



Treaty Series No. 29 (2011)

Exchange of Notes

between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland terminating 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

London, 24 March 2011 and 30 March 2011

[The Agreement entered into force on 31 March 2011]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 2011*

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**EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND THE GOVERNMENT OF IRELAND TERMINATING THE
AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN NORTHERN IRELAND AND THE
GOVERNMENT OF IRELAND ESTABLISHING THE INDEPENDENT
MONITORING COMMISSION SIGNED AT DUBLIN
ON 25 NOVEMBER 2003**

No. 1

*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”)¹.
2. The Foreign and Commonwealth Office also has the honour to inform the Embassy of Ireland of the intention of the Government of 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, 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.

¹ Treaty Series No.27 (2004) Cm 6263

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 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

No. 2

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 Monitoring Commission, 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 or 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 other.

The Embassy has the honour to confirm that the Government of Ireland is in agreement that Note number 001 of 24 March 2011 from the Foreign and Commonwealth Office together with this Note of Reply shall constitute an agreement between the two Governments in these matters.

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

Embassy of Ireland
London

30 March 2011



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