

No. 50365

**Ireland
and
United Kingdom of Great Britain and Northern Ireland**

Exchange of notes terminating the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland establishing the Independent Monitoring Commission (“IMC Agreement”), done at Dublin on 25 November 2003. London, 24 and 30 March 2011

Entry into force: *31 March 2011 by the exchange of the said notes*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Ireland, 14 January 2013*

**Irlande
et
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord**

Échange de notes mettant fin à l'Accord entre le Gouvernement de l'Irlande et le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord portant création de la Commission indépendante de surveillance, signé à Dublin le 25 novembre 2003. Londres, 24 et 30 mars 2011

Entrée en vigueur : *31 mars 2011 par l'échange desdites notes*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Irlande,
14 janvier 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

I

The Europe Directorate of the Foreign and Commonwealth Office to the Embassy of Ireland, London

24 March 2011

Foreign and Commonwealth Office, London

Date: 24 March 2011

Note number: 001

Embassy of Ireland
London
SW1X 7HR

1. The Europe Directorate of the Foreign and Commonwealth Office presents its compliments to the Embassy of Ireland in London and has the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing the Independent Monitoring Commission, signed at Dublin on 25 November 2003 ("the IMC Agreement").

2. The Foreign and Commonwealth Office also has the honour to inform the Embassy of Ireland of the intention of the Government of the United Kingdom of Great Britain and Northern Ireland to terminate the IMC Agreement in accordance with Article 16 of the IMC Agreement with effect from 31 March 2011.

3. The Foreign and Commonwealth Office also has the honour to inform the Embassy of Ireland that subject to the Government of Ireland agreeing to the same the Government of the United Kingdom of Great Britain and Northern Ireland shall extend the non-disclosure obligations under Article 13 (1) of the IMC Agreement with the effect that members of the Commission, 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 continue to be bound not to disclose any information obtained in the course of the performance of their functions as such members or persons. Domestic law remedies for breach of the non-disclosure obligations shall also remain in force, including under the Officials Secrets Act 1989 as signed by all Independent Monitoring Commission members and staff.

4. The Foreign and Commonwealth Office also has the honour to inform the Embassy of Ireland that subject to the Government of Ireland agreeing to the same the Government of the United Kingdom of Great Britain and Northern Ireland shall extend privileges and immunities conferred or provided (pursuant to Article 11 of the IMC Agreement) by domestic legislation on the Commission, its staff and any agents

or persons who have carried out work for or given advice to the Commission in respect of functions they carried out on or before 31 March 2011.

5. The Foreign and Commonwealth Office also has the honour to inform the Embassy of Ireland that subject to the Government of Ireland agreeing to the same the Government of the United Kingdom of Great Britain and Northern Ireland shall continue to respect the inviolability of the official archives of the Independent Monitoring Commission. This is subject to any waiver of that inviolability by either Government with the agreement of the other.

6. The Foreign and Commonwealth Office would be grateful for confirmation from the Embassy of Ireland that the Government of Ireland agrees to terminate the IMC Agreement in accordance with Article 16 of the IMC Agreement with effect from 31 March 2011 and that it agrees to the same obligations as the Government of the United Kingdom of Great Britain and Northern Ireland as set out in paragraphs 3-5 of this Note.

7. If this is acceptable to the Government of Ireland, it is proposed that this Note together with the Note of reply from the Embassy of Ireland shall constitute an agreement between the two Governments in these matters.

8. The Europe Directorate of the Foreign and Commonwealth Office avails itself of this opportunity to renew to the Embassy of Ireland the assurances of its highest consideration.

Europe Directorate
Foreign and Commonwealth Office
London SW1A 2AH

II

Embassy of Ireland, London, to the Europe Directorate of the Foreign and Commonwealth Office, London

30 March 2011
Embassy of Ireland, London

Note number: FCO1/30/03/11

Europe Directorate
Foreign and Commonwealth Office
London

The Embassy of Ireland presents its compliments to the Europe Directorate of the Foreign and Commonwealth Office and has the honour to refer to its Note No: 001 of 24 March 2011 informing the Embassy of the intention of the Government of the United Kingdom of Great Britain and Northern Ireland to terminate the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing the Independent International Commission on Decommissioning, signed at Dublin on 25 November 2003 ("the IMC Agreement") with effect from 31 March 2011.

The Embassy of Ireland has the honour to inform the Foreign and Commonwealth Office that the Government of Ireland agrees to terminate the IMC Agreement in accordance with Article 16 of the IMC Agreement with effect from 31 March 2011.

The Embassy of Ireland also has the honour to confirm, in accordance with paragraphs 3-5 of Note No: 001 of 24 March 2011 and on the basis, as set out therein, that the Government of the United Kingdom of Great Britain and Northern Ireland agrees to the same obligations, that:

- (i) the Government of Ireland shall extend the non-disclosure obligations under Article 13(1) of the IMC Agreement with the effect that 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 continue to be bound not to disclose any information obtained in the course of the performance of their functions as such members of persons;
- (ii) the Government of Ireland shall extend privileges and immunities conferred or provided (pursuant to Article 11 of the IMC Agreement) by domestic legislation on the Commission, its staff and any agents or persons who have carried out work for or given advice to the Commission in respect of functions they carried out on or before 31 March 2011; and
- (iii) the Government of Ireland shall continue to respect the inviolability of the official archives of the Independent Monitoring Commission. This is subject to any waiver of that inviolability by either Government with the agreement of the other.