

FROM: J A STEPHENS
IPL DIVISION
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cc: Mr Thomas - B
Mr Bell - B
Mr Leach (L&B) - B
Mr Steele - B
Mr Watkins - B
Mr Hill (L&B) - B
Mr Maccabe - B
Mr White - B
Ms Collins - Cabinet Office - T
Mr Lamont - RID - B

Handwritten: M. Hill, B. B., C 21/6, Dr Smyth O/R

MR BEETON - B
MR LAVERY - B
MR PERRY - B
MS CHECKSFIELD
MS HARRISON - B
MS MAPSTONE
MR WHYSALL - B

BEYOND THE OPENING PLENARY

I am grateful to you and Mr Bell for sparing the time yesterday to review our preparations for the three strands and any sub-committee on decommissioning.

2. As we agreed, we need to be ready to start all four of these formats in parallel as early even as the week beginning 1 July, although a week or two later is perhaps more realistic.

3. We agreed in outline the sort of papers we needed to have prepared for the early stages of each of the formats, together with who would do the drafting.

4. Strand One:

(i) An Opening Statement, covering Items 1 & 2 on our draft agenda (Requirements, Principles and Criteria). This might draw heavily on principles agreed in 1992 and also those set out in Part 1 of 'Frameworks';

(ii) A paper addressing 'institutional arrangements' which might take the form of:

- repeating HMG's fundamental requirement for widespread acceptability which, if met, would mean we could live with a wide range of outcomes;
- a checklist of the issues which would need to be decided in establishing any new institutions (eg. extent and scope of devolution, checks and balances etc);
- an illustrative model, perhaps as an annex, repeating the details of the 92 and 'Frameworks' scheme as one example.

(iii) If necessary, a more detailed work-plan for Strand One, which HMG might be expected to table as chairman of the Strand.

5. CPL undertook to produce these, although if pressure of current talks business builds up, IPL strands ready to assist.

6. Strand Two:

(i) An Opening Statement, covering Item 1 on the draft agenda (Requirements, Fundamental Aspects, Realities etc). Again, this might draw as far as possible on principles agreed in 1992. It should draw out that the essential engagement in this strand is between the Irish Government and political parties with (subject to international obligations etc) HMG prepared to endorse whatever secured their agreement. It will also need to say something about Articles 2 & 3 although, at this stage, it might simply note the Irish Government's commitment in paragraph 21 of JFD;

(ii) Common Interests and Themes: this needs to be essentially a factual paper setting out the full range of common interests. The aim would be to get participants to recognise the range of common interests as a prelude to discussing any necessary institutional arrangements;

(iii) Institutional Arrangements: a similar approach to Strand One, setting out the issues (eg. accountability, delegation, decision-making, nature of functions etc) which need to be decided in establishing any north-south institutions, with an illustrative model attached. The model would be as in the JFD, but stripped of its surrounding green language. At the same time, we should obviously signal readiness to contemplate a wide range of possible models if they could be agreed.

7. IPL and Central Secretariat have an interest in all of these (along with others). IPL will undertake the first draft of (i) and (iii); Cent Sec (ii).

8. Strand Three:
(i) An Opening Statement which might attempt to cover Items 1, 3 & 4 of the draft agenda;
(ii) East/West issues; a paper recording the extent of East/West contact already in place (ie. a repeat of the existing Cabinet Office exercise).

9. IPL will undertake (i) and Ms Checksfield will commission (ii) from Cabinet Office/FCO.

10. Sub-committee on Decommissioning:

(i) A Joint British/Irish paper on legislation, to which the drafts of both bills would be attached;

(ii) A paper covering the sort of scheme we might envisage introducing, so dealing with various detailed modalities.

11. Chilcot-Dalton, I understand, has already commissioned (i); SPOB will put (ii) in hand.

Cross-Strand Issues

12. Constitutional issues:

(i) Government of Ireland Act 1920: a factual paper explaining its (in)significance;

(ii) Further work on draft instructions for fresh constitutional legislation reflecting paragraph 20 of the JFD.

13. CPL (Mr Whysall) has volunteered to take this forward.

14. Rights and European Issues: we noted REL already had work in hand. It would be desirable to have at least one paper on each issue, covering the different dimensions which might arise in each strand. This could then be adapted for tabling as necessary in the different strands. There might also be a case for a factual paper on existing protection of human rights. It will be important to take other Whitehall departments with us: there have already been preliminary contacts.

Timetable

15. We should aim to have opening papers for each strand ready for the week beginning 1 July, so they should be circulated for comment by the end of this week or early next week before being submitted to Ministers.

SIGNED

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