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FROM: D J WATKINS  
D/CENT SEC

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cc	PS/Secretary of State (B&L)	B
	PS/Sir J Wheeler (DFP,B&L)	B
	PS/PUS (B&L)	B
	PS/Sir D Fell	B
	Mr Thomas	B
	Mr Bell	B
	Mr Blackwell	B
	Mr Leach (B&L)	B
	Mr Wood (B&L)	B
	Mr Beeton	B
	Mrs Brown	B
	Mr Carson	B
	Mr Hill	B
	Mr Lavery (o/a)	
	Mr Maccabe	B
	Mr Stephens	B

PS/Michael Ancram (DENI,B&L)

THE FORUM: A PROGRESS REPORT

1. The Minister might appreciate a report on progress towards establishing the Forum.
2. The Forum is, for HMG, of secondary importance to the negotiations; nationalists regard it as all but wholly redundant; unionists on the other hand regard it as the main game in town, a gathering of the people of Northern Ireland and in some cases as a governing assembly in waiting. Although the Act describes its purpose as "promoting dialogue and understanding within Northern Ireland", tensions are already apparent which are likely to bring sharply differing views on the operation of the Forum into competing focus very early in its life. It would be useful for officials to have from Ministers a steer on foreseeable issues at this stage.

CONFIDENTIAL

DJW/40305/PF



Key Issues

3. The first such issue relates to the scope of the Forum's competence. Its purpose is described in the Act as providing for "the discussion of issues relevant to promoting dialogue and understanding within Northern Ireland" (clause 3(1)). This undoubtedly brings within scope (1) economic and social matters (covered by NI departments) (2) community relations, parity of esteem and human rights, (3) security (policing, prisons etc). In effect, this means that the Forum can range over all matters in the negotiations, including delicate issues such as strands 2 and 3 and decommissioning. This entails material risks for the negotiations.
  
4. The risks are that debate of, say, strand 2 and decommissioning in the Forum will generate such a volume of negative background noise as to destabilise, or at least make a good deal more difficult, the negotiations. Would it be possible, for example, to bring Sinn Fein/UDP/PUP to a necessarily delicate discussion of decommissioning or other confidence-building measures in negotiations if there were a strident, public debate in parallel in the Forum, suggesting that there was nothing but rejection and harsh requirements from "the plain unionist people of Ulster" in the Forum? Similar risks could well emerge for strand 2.
  
5. I see no direct mechanism in the Act to prevent this. But would Ministers want us to aim for rules of procedure - the subject of the Secretary of State's approval - which seek to minimise the scope for such possibilities?



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6. The second main point relates directly to procedure. This could be designed for two main alternative models (there are doubtless many variants). The first would be a broadly Parliamentary model: the Unionists will doubtless push hard for this, including possibly committees aligned with the work of NI departments (as the SDLP fear). The second would be a tribunal-type model akin to the Dublin Forum with less debate on the floor, fewer motions, fewer committees, but geared principally to taking evidence from outside groups. Nationalists would certainly prefer the latter, and would be very allergic to the former.
  
7. Given the risks identified in paras 3 and 4, the case seems strong for pointing the Forum towards the tribunal model and seeking to limit the development of a Parliamentary model. Our scope for achieving this is limited and could require - doubtless following dialogue with Mr Trimble in particular - in the end a determined use of our powers to approve (or by implication to withhold approval from) rules of procedure. But we should, I suggest, actively seek available means of vigorously shaping the Forum by statutory and political avenues so that it follows the tribunal rather than Parliamentary model; operates a way most conducive to development of consensus; follows a busy and useful programme of work, and does not intervene or negatively influence the negotiations, while fulfilling its potential role of developing agreement. We should of course aim to avoid a crunch if at all possible, but do Ministers agree that we should aim for a tribunal-type model at least in the first instance?

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Progress So Far

8. A number of early issues in a workplan have been identified, as follows:

- (1) premises: Mr Hill's submission of 7 May refers. We are now looking urgently at the alternatives of the Spires and temporary accommodation.
- (2) staffing: Nigel Carson has been appointed as Forum Administrator. (Having last week survived a grilling from West Belfast community activists about cuts to the ACE programme, he probably has an even chance of surviving the Forum!). We are now building up a smallish support team (though this might have to expand if the Forum required clerks for committees). The status of Forum staff is crucial: they are under the Act to be provided by the Secretary of State - Mr Carson and his colleagues will therefore act under Sir Patrick's direction, probably working through Sir David Fell and me. But this is potential ground for conflict: it may well be that the Forum and/or its chairman may seek their own independent staff, a move which, seen as of now, we should resist as it would be a further trapping of a Parliament.
- (3) initial rules of procedure: Peter Smyth has kindly provided a draft of the initial rules (Schedule 2, para 3(3)). We shall work these up further for submission to Ministers in time for them to consult qualifying parties soon after 30 May.

Further Issues

9. Other items on the workplan include:-

- (1) draft substantive rules of procedure: although Schedule 2 para 3(1) provides that these shall be determined by members of the Forum, we shall nonetheless prepare a draft shortly. This will be necessary in any case since the members can be expected to look to Forum officials for advice on drafting, but it will also be a useful opportunity for Ministers to consider the broad nature of procedural rules they would ideally prefer (the arguments at para 7 refer) and to consider ways of giving expression to the requirement of Schedule 2 para 3(4) - facilitating promotion of dialogue, understanding and consensus across the community in Northern Ireland. We aim therefore to submit them to Ministers in due course. (In the meantime Mr Carson and I plan to go to Dublin to find out more detail of their Forum's procedural arrangements.);
- (2) identification of an interim Chairman under Schedule 2, para 1(2) from among the membership. We should doubtless take soundings of the parties after 30 May, but are seeking to work up a few viable ideas with PAB and CPL;
- (3) media policy and access, recording/reporting: GIS is working on the former, as reflected in Mr Hill's submission already referred to. On recording/reporting, Unionists will doubtless push for Hansard-type arrangements; nationalists may be cautious; the Secretary of State said in the House that we would not oppose a wish for the Forum to have its words recorded. We are looking at options and cost-effective ways of delivering them;



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(4) financial and accounting arrangements: FSD and DFP remain engaged on these. The position of Accounting Officer has not been finally settled, but should be shortly;

(5) other matters include:

- . developing a suggested workplan for the Forum itself in terms of groups to invite to give evidence;
- . timing of first meetings in light of Schedule 2, para 2;
- . means of notifying first and subsequent timings (and the basis for deciding the latter);
- . rules for officials giving evidence;
- . rules for whether members have representational rights;
- . whether the Forum should have its own discretionary budget (eg for research);

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- . options for some meetings outside Belfast;
- . arrangements for payment of attendance allowances.

Conclusion

10. There will doubtless be other matters to be added to the workplan in due course (and if the Minister identifies any, please let us know). There remains much to be done in a hurry. in addition to identification of a venue. In the meantime I would be grateful for confirmation of the line we are taking in para 7.

[SIGNED: D J WATKINS]

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