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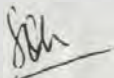
Draft working paper for next Conference

1. At the September Conference Irish and British Ministers agreed that officials would attempt to draft a working paper sketching a possible joint approach to the Northern Ireland problem, for consideration at the Conference on 27th October. The British side have already highlighted this exercise in various media leaks, and will almost certainly brief negatively on our "lack of seriousness etc." if we fail to produce a paper.
2. This exercise is tactically very delicate, since the British, their disavowals notwithstanding, may be tempted to use any such paper as a starting point in their own wooing of the unionists. It must therefore be towards the upper end of our spectrum of basic requirements, while at the same time appearing reasonable and not excessively "hawkish" to our own public (in the not improbable event of it being leaked).
3. The British produced a draft paper (already circulated), the general sections of which have been refined at Liaison Group meetings (see annex 1 : Paragraphs 1 - 11 take up language drafted between the two sides in the Talks last year). Their main operational value from our point of view is the understanding that a new agreement would not dilute our role (paragraphs 10 and 11 in particular).
4. However a forthcoming meeting on Thursday next will have to negotiate language on the substantive issues of (a) constitutional change; (b) North-South structures and (c) Intergovernmental structures if a paper is to be put before the Conference.
5. I attach a draft for possible submission by us to the British side. This endeavours to keep the treatment of these issues reasonably general:

6. Constitutional change emphasises reciprocity and balance. (However paragraph 16 in particular would require clearance).
7. Internal structures in Northern Ireland are dealt with on the most general basis. (It is assumed that in any revised Strand One the British would seek to finalise the Assembly/Panel structure sketched out by the parties last year).
8. On North-South structures the draft envisages prior agreement by the two sovereign Governments on areas to be administered uniformly throughout the island. (This would leave such agreement proof against the collapse of Northern institutions. The unionists would object very strongly but it would be open to the Government at a later stage to decide whether they wished to concede the point or otherwise). The draft does not go into the actual areas of joint action, apart from flagging the EC, since this will require serious interdepartmental study in our own system.
9. Intergovernmental Structures: The draft suggests that a future Intergovernmental Conference, while not dealing with devolved matters, should guarantee and monitor devolved institutions on a basis of "fire-brigade" powers in the event of their collapse or malfunction. This is very problematic for the British, who probably see a thin end of the wedge of joint authority. It seems however a reasonable and defensible notion, and, again, the Government could decide in any later negotiations whether it wished to insist on it or could concede it in exchange for other points. The draft also envisages in a cautious way that the "Panel" might be associated with the Conference for certain purposes, and that a North-South Body might also do so, for

example in relation to EC issues, where the British Government role would be particularly important.

10. I would be grateful for political clearance to submit a draft on these lines, after any necessary amendment, to the British side. (It can of course be anticipated that the British would in turn have major changes to propose to it).



Sean O hUiginn

19 October, 1993