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30 April 1998

To: HQ
To: Secretary Gallagher

No of pages including this one: 6

From: Belfast
From: Joint Secretary

PSM; PSMS; PSSG;
Messrs. Murray, Teahon,
Mansergh & Dalton;
Ambassadors London &
Washington; Joint Secretary;
Counsellors A-I

Subj: Planning for the new institutions (Strands One and Two)

1. John Semple, Tony McCusker and David Ferguson joined us for lunch in the Secretariat today.
2. As Head of the NI Civil Service, and with the title of Second Secretary at the NIO bestowed on him as of last week, Semple will be the key figure in managing at official level the transition from direct rule to the Assembly. This will involve restructuring the NI Departments to meet the Assembly's requirements, creating administrative back-up for the First Minister and Deputy First Minister and in general ensuring that power in relation to devolved areas is transferred as smoothly as possible from British Ministers to the Assembly during the "shadow" period.
3. Semple will be assisted in this work by Tony McCusker and David Ferguson, both of whom are based in the Central Secretariat. They are also involved in preparations for the North/South Ministerial Council and its Secretariat and a range of other practical issues arising from implementation of the Agreement.
4. Semple explained to us privately at the outset that his new title, which does not carry any emolument, formalises a state of affairs in which he has increasingly been acting as a bridge between the NI Departments and the NIO. He joked that, having just got the title, he will be spending the next few months progressively getting rid of it. As the date approaches for the formal entry into force of the devolved arrangements, he will need to balance his loyalties between the outgoing British Ministers (whom he will be serving as Second Secretary at the NIO) and the incoming NI Ministers (for whom he will be working in future as Head of the Civil Service and probably in a more direct capacity as well).

*Very interesting
- report
- Ray Russell confidentially
b brief SHAP + spin on relevant
aspects*

Copy

*cc Dir v Officials
HLE*

*R-65444
Mr W. Kiawin*

*Taggart
1.5.98*

4E 1/5

251A

*W. McCusker
7.5.98*

5. A particular priority for Semple in the short term is to shed his responsibility for the Department of Finance and Personnel (where Pat Carvill is to take over as Permanent Secretary). This switch cannot take place, however, until Carvill's successor has been appointed. For the first time, this will involve public advertisement of the post and Semple is apprehensive about a protracted selection process.
6. We discussed in broad terms with Semple and his colleagues the preparatory work which is being done at present in relation to the Assembly and their ideas about the North/South Ministerial Council and the North/South Secretariat.

Assembly

7. As regards the Assembly, letters have been sent to the leaders of all parties involved in the recent talks (though not, we understand, the DUP and the UKUP) to seek their views on a number of issues.
8. These include the location of the Assembly (for both the "shadow" period and thereafter); the support arrangements required for the First Minister and the Deputy First Minister; and the options for committees and Departments. To date, not surprisingly, there has been very little feedback. The party leaders, with whom Paul Murphy has been in direct contact, are focussing all their attention on the referendum at present. While some of these matters will require answers sooner rather than later (such as the Assembly venue), the general expectation is that there will be no serious engagement with the parties on these points until after the Assembly elections.
9. On the venue point, the working assumption is that the parties will agree to Castle Buildings for the "shadow" period. The Plenary room used for the talks will be adjusted to accommodate the 108 members and Block A (the adjacent building) will be taken over to provide committee rooms, secretarial back-up for members and media facilities.
10. As reported earlier, no feasible alternative to Parliament Buildings as the Assembly's permanent location is seen at present. The hope is that the nationalist parties will

acquiesce eventually, despite the uncomfortable symbolism. (David Ferguson suggested that the venue might not be so uncongenial to Sinn Féin, who appeared to relish the media impact of their first visits there during the "exploratory dialogue"). An alternative, of course, would be for the Assembly to build its own premises, with its own resources (as is happening in Scotland).

11. As regards administrative back-up for the First Minister and Deputy First Minister, it is being assumed that something on the lines of a small Cabinet Secretariat will be required. It is also assumed that Semple will head it up. (Comment: The Central Secretariat, where Semple and his two colleagues are operating at present, is of course the successor to the Cabinet Office for the old Stormont administration and there has been talk for some time that it would be restored under devolution to something close to its original function).
12. When we asked whether two separate secretariats might be provided for the First and Deputy First Ministers respectively (an idea which David Watkins mentioned to us yesterday), the response from Semple was that a single joint secretariat for both might be preferable, as there might otherwise be charges of "sectarianism" if e.g. a Protestant were appointed Head of the Secretariat for the First Minister or a Catholic for the Deputy First Minister.
13. On the assumption that support arrangements of this kind are agreed by the UUP and SDLP leaders, the intention would be to second the appropriate NIO officials at a fairly early stage (secondment being necessary as they will continue to be in the employ of the Secretary of State until the end of the "shadow" period).
14. As regards options for committees and Departments, Ferguson suggested that in practical terms the task of Departmental reorganisation would have to be left until the Assembly had agreed the number and designation of its committees. He floated a model under which the Assembly might decide on ten committees. Two of these might be cross-cutting: one could handle European Union matters (with members lobbying for action by UK Ministers on particular issues) while another could monitor developments on non-devolved matters (even though they have no executive responsibility in this area). The eight others might correspond to the work of the current six Departments or cover new responsibilities.

15. Various loose ideas are floating around at present for a possible restructuring of Departments. One idea is for the creation of a Department of Equality (though David Watkins mentioned yesterday a variant under which the functions in question would be discharged by the future Cabinet Secretariat, or possibly a separate office for the Deputy First Minister). Others, mentioned by Joe Pilling this week, include an Attorney General's Office and a Department of Women's Affairs. Another, mentioned by Semple today, would be to break up the DHSS into two separate Departments.
16. McCusker said it should not be discounted that the future Ministers would settle for the existing six Departments plus two or three new ones and build their committee system around these (rather than vice versa).
17. Another issue for consideration is the extent to which the plethora of quangos in Northern Ireland, about which there have been endless complaints under direct rule, will be absorbed into the new Departments.
18. It is hoped that an informal agreement on these various organisational points can be reached among the key players before the Assembly elections, so that politically delicate matters of this kind do not fall to be addressed in the week leading up to Drumcree.
19. Semple and his colleagues would like the Assembly's inaugural meeting to take place within days of the election, keeping it out of the Drumcree build-up. However, they recognise that this may be difficult to achieve (as the week in question begins on Monday 29 June). The substance of the meeting involves the appointment of a presiding officer already chosen by the Secretary of State (and likely, according to Semple, to be an Alliance representative) as well as the appointments of the First Minister and Deputy First Minister. With interim standing orders supplied by the Secretary of State, the meeting should be reasonably proof against DUP/UKUP wrecking tactics, though grandstanding and filibustering are probably unavoidable.
20. After the initial Plenary, the Assembly is likely to break into informal consultations allowing the First Minister and Deputy First Minister to develop detailed agreements on the committee system, allocation of portfolios, Departmental reorganisation etc.

North/South Ministerial Council

21. On the above scenario, Semple and his colleagues observed, the inaugural meeting of the North/South Ministerial Council might involve a Northern representation consisting of the First Minister and Deputy First Minister only. They suggested that a date just after the Twelfth might be appropriate. They wondered how frequently it might meet thereafter during the "shadow" period (with a hint that only one further meeting might be needed). We noted the provision for "regular and frequent" meetings during that period.
22. We explored British thinking on where the Council might meet and on the location and other aspects of the North/South Secretariat. We made clear, of course, that all of these questions remained for consideration by our Ministers; in turn, our NIO visitors emphasised their own inability to anticipate the views of future NI Ministers.
23. Subject to this important qualification, Semple and his colleagues suggested that the Council might meet alternately in Belfast and Dublin and that Armagh might also be a possibility. It would, of course, be open to the Ministers on the Council to begin with a Belfast/Dublin alternation during the "shadow" period but to decide in favour of one or the other, or Armagh, as the permanent venue thereafter.
24. *Yes* As for the Secretariat, they saw a spectrum of possibilities ranging from a permanent location North or South to an IFI-type arrangement involving separate teams in Belfast and Dublin. While the latter model would clearly be aimed at the Unionist end of the market, they have not so far had representations from the UUP on this subject (though they were inclined to put this down to a preoccupation with more pressing matters rather than to a lack of interest). They mildly defended the IFI model, noting that e.g. the two parts of the NIO (London and Belfast) are able to communicate regularly and efficiently via video conferencing and fax facilities. We found fault with this model on grounds of both practical efficiency and political resonance and favoured instead a fixed location for what was clearly intended to be a single entity. *No*
25. *Yes* In discussion, our visitors showed some interest in a model under which there would

be a single unit (with Northern and Southern sides) which would operate in one or other city at different times. They also proposed a variant under which the unit might spend, say, six months of the year in Belfast and six in Dublin (not unlike EU Presidency arrangements).

26. It is clear that they envisage a relatively small core of officials on either side, with expertise from individual line Departments being drawn on as required. The heads of the Secretariat would be at or around the grades of the Joint Secretaries in the Maryfield Secretariat. The Northern officials would keep in close contact with the future Cabinet Secretariat (which will be the clearing-house for the Northern input to the Council and Secretariat).
27. We said that we envisaged (as did the SDLP) that the Secretariat would play a proactive role in developing ideas and initiatives for consideration by the Council. Though initially hesitant about this, Semple and McCusker accepted that the Northern members of the Secretariat could, for example, feed ideas through the Cabinet Secretariat to the relevant Ministers (including the First Minister and Deputy First Minister) and that these could then be taken further at a Council meeting.
28. They indicated that they will be "seconding a few people" to service the initial meetings of the Council but that the Secretariat proper should not, in their view, come into existence until the "shadow" period has ended.
29. As regards the work programme to be undertaken during this period, this will be handled on the Northern side by the Central Secretariat, the officials seconded to the future Cabinet Secretariat and relevant Departments.
30. We agreed to pursue these informal exchanges at a further meeting shortly.