

Jaqueline
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FROM: P N BELL
BRITISH SECRETARY
22 APRIL 1998

ASST 02 387/4
SEC 24 APR 1998
CENT SEC

UNDER/ SEC 556/4
22 APR 1998
CENT SEC
Mr McGuinness

C

Mr Brown
This seems broadly right to me.
cc: *Agreed?* distribution list
W.D. 15

MR FISHER

STRAND III - ADMINISTRATIVE CONSEQUENTIALS

We have been discussing for some time the administrative implications of a settlement. Even with the Agreement, there are still a number of Strand III problems that have to be resolved. Hence this minute which will, I hope, complement the work Bill Jeffrey has in hand on Project Teams. So far as Strand III institutions are concerned, and the new British/Irish Intergovernmental Secretariat, in particular, my immediate objective would be to elicit the views of colleagues, with a view to an early VCR meeting to settle a work programme compatible with planning elsewhere.

Assumptions

2. Precise details of what was agreed in respect of new British/Irish institutions remain slightly obscure (I have separately asked David Kyle to do his best to procure the Prime Minister's letter to Mr Trimble on the subject of Maryfield). But as working assumptions, based on the text of the Agreement, but also on my own conversations with the Irish side, whom No 10 appear at times to have taken more closely into their confidence than ourselves, I offer the following:-

- there will be a standing joint Secretariat, staffed by members of the NICS and the Irish Civil Service to support the North/South Ministerial Council (work on this is being taken forward separately);

- a Secretariat for the British Irish Council will be provided by the British and Irish Governments in co-ordination with officials of each of the other territorial members; and
- the British Irish Intergovernmental Conference will be supported by officials of the British and Irish Governments, "including by a standing joint Secretariat of officials dealing with non-devolved Northern Ireland matters".

3. That is no more than the Agreement states, but we also understand that:-

- while the Irish will insist, for instance, that the Secretariat for the BIIIC must be located in Northern Ireland, they accept that the present Anglo-Irish Secretariat will depart from Maryfield (although they hanker apparently after retaining the secure overnight accommodation and domestic facilities);
- PUS has suggested that we should take, as a planning assumption, the fact that Maryfield will be vacated by the British side not later than 18 December 1998 though we must avoid a vacuum between the death of the AIS and the birth of the BIS; and
- the North/South Secretariat must be distinct from the BIC: they will be, on the UK side, accountable to different sets of Ministers.

The Secretariats - general considerations

4. Our policy in Northern Ireland has been "holistic" for many years. Although institutional expression of this holism will change, assuming a "yes" vote in the Referendum, the need to consider our implementation programme in its wider context will remain as necessary as always. Thus, for example, whatever is done in respect of administrative support for Strand III institutions must, at worst, be compatible with and at best complement and reinforce new Strand II institutions. In particular, new machinery must facilitate the transaction of a deal of overlapping business - not least on EU issues. Part of the problem

There will be securing the position of HMG as the authoritative presenter of the UK view in circumstances where the NI Administration and Irish Government together wish to take a different view. I am far from clear how we deal with this institutionally. You will already have noted that the remit of the BIC will cover "Approaches to EU Issues"; but David Donoghue has already suggested that the new British Irish Secretariat might be a central link/focal point for such issues. Resolving this issue, in collaboration with FCO colleagues is a high priority here.

5. Three negative points also need bearing in mind. Over the next few months, and even before the "Shadow Assembly" is elected, the Irish are likely to do everything in their power to sew up North/South issues. We have a corresponding duty not to undermine (still less to be seen to do so) the role of the Northern Ireland Assembly in the shared Work Programme to identify areas where co-operation and implementation for mutual benefit will take place. Second, we must be on our guard against Irish attempts, at which David Donoghue has already hinted, to use the new British Irish Intergovernmental Council to shadow the decision of the Assembly on matters which have been devolved. Third, the Irish are also showing strong signs of trying to use the BIIC (and in particular its Secretariat) in the same way as the IGC and Maryfield.

Some Options?

6. Against the background sketched above, including the Agreement itself, my own mind is turning towards a solution along the following lines:-

- North/South Ministerial Council/Secretariat - on lines to be arranged by the Shadow Assembly/Central Secretariat and where, administratively, others are in the lead; but,
- the North/South Secretariat to be clearly separate from that for the British Irish Intergovernmental Conference on simple grounds of accountability (see above). (The same problem does not arise for the Irish, and I have asked David Donoghue separately for Irish thinking on whether they would wish to

have two separate Irish teams, representing a single government, in the two distinct relationships with the new NI administration (via the Secretariat to the North/South Council) and HMG (via the BIIC) - or have a single delegation dealing with two different interlocutors. His preliminary conclusions, however, is that two Irish teams are desirable);

- given the "holistic" nature of relationships; the salience of EU issues; and the need to ensure that HMG is close to developments on all possible channels, it nevertheless remains desirable, to ensure close liaison between the North/South Secretariat and the BIIC. (One solution would be co-location of the two Secretariats). Maryfield is being closed anyway; new premises for the North/South Secretariat have still to be found; and,
- the Secretariat for the British Irish Council might, at least until we have clear ideas of how this shadowy body might function, be divided between the office of the Taoiseach and Cabinet Office - working with close links, electronic and otherwise, with the Belfast Secretariats. (Although one sees some administrative attractions in servicing this body from Belfast, politically, there are good reasons for getting this away from Belfast, while the Cabinet Office is perhaps even better placed to manage links with Scotland, Wales and London - Tony Beeton has even suggested, in the longer term a "Department for the Autonomous Regions" ...).

Some further considerations

7. My own view, with which PUS I know has some sympathy, is that there seems no reason in the long run why Irish staff, from whatever Secretariat, should "live over the shop". In keeping with diplomatic practice elsewhere in the world, there is a strong case for them having their own office (eg in neutral, downtown Belfast) and encouraging them to find their own accommodation (or even for using NIO accommodation). The arguments for this are partially those of "normalisation", but they also extend to lowering the somewhat hothouse temperature that prevails, amongst the Irish side, at Maryfield. David Donoghue has hinted

on many occasions that, in an ideal world, the Head of the Irish side would benefit from having a quasi ambassadorial residence here, from which he or she could entertain.

8. A solution on these lines would make it, for example, easier to co-locate the North/South and East/West (BI) Secretariats eg on the 8th and 9th floors of let us say, Windsor House). The main short term constraints on such plans is the current LVF threat which, in present circumstances, means that the Irish would not consider living outside protected grounds. Hence, while I believe we should explore medium and long term accommodation on the lines suggested above, we also need to explore possible short term accommodation - with a view to ensuring that Maryfield is evacuated not later than 18 December this year: possibilities include Rosepark and Ormiston Hall (the Stormont Estate does not seem a runner: wrong vibrations for the Irish; all too easy for the Irish to circumvent proper channels and to "drop in" on colleagues with responsibilities for prisons, police etc).

9. The Irish are digging in to resist suggestions that the North/South Secretariat should be bi-located (on IFI lines) with two separate offices in Belfast and Dublin. However, in presentational terms, designed to give an impression of partnership between equals, if not those of the most effective administration, I see some attraction in some element of bi-location, even if the centre of gravity were fixed on Belfast, especially since the administrative downside can be offset by electronic communication. (After all, the NIO manages to span the Irish Sea with some success).

Other Issues

10. Depending on the kind of configuration we are aiming for, and our ability to negotiate and approach with, first, the Irish side and, in slower time, with "Shadow Institutions" here, there are a number of important administrative consequentials including:-

- "Political Steer"? Building up both sets of institutions may help Unionists without losing Nationalists.

- For the BIC

- Secretariat (Cabinet Office/Taoiseach's Office? Any additional staff needed)?;
- "Shadow Body" (operating by when? Same time as "Shadow Assembly" in June/July?);
- Work Programme/Agenda for first first meeting. (Do we need Procedural Rules beyond Agreement itself?);
- Involving Scots, Welsh (Manx etc). When? How?

- For the BIIC

- Does it have a "shadow life"? From when?
- the location of the BI Secretariat; within NI, but with the North/South Ministerial Council?;
- the staffing of the new BIS. So far as the Secretariat is concerned - much, I suspect, - as at present. Any loss of work on devolved matters is likely to be compensated for by a particularly intense interest in Northern Ireland matters generally as the new institutions bed in, and the need to facilitate effective discussion of bi-lateral issues not exclusively focused on Northern Ireland (which is likely to be resisted by the Irish except where we can demonstrate that such wider issues (eg broadcasting) are primarily concerned with NI: perhaps having (and this would be presentationally attractive) reserved for us a small office in NIO(L) for this very purpose;

- implications for the British Embassy in Dublin (as much as the Irish Embassy in London) and the need for even closer co-ordination than at present;
- arrangements for involving relevant Executive members of the NI Administration in meetings of the Conference.
- Conference supported when dealing with other than non-devolved NI matters?
- demarcation of interests from BIC. (Easy in theory - bilateral versus multi-lateral - harder in practice. Perhaps we need lists of BIC, BIIC (and North/South) topics?

Conclusion

11. This minute has been designed at least as much to elicit comments (and even radical disagreement) as propose definitive solutions. My hope is that, in the light of comments, we can put forward a more structured, annotated agenda with a view to a considered set of recommendations to Ministers probably via an early meeting of interested parties (our Project Team) from both parts of the NIO, Central Secretariat, as well as Cabinet and FCO colleagues.

12. Early comments gratefully received.

Signed:

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