

PERSONAL AND CONFIDENTIAL

From: G R Archer
Republic of Ireland Dept

Date: 4 March 1994

cc: PS/Mr Fell
Mr Bell
Mr Williams
Mr Watkins
Mr Brooker
Mr Daniell
Mr Rodell
~~Mr Beeton~~
Mr Maccabe
HMA, Dublin

(signed)

Mr Thomas

**ELEMENTS FOR A SHARED UNDERSTANDING BETWEEN THE TWO GOVERNMENTS
ON FUTURE TALKS**

1. Thank you for copying to me your minute of 3 march to Mr Fell.
2. I agree with your approach to responding to the Irish proposal. As I mentioned to you, it appeared to me from a quick glimpse across the table at Mr Finlay's copy of the paper that he at least recognised that the selective quotes from the Joint Declaration would not do and that other sections of the Irish paper including page 4 needed qualification. This reinforces the case for not hesitating to present a substantially altered approach.
3. The most difficult question to judge appears to me to be how much detail to include. I assume that our aim will be to agree a paper, on Tuesday if possible, for presentation to the IGC, which aims clearly at identifying a possible outcome for talks rather than concentrating on steps to be taken by the two governments.
4. To get Irish agreement to this I suggest that we may have to accept fairly explicitly that we should work to agree Strand III issues. On the totality of the report, there is a choice of presenting the fullest draft that the market would bear (I agree that anything more detailed than your approach would stand no hope of surviving) or putting forward a much more minimal outline and, perhaps, if that is agreed exploring whether it could be amplified by drafting worked out on the spot.

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5. I do not have a strong preference between the options but I suspect that we would have problems in signing the Irish up on Tuesday to the whole of your draft. The alternative would be something on the lines of the amended paragraphs attached.

(signed)

G R Archer

9. Elements of a shared understanding between the two Governments might include:

- Agreement (or provisional agreement) on:

- (i) Intergovernmental structures, including east/west arrangements between the two islands, which would reflect the totality of relationship between the United Kingdom and the Republic of Ireland.
- (ii) Provisions for a balanced accommodation of the two main traditions on constitutional issues.

- An illustrative scheme of what might be agreed by the parties to talks in the context of an overall comprehensive agreement, for:

- (iii) New north/south institutions which the governments would be prepared to establish through legislation, with suggestions for functions to be administered by the bodies and for the mandate, scope and rules of the new structures.

- Additionally both governments might agree to acknowledge their continuing support for:

- (iv) Locally accountable political institutional structures such as which would command respect across the whole community providing opportunities for equitable and effective participation by elected representatives of both main communities.

PROPOSALS FOR AMENDMENTS TO DRAFT

8. In considering what might be an acceptable outcome from future talks, the Liaison Group noted that:

- (i) Both Governments are committed to seek to create new institutions and structures, along with the Northern Ireland constitutional parties, through a process of political dialogue.
- (ii) Both Governments agree that some of the decisions to be made fall within the responsibilities of the two Governments and that others will require negotiation and agreement between other participants in the Talks process.
- (iii) Both Governments will encourage, facilitate and enable the achievement of....[as in draft to end of paragraph 8]

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 - (ii) Provisions for a balanced accommodation of the two main traditions on constitutional issues.
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 - (iii) New North/South institutions which the governments would be prepared to establish through legislation, with suggestions for functions to be administered by the bodies and for the mandate, scope and rules of the new structures.
- Additionally both governments might agree to acknowledge their continuing support for:
 - (iv) Locally accountable political institutional structures such as which would command assent across the whole community providing opportunities for equitable and effective participation by elected representatives of both main communities.

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10. In further work the Liaison Group, if Ministers agree, will provide amplified proposals under these headings as a basis for the shared understanding referred to in paragraph 1. They will also consider whether or not there is scope for making public any part of these proposals in advance of a new round of Talks and whether any parts of the scheme might be implemented in default of agreement at Talks.

[11 & 12 as in draft]

- Mr. Hill
- Mr. [unclear]
- Mr. [unclear]
- Mr. Williams
- Mr. Brooker
- Mr. Daniell O.P.
- Mr. Maccabe
- Mr. [unclear]
- Mr. [unclear]
- Mr. Archer RID
- Mr. Caine
- Mr. Kyle

LIAISON GROUP: JOINT FRAMEWORK DOCUMENT

You will have received the paper the Irish side gave us with Mr Maccabe's note of the Liaison Group meeting. It is not an impressive document, and it focuses on setting on, somewhat tentatively, a prescription for our work, rather than addressing the substantive issues in much detail. In this respect the paper leaked in the Irish Press last November, and our own Draft Joint Framework document of 24 September 1993 were better.

2. I believe it is right to build on this, and to seek to draw the Irish side into the substance of the process. Accordingly I propose, if the Secretary of State is content, to pass over the attached paper to the Irish side on Monday. This would be in preparation for the next meeting of the Liaison Group which takes place in London on Tuesday. Both sides want to agree something to submit to the JGC.

3. The attached paper attempts to build on what the Irish side gave us, and to preserve