

NORTHERN IRELAND OFFICE
 2 - 50 OCT 1993
 SIL DIVISION

CORRECTED VERSION (PARAGRAPH 5 AMENDED)

From: G R Archer
Republic of Ireland Dept

Date: 4 October 1993

cc: PS/SOSNI B
 PS/Michael Ancram B
 PS/PUS B
 PS/Mr Fell B
 Mr Bell B
 Mr Watkins B
 Mr Williams B
 Mr Maccabe B
 Mr Brooker B
 Mr Cooke B
 Mrs Collins B
 Mr Dodds B
 Mr Quinn B
 Ms Lodge B
 Mr Beeton B
 Mr Caine B
 HMA, Dublin B

Mr Thomas B

LIAISON GROUP MEETING ON FRIDAY 1 OCTOBER

1. I attach a record of the Liaison Meeting in Dublin on Friday. You were accompanied from the NIO by Mr Bell, Mr Watkins, Mr Williams and Mr Maccabe. The Ambassador and I were also present. The Irish fielded Mr O hUiginn, Mr O'Donovan, Mr Donoghue and Messrs Carr and Montgomery of Anglo/Irish Division Dublin.

(signed)

G R Archer

ID 4115

RECORD OF DISCUSSION OF ANGLO/IRISH LIAISON GROUP MEETING
IN DUBLIN ON 1 OCTOBER 1993

Contacts with Northern Ireland Parties

1. Mr O hUiginn said that Irish contacts with the SDLP did not suggest that their latest talks with Michael Ancram had broken new ground. The SDLP had however reported positively on the atmosphere at the meeting. One of the team had said that Michael Ancram was the best Minister they had dealt with.
2. Mr Thomas sought and obtained assurances from the Irish side that they would keep any report given to them in the strictest confidence and explained the constraints since there had been not merely an implied confidentiality but Michael Ancram had given explicit assurances. Mr Maccabe then gave some details of Michael Ancram's recent contacts. The bilaterals had all covered similar ground and all three strands. They had sought to identify what was bankable, contingently bankable, remotely bankable and not acceptable. The parties had all accepted that the Government was serious about moving forward. There was a general feeling of flexibility. He outlined some of the general propositions covered. Ideas ruled out included external commissioners (UUP and Alliance), Committee Chairmen being Ministers (SDLP), the Mallon security agenda (UUP, the Alliance also saw problems with the detail). Acceptable ideas to all included the idea of an assembly and panel, a North/South element with powers delegated by Assembly and Dail, referenda and seeing Michael Ancram again. The SDLP had indicated that there might be flexibility on external Commissioners if the North/South element was right.
3. Mr O hUiginn asked about the acceptability of double referenda. Mr Maccabe said that Unionists appeared to accept that it was for the Irish Government to decide what happened in the South. Mr Thomas said that the technical difficulties were for the governments not the parties.

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4. Mr O hUiginn asked whether the Sunday Times Irish edition account of "Breaking the Mould" was right. Mr Thomas said that it did not seem implausible. The paper seemed to be a typical piece of Robinson ingenuity. It got talks issues onto the DUP agenda without the need for the DUP to talk about the talks.

Barry White Interview

5. Mr O hUiginn said that he wanted to touch briefly on Irish concerns, already relayed by Mr O'Donovan about the Barry White Belfast Telegraph report. The Northern Ireland Secretary had helpfully moved quickly to calm concerns following the weekend's events. But the Irish had been worried about what was said about political talks. The emphasis had been on what the Irish had to do. Failure to meet the Unionists was not their fault. They were puzzled at the suggestion that the Round Table process was over. Mr Thomas dealt briskly with the note of complaint noting that the Northern Ireland Secretary had to give reassurances because of a situation not of his making. He welcomed the acknowledgement that much of the response to recent events had been helpful. The reference to the Round Table had been picking up concerns about Goldfish Bowl talks and reflected the point that new talks might be in a different format.

Mr O hUiginn said he had noted the Northern Ireland Secretary's helpful clarification of the report in the Financial Times about what officials were doing. The Irish Constitution could not be changed without balance but it was no good holding out on ideas that would not work.

Internal Paper

6. Mr O hUiginn said the Irish appreciated the work that the British side had put into the draft for a framework paper. The paper was not so one-sided that the Irish could not use it as the basis for discussion. The section from paragraph 35 was an exception to this. But he proposed to flag some of the problems in the paper as a whole. He would do so without prejudice to the Irish right to produce their own paper. One problem for him was the Tanaiste's absence abroad. He would be back next week

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but there was other pressing business. The Irish had noted that the paper was drafted as if for presentation to others. Did the British side still see the group producing a document purely as a paper between two governments?

7. Mr Thomas agreed to go through the paper paragraph by paragraph. It would be for Ministers to decide what to do with a paper from the group. It could be presented to others if both governments agreed, alternatively there could be a separate paper to show to others perhaps some form of joint statement. The need was to try to identify ground to which all could be brought. Mr O hUiginn stressed that the Irish were entering the exercise on the understanding that the work done together would not be used by either government with others without explicit agreement by both governments. Mr Thomas readily agreed.

8. Mr O hUiginn turned to the draft. He said that:

- Paragraph 1 might need some amendment to make the purpose and intention clearer. Mr Thomas suggested that there could be a reference to a "joint assessment of what was needed for an outcome".

- Paragraph 2. Mr O hUiginn thought the description "complement" needed some adjustment to give a fuller description of the exercise.

- Paragraph 5. The first sentence seemed to strike an odd note and the Irish would like to decouple the reference to relationship from the reference to views of the constitutional parties.

9. On "principles" generally Mr O hUiginn felt that there was useful language in the Principles paper of 9 October 1992 in particular paragraphs 6 and 9. Mr Thomas acknowledged that the language in paragraph 9 could help with the DUP. There was no difference between the two governments on paragraph 6 but it would be important to think about how a document to be presented in public would be received by Unionists.

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10. Mr O hUiginn continued his analysis:

- Paragraph 12. The Irish felt it important to make a distinction between individuals and groups.

They had hitherto been looking at language on the issues covered only in a Northern Ireland context.

Mr Thomas said that it would not be easy for the two governments to ignore North/South reciprocity in enunciating principles: the way any machinery worked might be a different matter.

Mr O hUiginn said it would be a significant departure to get into this area. Mr Thomas commented on the relevance of the Tanaiste's ideas on a covenant.

- Paragraph 13. The Irish saw no immediate problem but Mr O'Donovan suggested they might want to comment after further thought.

Paragraphs 14-16

11. Mr O hUiginn developed various concerns about how devolution should be handled. It was too prominent in the draft, would be better dealt with as in the wording of paragraph 4 of the 1985 Anglo-Irish Agreement, any reference to local government institutions would be controversial. Mr Donoghue said this had been an unclear area in the Barry White interview. Mr Thomas reported that the draft followed the order of Strands 1, 2 and 3. He suggested the issue could be safely dealt with in terms of general principles. Mr Bell said that the three paragraphs had been designed to assuage Irish Government concerns.

12. Mr O hUiginn said the reference in the second part of paragraph 14 to "other groupings" was clumsy. He preferred calling a spade a spade. Why not refer to "power sharing".

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Mr Thomas reminded him of the troubled history of the word. Mr O hUiginn said he was not insisting on the use of the words, but the concept was important.

13. Mr Donoghue wondered what "sufficient electoral support" meant. The Irish did not like the phrase. Mr O hUiginn then appeared about to mount an attack on the reference to Westminster in paragraph 15. Mr Thomas had to remind him that it was based on the March 26 language. It was agreed that paragraph 16 should be redrafted with the last clause becoming a separate paragraph. Mr Thomas accepted that the group might be driven back to look again at the wording on Article 4 of the Anglo-Irish Agreement.

14. Mr O hUiginn said that some ways of structuring a North/South institution might make it possible to argue that this was significant in the context of Constitutional balance but more detailed discussion of the text would be necessary before the Irish could take this position. If there was a strong institution, the balance needed elsewhere could be less. The Irish accepted the inter-relationship. The criteria mentioned by the Irish for North/South links in their September 1992 paper would be important. Two elements needed to be explored:

- What the North/South link should do (a mandate);
- Where it would draw its powers from. The mandate could be worked out between a new Northern Ireland Assembly and the Dail or powers could be vested in a North/South institutional link by the two sovereign governments. Mr O hUiginn favoured a formulation in the Government of Ireland Act that "certain powers be administered uniformly throughout the island of Ireland".
- Beyond the mandate it would be necessary to decide on the actual remit for work.

15. Mr Thomas commented that there was a political point to be addressed about how an agreement should be made but there

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were also practical questions about what might be in an agreement. Mr O hUiginn put down a marker that the Foyle Fisheries Agreement would not provide the answer. It had established an executive agency. This was not what the Irish had in mind.

16. Mr O'Donovan asked how decisions on a remit could be taken. There was a problem in the present lack of symmetry between the positions of the two governments.

17. Mr O hUiginn said that the two governments might decide on a remit. Arrangements for scrutiny by the two governments should not be ruled out. Devolved powers should be called back if not properly used. Mr Thomas commented that this might be tackled in two ways: full blown tripartism or provision for recall of powers if bodies disappeared.

- Paragraph 22. Mr O hUiginn thought that the European dimension could be given more prominence.

- Paragraph 25. Mr Donoghue thought this could be improved. Mr O hUiginn commended that the words "Bond of Union" in the Government of Ireland Act ("a lovely phrase"). Mr Thomas doubted if they would fit here.

18. Mr O hUiginn said he was attracted by using the Inter-Governmental Conference in future as both a guarantor and monitor on a contingency basis. Mr Thomas said that attractive and potentially useful though this might seem it was an enormously difficult idea. Much would depend on the drafting if it was not to be a nail in a coffin. Guaranteeing and monitoring were different ideas. Another less threatening way of approaching the issue would be to arrange for the three administrations to review arrangements periodically together. Mr Bell drew attention to paragraphs 24 and 26 of the paper. Both provided for an input by government and parliamentarians.

19. Mr O hUiginn said that Dublin accepted that the people of Northern Ireland were the best people to administer affairs in

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Northern Ireland but it would be wrong if there was mischievous use of powers to block what had been agreed. There was a need to develop a failsafe mechanism. Mr Bell thought that paragraph 27 of the draft was relevant to the concepts being discussed. Mr O'Donovan wondered whether there need be too much of a problem over a joint guarantee and a clawback device.

20. It was agreed to leave further textual analysis for discussion at the next meeting.

Next Meeting

21. Mr Thomas hoped that the Irish would be able to let the British side have their comments on paper in good time ahead of the next group meeting whether in the form of specific amendments, a new paper, or some combination of the two.

Mr O hUiginn undertook that the Irish would consult together as quickly as possible. There were problems because of other commitments but he suggested the liaison meeting might meet again 14 October. It was agreed that while this could be in either country we should plan on London. Mr Thomas stressed that there was a requirement that the group report back to Ministers in good time before the next IGC. He hoped the next meeting could deal with Irish ideas in detail and proposed that the meeting on the 14th should continue through a working lunch and that both sides should agree that the group would then meet as needed to complete work.

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