funded jointly by the Irish and British Governments.

The Agreement was framed to reflect the joint proposals which the Irish and British Governments put to the participants in the Northern Ireland negotiations on 25 June, as clarified in a statement - on behalf of the two Governments - by Minister of State Murphy at the talks on 16 July. The Agreement also reflects the legislation already enacted in both jurisdictions - our Decommission Act 1997 and the UK Northern Ireland Arms Decommissioning Act 1997.

The joint Government proposals did not attract sufficient consensus on the part of the talks participants in July. The two Governments believe that the proposals continue to represent the best way forward consistent with the report of the International Body that was chaired by Senator George Mitchell.

The Agreement therefore provides that the Commission will be independent in the performance of its functions and will have the legal capacity of a body corporate. Its objective will be to facilitate the decommissioning of arms in accordance with the Report of the International Body and any regulations or schemes made in accordance with the Acts to which I have referred. It is, for the purpose of fulfilling that objective, being given the following specific functions:

- (a) to consult the participants in political negotiations in Northern Ireland, including both Governments, and others whom it deems relevant, on

the type of scheme or schemes for decommissioning, including the role it might play in respect of each scheme;

- (b) to present to the two Governments proposals for schemes for decommissioning having due regard to the views expressed by those it has consulted;
- (c) to undertake, in accordance with any regulations or schemes enacted in accordance with the legislation enacted in each jurisdiction, such tasks that may be required of it to facilitate the decommissioning of arms, including observing, monitoring and verifying decommissioning and receiving and auditing arms; and
- (d) to report periodically to the two Governments and, through whatever mechanism they may establish for that purpose, the other participants in political negotiations in Northern Ireland.

I commend the Agreement and the Motion to the House.

The other arrangements necessary to ensure that the mechanisms for decommissioning are launched simultaneously with substantive negotiations on 15 September are well in hand. Offices are available for the Commission in Dublin and Belfast. The Governments of Finland, Canada and the United States have, in response to requests from the Irish and British Governments,

proposed very well qualified persons for nomination as members of the Commission.

Arrangements are in hand for Commission members designate to visit Dublin for briefing very shortly. Members designate will be briefed by the Minister for Justice, Equality and Law Reform and, on behalf of the British Government, by the Minister of State at the Northern Ireland Office. Security experts in both jurisdictions have made preparations to meet the Commission members designate. Thus, any suggestions that the Irish Government have failed to deliver on commitments, or have held up progress in this whole area, are completely wide of the mark.

On the contrary: the Irish Government, with that in London, sees the resolution of the decommissioning issue as an indispensable part and outcome of the negotiations and our action bear this out. But decommissioning, or any attempt to make it a precondition for participation in the talks, cannot be allowed to block the whole process.

That is why the two Governments have made it absolutely clear that substantive political negotiations must, and will, be launched on Monday next, 15 September. All Deputies will, I am sure, share my disappointment that the basis for doing this on an inclusive, roundtable basis was not laid when the talks resumed in Belfast yesterday but this outcome yesterday was not unexpected. Consequent on the death and funeral of Princess Diana, it was,

understandably, necessary for the Ulster Unionist Party to defer for a week a meeting of its Executive Council, originally fixed for Saturday last, 6 September.

The UUP decision on participation in the move to substantive negotiations is now likely to be taken following the refixed meeting, on Saturday next. I very much hope that they will decide in favour of participation, and indeed that it will be possible to bring all the eligible parties around the table together from 15 September. Be that as it may, the negotiations will be launched on that day, with the objective of completing them in time to enable proposals to be put before the people, North and South, for their approval in referenda by the middle of next year.

The Government here very much want the representatives of the unionist and loyalist people to take part, so that the voice and concerns of that community will be heard and fully taken into account. I want to stress that the process of dialogue offers no threat to the unionist community or to anybody else. It should scarcely be necessary to say so but in view of some recent worries among that community, let me reaffirm that the Irish Government - indeed both Governments - remain fully committed to the consent principle, as set out in the Downing Street Declaration. This will be a guiding principle for us and no doubt for the British Government, too in the negotiations, from which of course, no outcome is excluded or predetermined.



That well established position of Irish Governments on consent will not change. Its essence is that change in constitutional status cannot be imposed against the wises of a majority. We hold to that - but consent also has a broader significance. As the Downing Street Declaration puts it, "stability and well being will not be found under any political system which is refused allegiance or rejected on grounds of identity by a significant minority of those governed by it".

The Nationalist community has never given its consent to Northern Ireland as it was or even as it stands now. Without prejudice to the absolute need for consent to any change in sovereignty, the achievement of mutual or two-way, cross-community consent or acceptance of the arrangements to emerge from negotiations is also necessary and desirable. It is in the interest of all communities that that essential basis for stable and effective government be achieved and all parties should co-operate to this end.

Right down the line, in dealing with the decommissioning issue, the Irish Government has demonstrated its good faith. We do so again today in bringing this motion before the House. I urge Deputies to support it.