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Immediate

cc Mrs Lodge

~~Mrs Beaton~~

FROM: D A L COOKE
SIL/TPU
13 OCTOBER 1993

- cc PS/PUS (L&B) - B
- PS/Mr Fell - B
- Mr Bell - B
- Mr Watkins - B
- Mr Williams - B
- Mr Brooker - B
- Mr Quinn - B
- Mrs Collins - B
- Mr Archer, RID - B
- HMA Dublin - B

MR THOMAS - B

LIAISON GROUP: USING THE IGC AS A DEFAULT MECHANISM

I am grateful to David Watkins for his note of 4 October, recording the important policy points about North/South Bodies and default mechanisms which arose from the Irish side's comments on the framework document at the Liaison Group meeting on 1 October.

2. Stephen Quinn has helpfully dealt with the first of these topics in his minute of 12 October. This note deals with the second.

3. David Watkins records the essence of the Irish side's suggestion as being that "the IGC should have powers of guarantee and monitoring of new local institutions and that in the event of complete deadlock in new local institutions, then the exercise of the powers in question (and conceivably all the powers at the disposal of new local institutions) should revert to the IGC.

4. I very much agree with David Watkins' comments on this proposal. The main points seem to me to be these:

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- we cannot definitively set out the default powers envisaged for the new Strand 1 institutions, since key points about the relationships between Committee chairmen, the Assembly and the Panel have yet to be negotiated through. In any case, it would be wrong at this stage to engage with the Irish Government in detailed discussion of default mechanisms in an area where the Irish Government have hitherto not been directly involved

- we can, however, envisage some broad principles for how any Strand 1 default mechanisms might operate. In particular, we would want them to maximise the incentives to a political culture of barter, compromise, and consensus-commanding outcomes
- it would be harmful to this to make it too easy for disputes over particular issues to be ejected out of the Strand 1 cockpit, and settled by God-like authorities above the ordinary skies
- two broad possible ways in which default mechanisms internal to Strand 1 might operate would be for unresolved issues to shuttle back and forth between the relevant institutions (Committee, Assembly and Panel) until the pressures for resolution are such as to bring this about; or for action to be blocked unless a sufficiently wide consensus, as reflected in a weighted majority vote, can be achieved
- as we envisage it, the IGC would continue to have an essentially consultative rather than a decision-taking role. It follows that it would be wrong in principle to look to the IGC to resolve blocked decisions

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25 (POL)

17 OCT

we also envisage that the IGC would no longer discuss pure transferred matters. So, again, it would run counter to this principle to envisage it resolving blocked issues on such matters.

5. There may ultimately be a little more give in our position than the above implies. The relevance of periodic tri-partite reviews, for instance, has been noted. But I think I would be inclined to take a relatively purist position for the purposes of present discussion. It may be that we shall get a clearer idea ~~about how the Irish see the successor to the IGC if they can make the effort to get as far through the framework document as commenting on the Strand 3 section.~~

(signed)

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