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FROM: D BROOKER
CPL DIVISION
13 APRIL 1994

cc	Mr Bell	-B
	Mr Williams	-B
	Mr Watkins	-B
	HMA Dublin	-B
	Mr Daniell	-B
	Mr Maccabe	-B
	Mrs Brown	-B
	Mr Archer, RID	-B
	<u>Mr Beeton</u>	-B
	Miss Harrison	

Mr Thomas -B

LIAISON GROUP: ANNOTATED AGENDA OF THE TACTICAL OPTIONS FOR DEPLOYING THE JOINT FRAMEWORK DOCUMENT

I attach, following our discussion yesterday, the first shot at a paper to discharge the remit from the Liaison Group meeting on 29 March to the effect that we would prepare an annotated agenda of options for deploying the Framework Document.

2. As you will see, I have cast it in terms of a paper purely intended to provoke discussion at this stage; it does not (overtly) reach any conclusions or make recommendations. No doubt the Irish will have other ideas of their own.

3. I have also cast it in the somewhat broader terms we discussed yesterday, so that it reads as a paper about procedural options for carrying the Talks forward rather than the narrower issue of how the Framework Document should be played into Talks. The effect, arguably, is broadly the same but, presentationally, the impact is somewhat different. I have also attempted to set an appropriately high moral tone in the opening paragraph - without over-stating it - referring to the two Governments' desire for peace and an agreed political accommodation. A paper cast in these terms might have greater attractions for the Irish. I have not gone so far as to

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include references to Boyne Charters - as much because I am uncertain as to exactly what they mean - but no doubt spice could be added as required.

4. When we spoke yesterday our assumption was that you would need to get the paper forward tonight for clearance by Michael Ancram in case there is a Liaison Group meeting on Friday. You would like to have a cleared paper in your back-pocket in case progress at the meeting is so good that you reach the point where it becomes appropriate to discuss the deployment of the framework document. I gather that your intention, however, is to keep the paper in reserve until such time as you are confident that we are well on the way to finalising the substance of the framework document; it would be premature to introduce the distraction about tactics until the Irish had more or less concluded the business on substance.

5. Since yesterday, I gather that the prospect of the Liaison Group meeting on Friday might be receding. This therefore provides a welcome opportunity for others in the Department to provide any thoughts they might have on the draft. Alternatively, if the Liaison Group slips into the middle of next week you might use your Stocktaking meeting on Friday, at 10.30, to take others' views.

(Signed)

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PROCEDURAL OPTIONS FOR CARRYING FORWARD THE TALKS PROCESS

Introduction

1. This note offers some ideas, from the British side, on the possible procedural options for carrying forward the Talks process and thus continuing progress towards the two Governments aims of securing peace in Northern Ireland and an agreed political accommodation. Specifically, the note fulfils the British side's undertaking, given at the Liaison Group meeting on 29 March, to produce an annotated agenda of the tactical options for deploying the Joint Framework paper, once agreed between the two Governments.
2. The paper does not make any firm recommendations, or reach any conclusions at this stage, but is intended to provide a basis for discussion between the two sides.

Option 1

Convene new collective Talks on the basis that the two Governments provide a reassurance to the Northern Ireland parties that, in their view, a convergent deal, across all the relevant relationships, is available, though without disclosing the detail of the framework agreed between them.

3. Under this option -

The two Governments could move to convene new Talks at any moment of their choosing, once the joint framework had been agreed. Although there is an assumption that the political climate in Northern Ireland will not be conducive to new collective Talks in advance of the European Elections in June, that remains an option should the two Governments reach early agreement on the framework document.

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- Although the detail of the framework document would remain private between the two Governments it could be open to them to table whatever papers they considered useful for new Talks, either separately or jointly.
4. This option would operate on the assumption that -
- The two Governments could resist pressure to publish the framework document, either in its entirety or in reduced form.
 - The parties were prepared to take the two Governments on trust that a deal was achievable and that, in particular, the framework document dealt adequately with all the key issues from the participants' different points of view.
 - Any new collective Talks would be preceded by bilateral exchanges involving the two Governments and the Northern Ireland parties in order to confirm the procedural basis on which the new Talks would take place. This might lead to a re-statement of the principles of the 26 March 1991 Statement, incorporating any changes that might be agreed, including references to the relevance of the Joint Declaration.

Option 2

As a variant of Option 1, the two Governments might convene new collective Talks on the basis that once the Talks started they would table the framework document (or, as mentioned in Sir Patrick Mayhew's letter of 4 February to the Tanaiste, a secondary paper or papers distilled from the framework document).

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5. Thus, an undertaking to produce the framework document once new Talks had begun would act as an incentive to the Northern Ireland parties to return to round-table Talks.

6. Under this Option -

- As with Option 1, it would be open to the two Governments to call new Talks at any time once the framework document was agreed (or, if the two Governments preferred the approach of giving the parties secondary papers, rather than the joint document itself, once those secondary papers had themselves been prepared).

7. This Option would operate on the assumption that -

10. - The parties would be prepared to return to round-table Talks on the word of the two Governments that the framework document would be produced once new Talks started and that it would address all the relationships in such a way as to provide the necessary reassurance that they were right to accept the two Governments' invitation to new Talks.

- As with Option 1, there would need to be bilateral exchanges between the two Governments and Northern Ireland parties, before new round-table Talks began, to confirm the ground rules for the new Talks.

Option 3

11. - Once agreed between the two Governments, publish the framework document (or a derivative of it) then call the parties together for collective Talks.

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8. This Option would -

- Demonstrate the bona fides of the two Governments by putting on the public record their assessment of the possible parameters of an acceptable outcome.
- Potentially exert additional pressure on the parties to return to the negotiating table.

9. There may be an argument that such is the prominence which the two Governments have given to the framework document over the past 6 months that publication is highly desirable both to satisfy wider public interest and to confirm with a commitment of the two Governments.

10. Conversely, publication -

- Unless preceded by consultation with the parties, could be viewed as an attempt to coerce them into collective Talks and therefore lessen the chances of them accepting it as a framework for carrying the Talks process forward.
- Runs the risk that, without the prior blessing of the parties, the document will contain ideas or proposals which the parties would genuinely dislike and would therefore feel obliged to criticise.
- Would be capable of being portrayed as a breach of the confidentiality ground rule in the 26 March 1991 Statement.

11. Comment

There might be less risk of the adverse effects mentioned above if a skeletal derivative were published, rather than the full text of the framework document. This might achieve the twin objectives of

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securing, on the public record, a joint position from the two Governments and also an incentive for the parties to return to the round table (where the full details could be considered).

12. Again, this Option could be pursued at any moment of the two Governments choosing, whenever the relevant documents were ready, and assumes the need for preliminary bilateral exchanges to confirm the procedural arrangements for new Talks.

Option 4

Once agreed between the two Governments, the framework document (or a derivative) could be sent to the Northern Ireland parties with a firm recommendation that it be used as a framework for re-starting new Talks (by a specified date).

13. This Option -

- Has the benefit of a consensual approach, in which the two Governments could be confident that new collective Talks would begin with the prior agreement of the Northern Ireland parties.

16. Relevant factors are that -

- But begs the question of whether the document would be open to negotiation before new Talks began. On one analysis the two Governments would be entitled to argue that consideration of the issues in the document should take place in the context of collective Talks and that it was not intended that it should, of itself, be open for negotiation; on the other hand, that might create a situation where a participant or participants declined to start new collective Talks until the document had been 'altered' to take account of any genuine concerns.

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14. This approach implies that there could be bilateral exchanges between the two Governments and the Northern Ireland parties while the parties satisfy themselves that the document is a satisfactory aid to new collective Talks but there could be complications if, say, the Unionists sought clarification of parts of the document relevant to the interests of the Irish Government, but were reluctant to engage in direct contacts in advance of collective Talks.

Option 5

Once agreed, the framework document (or a derivative) could be used as a basis for substantive bilateral exchanges between the two Governments and Northern Ireland parties as a preliminary to round-table Talks at some future point.

15. This Option might be useful if there were a reluctance among the participants to return to round-table Talks in the short term or if there were a view that higher levels of preliminary agreement were necessary, across the relevant relationships, before round-table Talks would be worthwhile.

16. Relevant factors are that -

- This approach carries more appeal to some participants than others.
- Logistically, an exercise involving separate bilaterals between a number of participants could be difficult to co-ordinate and operate efficiently. Once the participants were talking to each other this would be tantamount if not to round-table then at least to collective Talks.

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- It would be necessary to negotiate with all the participants an agreed basis on which the bilaterals should take place. (The Statement of 26 March 1991 was not designed specifically with this form of activity in mind). The agreement would need to deal not only with organisational issues but the specific purposes for which the bilaterals were taking place and the mechanism for transition to round-table Talks.

Mr Anoran - 2
 Mrs Brown - 2
 Mr Kyle - 2
 Mr Dublin - 2
 Mr Archer, RIB - 2

Mr Thomas - 2

MEETING OF LIAISON GROUP - 29 MARCH 1994

Michael Anoran has noted Mr Daniell's note of 7 April to you with interest. The Minister has indicated that we should be very cautious about the concept of outreaching without consent - not ruling it out but holding it very much as a last resort. The Minister has also asked that he sees any paper produced (see paragraph 28 of Mr Daniell's note) before it is deployed in the Liaison Group.

Signed

JOHN DANIELL
 Mr Michael Anoran