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Taoiseach

You will wish to see this report of our most-

Meeting with British/Northern Officials. Belfast. 30 September 1998

SEEN BY

recent meeting with British/Northern officials

North/South Issues

in North/South Ministerial Council

1. On the authorisation of the First and Deputy First Ministers, the two senior officials from their joint office (David Ferguson and Paul Sweeney), together with Tony McCusker (the NIO official tasked with co-ordinating Departmental work on North/South issues), Peter Bell and John Fisher (Secretariat) yesterday met a group of Irish officials (David Donoghue, Wally Kirwan, Tim O'Connor, James McIntyre, Patricia Williams and Rory Montgomery) for an initial discussion of the preparation of the first meeting of the North/South Ministerial Council. The necessary working assumption was, of course, that a way would be found to resolve the present impasse in the wider political situation which would thus enable a meeting of the Council to proceed.

Mr. [unclear] 2/10/98
Mr. [unclear] 2-11
5/10/98

Areas for Co-operation and Implementation

2. While the Northern side had been instructed simply to discuss logistical aspects of the Council's first meeting, we informally touched on the current state of preparations on both sides in regard to the formulation of a negotiating position on the designation of areas for co-operation and implementation. We noted the *Irish Times* report of UUP/SDLP discussions, and agreed that, while contact between these parties was to be welcomed, there was a substantial gap between their approaches. The Northern side seemed unaware of the prominent role being played so far by Austen Morgan, Trimble's legal adviser, and appeared rather taken aback to learn of it (Morgan has been contracted, at Trimble's request, to act as a consultant, and is thus paid from the public purse: but it would appear that there may be a conflict of interest in his taking on a front-line role).
3. Contrary to what we had understood from earlier conversations, McCusker said that no technical assessment of three of the areas in the Taoiseach's Good Friday letter (i.e. all other than the Irish language) had yet been forthcoming from the Department of Economic Development. It was confirmed that assessments of areas over and above those set out in the Agreement would be sought from Departments if a request were made at political level (**note:** we subsequently conveyed this to the SDLP and Sinn Féin).

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4. We had an exchange on whether and how further bilateral exploratory contact between Departments on possible areas should be taken forward. It was agreed that the best Departments could do at this stage was to try to clarify their thinking on technical aspects: without political direction on the Northern side, it would simply not be possible to move further. However, it was felt that even on this tentative, "clarification" basis it would be helpful to arrange meetings between the Departments North and South on those areas identified by either side as likely to feature in the negotiations. It was agreed that such meetings, which would also include representatives of the "steering group" on both sides, could begin within the next couple of weeks. At McCusker's request, we agreed to consider whether we had material of a technical character which could usefully be shared with the Northern Departments. Ferguson stressed the absence, so far, of any detailed consideration of a negotiating approach between Trimble and Mallon. He also emphasised the need to pay very close attention to UUP thinking (**comment:** this may be intended as a warning to us against any assumption that the UUP will easily come around to what is being proposed by officials).
5. In later discussion, there was some consideration of what form the agreement we sought to reach by 31 October would take. It was agreed that, in regard to implementation bodies, a detailed description of what was intended would of course be the ideal: this would make the subsequent work of drawing up formal agreements, and preparing legislation, easier. However, it was accepted that there was a strong probability that there would only be agreement on broad headings, thus leaving more substantial further work to be done.
6. We again mentioned our view that the six "separate implementation" areas might take the form of a cluster of issues within a given sector, with agreement that the Council would give priority to seeking to achieve a common policy in them. In reply to McCusker, who wondered if this was over-ambitious, we recalled that one reading of the Agreement would justify an approach whereby we would seek actually to agree those policies by 31 October.

First Meeting of North/South Ministerial Council

7. The meeting initially considered a possible venue for the meeting. Donoghue recalled that Trimble had in private conversation spoken of his preference for a low-key, "neutral" venue close to the border (on either side). The Secretary of State's mention of Armagh courthouse (albeit as a possible home for the Secretariat) was also recalled. It was agreed that the options might include Armagh (whether the courthouse, the Council offices or the QUB campus - though its proximity to Portadown was noted), and suitably located hotels such as Ballymascanlon, the Slieve Russell and the Slieve Donard. We indicated that we were relaxed about the choice of location. However, there was general agreement with Kirwan's point that the venue might depend very considerably on the nature of the meeting: would it be a largely ceremonial occasion, or, as began to seem more likely as the 31 October deadline approached, a full-blown negotiating session requiring more in the way of back-up?
8. Ferguson suggested that a meeting might have seven broad themes:
- opening statements
 - discussion of the future modus operandi of the Council
 - a review of work to date
 - substantive proposals on the initial areas for co-operation and implementation
 - a future work programme for the Council
 - dates and locations of future meetings
 - agreement on a communiqué.

We indicated that this was broadly in line with our own tentative thinking, but pointed out that, in practice, as with the venue, much would again depend on timing and on the consequent nature of the meeting.

9. Ferguson mentioned, as a further possible obstacle to an early first meeting of the Council, a widespread UUP view that ex-ante Assembly approval would be required for the Northern side's negotiating position. He took our point that this would be at variance both with the Agreement and the Northern Ireland Bill but repeated that it was an issue

which could arise.

Work Programme for Council

10. The meeting briefly considered the possible elaboration of a future work programme for the Council in its sectoral modes (over and above the areas to be identified by 31 October). We said that our initial thinking had been that this could be done by the several sectoral Councils themselves: however, the Northern side said that there could be a case from their perspective for a single, centrally-agreed list: Sweeney pointed out that this could be useful in by-passing unco-operative Northern Ministers.
11. With the assent of Ferguson and Sweeney, we stressed to McCusker (who seemed not fully to have considered the point) that we saw the Council as the framework for all future co-operation between the two administrations.

Council's Modus Operandi

12. We agreed to prepare a first draft of a possible "memorandum of understanding" on the operation of the Council, to include such issues as the frequency of meetings, the Secretariat, chairing arrangements etc. We assured the Northern side that we would not see the memorandum as addressing politically sensitive points of interest to one side or the other alone (eg the precise mechanisms for accountability to the Assembly).
13. There was some initial discussion of some of the issues involved. In regard to the Secretariat, we stressed the importance we attached to officials from both sides operating side-by-side. The question of whether it might have more than one office could be looked at. Both sides saw a value in the Secretariat's being close to decision-makers. We also suggested that we might want to define how frequently different sectoral formations might meet, and raised the issue of how the Northern side would be represented in the format in which institutional issues would be considered.
14. Bell commented on the need to think carefully about the inter-relationships between the Council, the British-Irish Council and the British-Irish Intergovernmental Conference.

15. Ferguson indicated that he could, in reporting to the First Minister and Deputy First Minister, justify a further meeting of this informal group to discuss the Council's modus operandi. A further meeting was, accordingly, tentatively scheduled for 14 October. It was agreed that there would be further contact in the interim about arrangements for bilateral discussions between Departments.


Rory Montgomery

2 October 1998

cc Sec. Gallagher; Counsellors A-I; Mr McIntyre; Section; Joint Secretary; Ambassadors London and Washington; Ms. B. O'Donoghue (Legal Division); Mr. W. Kirwan; Mr S. Hare; Mr T. Jordan (D/Finance); Ms. C. Ní Fhlaitheartaigh (A-G's Office).