SEEN BY TAOISEACH 13 JAN 1999

Taoiseach
You probably got an account of all this already from Secretary-General

Section Fax: 15/99

12 January 1999 No of pages including this one: 9

Teahon. We came up with some points to the British note of the 6th. It seems that they had already given it to the parties at meeting yesterday. MC 13.1.99

To: HQ From: Belfast
For: Secretary Gallagher From: Joint Secretary

Subj: Update on British thinking

1. To confirm, I understand that, when the Secretary of State discussed with the Prime Minister this morning the outcome of her meetings with Trimble and Mallon yesterday, there was a large measure of sympathy with her views but "No 10 did not completely reject Trimble's proposal".

2. The Secretary of State is now back in Belfast and will be having meetings with Trimble and Mallon later this evening.

3. She and her officials are very struck by the emphatic position being taken by Mallon on the need for action to implement the 18 December deal without delay.

4. Bill Jeffrey believes, however, that it is unlikely that sufficient agreement will be reached between Mallon and Trimble to permit this issue to be resolved next week.

5. British thinking on these matters is very fluid at present and is liable to change in the light of further contacts with the parties. While some NIO officials see merit in sustaining the failure to present a determination next Monday with reference to the 15 December text's shortcomings, others are inclined to let the situation speak for itself and not to bother with a rigleaf which will fool nobody. The technical defects of the 18 December text could be corrected very quickly, with sufficient political will. If there is a basic disagreement between Mallon and Trimble on how to proceed, there is little point in trying to mask this and the Secretary of State could be criticised for trying to mislead people with a threadbare technical argument.

18. 1. 99

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6. I attach a draft press release with accompanying work programme which the Secretary of State intends to issue tomorrow. As you will see, the thinking behind it is to highlight the pace of activity on the legislative front over the next couple of months and to divert attention away from the question of when a determination will be presented and the D'Hondt procedure activated. It seems broadly acceptable from our point of view but colleagues may wish to offer comments.

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DRAFT - IN CONFIDENCE

POSSIBLE STATEMENT ON IMPLEMENTING THE AGREEMENT

The Secretary of State, Dr Mo Mowlam, accompanied by the Minister of State, Paul Murphy, today concluded a round of meetings with the parties represented in the Assembly.

Dr Mowlam said:

> "The agreement reached on Departmental structures and North/South bodies on 18 December marked a significant step forward. The Assembly will be considering those issues on 18 January. The practical decisions have now been taken that enable us to prepare in detail for the transfer of powers to new Northern Ireland Ministers, and the establishment at the same time of the North/South Ministerial Council, the North/South implementation bodies, the British-Irish Council and the British-Irish Intergovernmental Conference.
>
> All the practical preparations are now under way. All the parties - and the Irish Government as necessary - will be closely involved in these. We are determined to have everything ready no later than the beginning of March.
>
> I also reminded all parties of the need to build confidence in their commitment to the full implementation of the Belfast Agreement. Only on this basis can the promise of an inclusive, pluralist, peaceful society in Northern Ireland be achieved."

Giving details of the work which is now in hand, set out in the attached programme, Dr Mowlam explained that:

> "The work which now has to be done falls into a number of groups:
>
> - the new Departments have to be created;
> - the North/South institutions have to be formally established, including the implementation bodies agreed on 18 December;
> - the detailed arrangements for the British Irish Council need to be finalised; and
> - the Assembly needs to agree its Standing Orders and the arrangements for the Consultative Civic Forum.

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The Government is preparing to table a Departments Order to establish the proposed new Departmental structure. This should become law in early February. The parties are currently being consulted on a draft of this Order and on the detail of the functions to be assigned to the various Departments.

The establishment of the North/South implementation bodies agreed on 18 December will be covered in formal treaties between the two Governments. More detailed Memorandums of Understanding are being drawn up by the relevant Departments, North and South. We expect to be in a position to confirm the proposed details with the parties by the end of January. The necessary legislation can be introduced in Parliament and the Oireachtas during February. It should become law in early March.

Subject to any comments which the parties may have on the drafts, the two Governments intend to sign formal treaties providing for the establishment of the North/South Ministerial Council and the British Irish Council before the end of February.

I am pleased to note the progress being made by the Assembly parties in considering arrangements for the proposed Civic Forum; and in drawing up draft Standing Orders. I trust that this work can be completed by the end of February."

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PROGRESS TOWARDS DEVOLUTION

Restructuring the Departments

January

Parties consulted on draft Departments Order establishing 10 Northern Ireland departments as agreed on 18 December.

Parties consulted on detail of functions for each department, to be reflected in a Transfer of Functions Order.

Parliament debates draft Departments Order.

February

Departments Order made.

Transfer of Functions Order made.

Parties consulted on draft Order to amend existing enactments to be consistent with new structure.
Parliament debates draft Order.

10 March

Order made. Preparations for department restructuring complete.

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Strand 2 and 3 bodies

January — British and Irish Governments prepare draft Treaties, for consultation with the parties, covering establishment of:

- North-South Ministerial Council
- British-Irish Council
- British-Irish Intergovernmental Conference
- the six North-South implementation bodies, as agreed on 18 December.

Departments, North and South, prepare detailed memorandums, for consultation with the parties, on the structure and operation of each of the six implementation bodies.

February — Treaties and memorandums finalised.

Parties consulted on six draft Orders, conferring functions, powers etc on each of the implementation bodies.

Parliament debates draft Orders.

10 March — Six Orders for implementation bodies made. Preparations complete.

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Other preparations

18 January	Assembly debates 18 December Agreement, and progress on Civic Forum, British-Irish Council etc.
Prior to transfer of powers	Assembly approves, with cross-community support, determination by First and deputy First Minister on number of Ministers and functions of each.
	Shadow Ministers appointed by d'Hondt procedure.
	Assembly agrees standing orders.
	Parliament debates draft Devolution Order, appointing a day for transfer of powers.

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"Appointed day"

Simultaneously, on the appointed day:

- powers transferred to Northern Ireland Ministers and the Assembly
- the British-Irish Agreement (annexed to the Belfast Agreement) comes into force
- changes to Articles 2 and 3 of the Irish Constitution, and the British constitutional changes in sections 1 and 2 of the Northern Ireland Act 1998, take effect
- the North-South Ministerial Council, the British-Irish Council and the British-Irish Intergovernmental Conference are established
- the six implementation bodies agreed on 18 December are established
- the 1985 Anglo-Irish Agreement, and its Intergovernmental Conference, cease to have effect.

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