

RESTRICTED POLICY

From: J Semple cc PS/Mr Murphy
PS/Mr Ingram
To: PS/Secretary of State PS/PUS
Mr Jeffrey
Date: 7 January 1999 Mr Stephens
Mr McCusker
Mr Ferguson
Mr Bell
Mr Hill
Mr Fergusson, RID
Mr Brooker
Mr Warner

CONSULTATION/LIAISON ARRANGEMENTS

Issue: The need for consultation/liaison arrangements with the officials of the First and Deputy First Ministers in the period before devolution

Timing: Urgent

Recommendation: That arrangements at Ministerial and Official level should be agreed as soon as possible

DETAIL

1. In his submission of 5 September on implementation issues, Tony McCusker mentioned David Trimble's interest in the implementation arrangements for the 18 December Agreement and, in particular, the legislation requirements. Since then I have had an opportunity to discuss the arrangements informally with

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David Lavery and Colm Larkin and Tony McCusker has also discussed the issue with Irish officials.

2. While recognising that extensive consultation arrangements will be necessary for all the political parties, we are nevertheless drawing up treaties, memorandums of agreement and legislation based on the agreement reached between the SDLP and the Ulster Unionists Party on 18 December. There is an expectation, therefore, that there would be consultation with both Trimble and Mallon before wider circulation of papers; and indeed there seems to be a growing expectation of some input into the construction of the various drafts.

3. Ministers will want to consider this fairly carefully, but it seems to me that we could take a number of steps which would meet the expectations of both Trimble and Mallon and at the same time contribute effectively to our overall objective of getting the necessary treaties, memorandums and legislation in place by mid-March. These would include

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- liaison meetings each week with Trimble and Mallon concentrating in the main on implementation arrangements;
 - Trimble and Mallon's officials joining the Interdepartmental Working Group currently chaired by Tony McCusker which oversees all the implementation arrangements and provides the mechanism for the weekly update on the implementation plan;
 - a weekly informal meeting involving ourselves, Irish officials and officials from Trimble and Mallon's offices to review progress on the arrangements for implementation bodies and co-operation arrangements; and
 - a small sub-group again involving Trimble and Mallon's officials which would be tasked with considering legislation issues in advance of papers going to Trimble and Mallon and subsequently to all the parties.
4. David Trimble is likely to raise the specific issue of consultation with the Secretary of State over the next number of days and will

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I believe be pushing for arrangements which will not put either him or Mallon in a position of arguing about the Government's interpretation of 18 December Agreement on the basis of material already in the possession of the other parties. This is clearly a very sensitive area but I think the timetable for achieving devolution by the end of April is so tight that we need to consider practical arrangements to get us through the process and, in effect to declare that the "Chinese Wall" is to be demolished.

5. Irish officials, while clearly sensitive about any arrangement which is seen to exclude the other parties, and in particular Sinn Fein, nevertheless accept that there is a need for some informal arrangement which can get us through the process quickly. They will take a political steer on their specific involvement on North South issues with Trimble and Mallon's officials but if their Ministers we uncomfortable with that they would nevertheless see the need for us to have some process.
6. These issues could be discussed at the Liaison Meeting next Monday though the Secretary of State or Mr Murphy may wish to

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have a discussion with officials before then to agree a line for the meeting, perhaps at Monday's Ministerial meeting.

JOHN SEMPLE