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Mr Bell

NORTH/SOUTH INSTITUTIONS: MEETING WITH THE IRISH SIDE

At our lunch time meeting yesterday at Maryfield (as a prelude to a discussion of the possible agenda for a first North/South Ministerial Council meeting) both the British and Irish sides took stock of respective positions on progress towards establishing North/South Implementation Bodies. Apart from ourselves, the British side comprised Mr McCusker, Mr Ferguson and Mr Sweeney. The Irish side comprised Mr Donoghue, Mr O'Connor, Mr Montgomery, Mr Kirwin, Mr McIntyre and Ms Williams. Although it was agreed that views would not be formally minuted, you felt it would nevertheless be helpful to circulate a confidential note on a restricted basis to those attending to-day's Liaison Group Meeting.

2. Both sides were clearly concerned by the lack of engagement between the UUP and SDLP on establishing a Ministerial Council and Implementation Bodies, possibly with the Irish side more so. The Irish side referred to Unionist thinking on creating North/South bodies to deal with matters affecting the continental shelf, territorial (Carlingford Lough) limits and other national (not devolved) areas of responsibility. They also saw as Unionist inspired, Teresa Judge's Irish Times article ('an inauspicious start') of the previous day 'Parties at odds'. However, they also said they were working on the 'benign assumption' that the UUP would return to a sensible agenda without the need for pressure from the British Government and saw the UUP already well disposed towards creating at least 3 Implementation Bodies. They also seemed reconciled to there being no North/South Ministerial Council meeting on or before 31 October. But they equally saw an onus on officials to advance matters as much as possible and being in a position to put something on the table at short notice. To this end, Mr Donoghue had in mind, variously, an informal Ministerial level meeting involving the First and Deputy First Ministers or establishing an

informal advisory group to facilitate contacts between officials representing the First and Deputy First Ministers and both Governments which would work up proposals ad referendum. The Irish side nevertheless appreciated the difficulties (emphasised to them) of proceeding without a mandate from the First and Deputy First Ministers. They also took on board that the UUP had asked for assessments on North/South bodies in certain areas but that no other parties, including the SDLP, had put forward proposals. Sinn Fein were working on such proposals. The SDLP favoured bodies covering (we were told by the Irish side) tourism; strategic transport; EU matters; fisheries and inland waterways; Irish language and the arts; agricultural research; and environment protection. The Irish side's position was not very different from that but there were 4 high prospect topics 'not in the frame for the UUP' and reference was made to the Taoiseach's letter of earlier this year. Mr Kirwin said that there would be an agreed list 'with no surprises' by the middle of this month. In the mean while the Irish side were seized of the need to motivate the SDLP to ask for the same technical assessment of their proposals now being made by NI Departments of the UUP proposals.

3. There was evident uncertainty on the Irish side over the extent to which NI and Irish Departments could continue 'sectoral' contacts to examine even the technicalities of Implementation Bodies in certain areas. Could NI Departments sign off without a political steer? It was agreed on the British side that these contacts should continue as far as possible without engaging in unnecessary work (a paper had been almost completed on legal matters and both Departments of Finance had met to discuss EU matters and financing Implementation Bodies). As an aid, the Irish side undertook to put something together on assessments made by the Irish Departments for passing to us.

4. Overall, there were various scenarios and fall back situations (which you helpfully summarised) but it was agreed that substantive progress between the UUP and SDLP was needed before North/South Bodies could be agreed. And, as it was fairly plainly put by Mr Ferguson, in reality the present political environment was not conducive to the kind of informal Ministerial level meeting (even for clarificatory purposes) which the Irish side had in mind as a substitute for a meeting of the North/South Ministerial Council.

5. The issues were to be explored further at the Liaison Group today.

Signed

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