



NORTHERN IRELAND OFFICE

11 Millbank, London, SW1P 4PN

Tel 0171 210 6461

Fax 0171 210 0246

Professor Monica McWilliams
Northern Ireland Women's Coalition
50 University Street
Belfast
BT7 1HB

4 September 2003

Dear Monica

INDEPENDENT MONITORING COMMISSION

I am writing to let you know that I will be announcing today that the Government will introduce legislation at Westminster next week to help provide for the establishment of the Independent Monitoring Commission. This is a key element in the implementation of the proposals published by the British and Irish Governments in May for rebuilding the trust and confidence necessary for the restoration of stable and inclusive devolved government in Northern Ireland.

I will also be publishing today the International Agreement between the British and Irish Governments which will establish the Commission and set out its functions and how it will go about its work. I am also announcing the names of the individuals who have agreed to serve as Commissioners.

I attach copies of the press notice and the International Agreement.

Paul Murphy

PAUL MURPHY MP
Secretary of State for Northern Ireland

“Where matters referred to the Commission relate to the operation of the institutional arrangements under Strand One of the Belfast Agreement they will be considered only by those members appointed by the British Government”.

The names of the four Commissioners have also been announced. They are John Grieve, formerly a senior officer in the Metropolitan Police; Lord Alderdice, the first Presiding Officer of the Northern Ireland Assembly; Joseph Brosnan, former Secretary General of the Department of Justice in Ireland; and Richard Kerr, a former Deputy Director of Central Intelligence in the United States.

“I am delighted that we have secured the services of four such high-calibre individuals to serve as Commissioners.”

Notes to Editors

1. The establishment of the Independent Monitoring Commission is part of the package of proposals published by the British and Irish Governments on 1 May aimed at rebuilding trust and confidence and the full implementation of the Belfast Agreement. The two Governments agreed at the BIIGC on 2 July to press ahead with those elements of the proposals not dependent on acts of completion by paramilitaries.
2. The Commission will have three functions:
 - monitoring and reporting on the incidence of alleged paramilitary activity;
 - at its discretion, investigating claims by Northern Ireland Assembly parties that individual Ministers or Assembly parties are in breach of their commitments under the pledge of office in the Belfast Agreement;
 - reporting on the progress of any formal programme of security normalisation undertaken by the British Government in the context of acts of completion by paramilitaries.

In respect of allegations concerning paramilitary activity or breaches of the pledge of office, the Commission will have the discretion to make recommendations about what measures Assembly parties might consider taking against individual Ministers or parties if they consider such action justified.

3. The Commission will be formally established by an International Agreement between the British and Irish Governments. This will allow it to function in both jurisdictions with the necessary support and assistance from the two Governments. British and Irish domestic legislation will also be necessary in order to place the Commission on an appropriate statutory footing in both jurisdictions. The draft

DRAFT

AGREEMENT

between

**THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND**

and

THE GOVERNMENT OF IRELAND

establishing

THE INDEPENDENT MONITORING COMMISSION

DRAFT

Article 4

In relation to the remaining threat from paramilitary groups, the Commission shall:

(a) monitor any continuing activity by paramilitary groups including:

- i. attacks on the security forces, murders, sectarian attacks, involvement in riots, and other criminal offences;
- ii. training, targeting, intelligence gathering, acquisition or development of arms or weapons and other preparations for terrorist campaigns;
- iii. punishment beatings and attacks and exiling;

(b) assess:

- i. whether the leaderships of such organisations are directing such incidents or seeking to prevent them; and
- ii. trends in security incidents.

(c) report its findings in respect of paragraphs (a) and (b) of this Article to the two Governments at six-monthly intervals; and, at the joint request of the two Governments, or if the Commission sees fit to do so, produce further reports on paramilitary activity on an ad hoc basis.

Article 5

(1) In relation to a commitment by the British Government to a package of security normalisation measures, the Commission shall:

(a) monitor whether commitments made are being fully implemented within the agreed timescales, in the light of its assessment of the paramilitary threat and the British Government's obligation to ensure the safety and security of the community as a whole. The activities it shall monitor in this regard shall include:

- i. demolition of towers and observation posts in Northern Ireland;
- ii. withdrawal of troops from police stations in Northern Ireland;
- iii. closure and dismantling of military bases and installations in Northern Ireland;
- iv. troop deployments and withdrawals from Northern Ireland and levels of British Army helicopter use;
- v. the repeal of counter-terrorist legislation particular to Northern Ireland;

(b) report its findings in respect of paragraph (a) of this Article to the two Governments at six-monthly intervals.

(2) The Commission shall, at the request of the British Government, prepare a report giving an account of security normalisation activity undertaken by the British Government over a specified period. The period to be covered by such a report, and the activities it shall monitor in this regard, shall be notified to the Commission by the British Government.

DRAFT

Article 9

Where the Commission reports to either or both of the two Governments under Articles 4, 5 and 6 of this Agreement, the Government or Governments to whom the report is submitted shall take steps to make those reports public.

Article 10

- (1) The Commission shall consist of four members, who shall be appointed as follows -
- ~~(a) two members, one of whom shall be from Northern Ireland, shall be appointed by the Government of the United Kingdom of Great Britain and Northern Ireland;~~
 - (b) one member shall be appointed by the Government of Ireland;
 - (c) one member appointed jointly by the two Governments, who shall be a nominee of the Government of the United States of America.
- (2) The members of the Commission shall serve on terms and conditions decided by the two Governments.

Article 11

The Commission, its staff, property and premises, and any agents of persons carrying out work for or giving advice to the Commission shall have such privileges, immunities and inviolabilities as may be conferred or provided for in accordance with the relevant legislation of Ireland and of the United Kingdom.

Article 12

Such monies, premises, facilities and services as may be necessary for the proper functioning of the Commission shall be provided by the two Governments on a basis to be determined by them.

Article 13

- (1) Members of the Commission, staff of the Commission, persons carrying out work for or giving advice to the Commission and agents of the Commission shall be bound not to disclose any information obtained in the course of the performance of their functions as such members or persons unless such disclosure is authorised by or on behalf of the Commission.
- (2) The Commission shall not do anything in carrying out its functions which might -
- i. prejudice the national security interests of the United Kingdom or of Ireland;
 - ii. put at risk the safety or life of any person;
 - iii. have a prejudicial effect on any proceedings which have, or are likely to be, commenced in a court of law.