

(RN/SILMAIL/35851)

FROM: P N BELL, AUS(L)
10 March 1994

DESK IMMEDIATE

PS/Secretary of State (L&B)

cc PS/Sir John Wheeler (L&B)
PS/Michael Ancram (L&B)
PS/PUS (L&B)
PS/Mr Fell (L&B)
Mr Thomas
Mr Legge (L&B)
Mr Wood (L&B)
Mr Brooker
Mr Daniell
Mr Rodell
Mr Kyle (L&B)
Mr Archer, RID
HMA, Dublin (L&B)
Mr Caine

Line to Take

IGC: REPORT ON THE WORK OF THE LIAISON GROUP - A SORT OF BREAKTHROUGH

4. So far as it goes, therefore, the paper is good news. But it
This week's Liaison Group was depressingly unproductive. Despite
the agreement secured by the Prime Minister when he last met the
Taoiseach in the margins of the Rugby International and the
Secretary of State's own meeting with the Tanaiste last Saturday, it
proved impossible to move beyond Irish pettifogging to anything
approaching an agreed Joint Framework Document. Indeed, the Irish
attitude (not significantly different from that at the two previous
meetings of the Liaison Group) raised questions about the sincerity
of their commitment to make progress in the Talks process.
Mr Thomas has left both Mr O hUiginn and the Irish Ambassador in no
doubt about our concerns.

2. Nevertheless, and at the eleventh hour, we have succeeded in
negotiating the attached Liaison Group Report to the Conference.
This is, in fact, far more forward than anything we had reason to
believe might be possible only 24 hours ago.

3. The paper is both short and self-explanatory. Its main purpose
(apart possibly from allowing Irish officials to avoid being
censured by the Tanaiste) is the threefold one of:

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- setting out, by reference only, what common ground already exists (paragraphs 2 and 3);
- identifying differences in approach between the two sides (paragraphs 4 and 5). The Irish continue to hanker, with varying degrees of specificity, after reaching some kind of agreement with us which can thereafter somehow be imposed on other Talks participants; but
- proposes that the Liaison Group should be required to get on with the detailed consideration of the substantive issues, without seeking to resolve the existing differences between both sides in advance. (Paragraphs 6 and 7).

Line to Take

4. So far as it goes, therefore, the paper is good news. But it will be essential, when Political matters are discussed today - and not least because there have been so many false dawns - for the Secretary of State not only to welcome the interim Report. But also, gently but firmly to leave the Irish side in no doubt but that the Irish side must now seriously engage in working up with us a shared understanding in all the areas relevant to future Talks (paragraph 6). And not, incidentally, remain bogged down in scholastic argument about first principles (which remains a risk) if the Talks process is to retain vitality and credibility.

5. This brief complements that on 'Political Talks' submitted by Mr Brooker. A supplementary speaking note is attached. I gather the Secretary of State is already armed with lines to take on the Joint Declaration in the light of the Heathrow attack. (The Provisionals have given their response; but the principles of the Joint Declaration remain.)

(Signed PNB)

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DRAFT

LIAISON GROUP REPORT TO THE CONFERENCE

1. The Liaison Group has considered how the two Governments might reach a shared understanding on a possible outcome to the Talks process which would be likely to prove acceptable to all the participants and which would realise the goal "a new beginning for relationships in Northern Ireland, within the island of Ireland and between the peoples of these islands".
2. It is agreed that any such outcome must build on the Joint Declaration of 15 December 1993 and be guided by the principles set out in the Anglo-Irish Agreement of 1985. Talks would take place on the basis of the statement of 26 March 1991.
3. In considering what might be an acceptable outcome, the Liaison Group noted that:
 - both Governments are committed to the search for a comprehensive political settlement covering all three Strands;
 - they are also committed to seek to create new institutions and structures, along with the Northern Ireland constitutional parties, through a process of political dialogue;
 - the British Government's role will be to encourage, facilitate and enable the achievement of a comprehensive agreement over a period through a process of dialogue and co-operation;
 - it is important to proceed in ways which maximise the prospect of securing the support of all the people of Ireland.

4. The Liaison Group has noted that, while both sides are clear that any outcome from the process of dialogue must be acceptable, there are some differences of emphasis about the best means of securing the widespread support that will be necessary for any settlement to be successful.

5. In particular, while both sides agree that there are issues which properly fall within the responsibility of the two Governments (including, for example, the nature of any institutional arrangements between them), there are significant differences on the following points;

(i) the demarcation between matters falling to the two Governments alone for decision and those requiring negotiation and agreement between other participants in the Talks process;

(ii) the extent to which the two Governments should approach wider dialogue on the basis of positions and parameters agreed in advance between them.

6. The Liaison Group considers that a shared understanding between the two Governments as to what would constitute a successful outcome to talks might include the following elements:

(1) - Definition of the objectives, commitments and understandings common to the two Governments;

(2) - Intergovernmental structures, including "East/West" arrangements between the two Governments, which would reflect the totality of relationships;

(3) - The possible mandate, scope and administrative and executive roles of new North/South structures;

(4) - Means of guaranteeing that all new structures including devolved structures within Northern Ireland, will ensure full protection and expression for basic human, political, social and cultural rights of both traditions on the basis of equality of opportunity, equity of treatment and parity of esteem;

(5) - Other intergovernmental issues, including any provisions for a balanced accommodation of the two main traditions on constitutional issues;

- The Irish proposal for a Charter or Covenant between the elected representatives of all the people of the island of Ireland, underpinning and complementing any new structures;

- The ^{requirements} ~~parameters~~ for new locally accountable political institutional structures within Northern Ireland, with executive and legislative responsibility and the broad criteria likely to render them widely acceptable across the community.

7. The Liaison Group invites Ministers to take note of this progress report and to mandate it to continue its work on the detailed elaboration of a shared understanding in all areas relevant to future talks (without prejudice to the differences noted in para 5 above) and report to the next Conference.

3. Second, our long term aim must be to find an outcome acceptable to all participants. As recognised in Joint Declaration, an imposed solution will not work. As the Taoiseach observed (in paragraph 5 of the Joint Declaration) the "lessons of Irish history, and especially of Northern Ireland, show that stability and well being will not be found under any political system which is refused allegiance or rejected on grounds of identity by a significant minority...".

PERSONAL TETE A TETE WITH MR SPRING - POINTS TO MAKE

POLITICAL DEVELOPMENTS

Found our Saturday meeting very useful: hope we can build on the understanding we developed then.

2. Two key issues for me today. First, the two Governments need to make rapid, further progress in our discussions on a joint framework. In particular:

- good that we have the preliminary report of the Liaison Group. Let us bless it forthwith;
- the next step is to get on to substance;
- can we agree to ask our officials to return to the next IGC with a paper tackling the substantive issues eg those set out in paragraph 6 of Interim Report, and not just on your proposal for a Charter;
- (if necessary) the Secretary of State can volunteer a further UK paper for this purpose. But what we really need, and after no less than three Liaison Groups in the last three weeks are entitled to, is Irish views.

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4. As the Liaison Group's report wisely recognises, now is not the time to discuss exactly how we deploy any ideas we come up with. But our joint aim must be to take Unionist and Nationalists with us: no point in fancy dreams if they won't be acceptable.

LETHAL FORCE

5. I shall be saying in Plenary that I have received a detailed report and will let you have a paper, for comments, based on it. I don't want to go into further detail today. We shall have to have a full discussion before long. Recognise importance of issue to confidence in security forces. But only fair to tell you personally now that, having read the report and reflected upon it, very difficult to see how we can make any change in the law itself.

I should be grateful if you could pass the attached paper immediately to Mr O'Donovan. It represents my shot at a paper, on lines agreed at yesterday's Liaison Group Meeting which we hope to submit to Thursday's meeting of the IGC. It fulfils, I hope, Mr O'Mahon's stipulation of being "business-like". It is also brief. Although both sides might well want to see very much more in it, it is meant, however briefly, to cover all the chief issues of matters of vital concern to both sides.

I should be grateful for digest comments.

(SIGNED):

P. R. BELL