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cc: Mr Paddy Teahan
Mr Wally Kiwan



5 December 1997

Oifig an Taoisigh
Office of the Taoiseach

Mr. Dermot Gallagher,
Second Secretary,
Department of Foreign Affairs,
80, St. Stephen's Green,
Dublin 2.

Dear Dermot,

I refer to the papers you sent across yesterday.

You are the best judge of what it will be possible to achieve by Christmas. The Unionists at some point will have to be prepared to see things committed to paper if there is ever to be an agreement, despite the risks.

The East-West paper (totality of relationships) is a model of lucidity, and in my opinion should form the basis of our negotiating position, even if further detail may be required at a later stage.

On North-South, I think if we want to achieve results, we should all pay more attention to Unionist psychology and not only to our wishes. In particular the phrase 'take over' as applied to the functions of the North-South body should be banned from our vocabulary - instead 'the North-South body will be given (delegated) responsibility for X', or 'responsibility for X will be pooled in the North-South body', or any equivalent phrase. There is a tendency for Unionists, which we will reinforce if we are not careful, that the North-South body is a vehicle for a takeover of functions.

to consider

I believe we should rank functions in the following manner :

- a) Those areas, where Northern Ireland would not have the size or resources to provide a facility for itself, and where it may be only marginally economic for us to do so on our own, or where there are significant cost-savings to be obtained, are ideally suited for single

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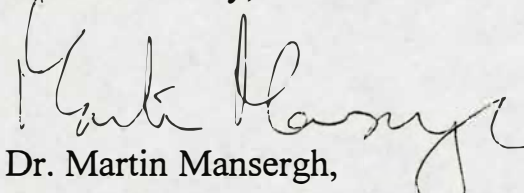
all-Ireland bodies. Marine, scientific research are obvious candidates. Northern Ireland would continue of course to have access to UK bodies. The analogy would be with many private professional bodies with an all-Ireland remit.

- b) Those areas, where a single body ^{would} ~~could~~ be given responsibility for part of the functions of bodies North and South. Northern Ireland will be anxious to maintain its own autonomous identity and input in as many areas as possible. In tourism, they may very probably want to retain an NITB. While we can propose a single all-Ireland body, we should be prepared for a situation, where the two tourist bodies would function ~~as~~ as one body for some but not all purposes (i.e. external, but not necessarily internal promotions). In many areas, we would be better, whatever our opening position, to aim for an amalgamation of some functions, as opposed to all or more likely none.
- c) There are areas, where it would be perfectly feasible, or desirable, from our point of view to have a single body, but where there would not necessarily be any overwhelming or pressing advantage (i.e. a National 32 county Roads Authority). I would expect there to be resistance from the Northern Ireland side, and if that is the case, again we might identify those elements of common interest and action.

I believe prioritisation is very important, if we are to achieve tangible results. While there are valid ideological/identity arguments for North-South bodies, we also have to demonstrate to Unionists their practical necessity or value. We should concentrate in the first instance on those areas, where we can be most persuasive.

I have given copies of your papers and this comment to the Taoiseach.

Yours sincerely,


Dr. Martin Mansergh,
Special Adviser to the Taoiseach.

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Irish Draft 5 December 1997

Key new document

Multi-Party Talks

Draft Heads of Agreement

SEEN BY
M. W. Kiernin
TAOISEACH

M. W. Kiernin
12-12-97

Introduction

1. The agreed outcome of the Talks will include interlocking and mutually supportive arrangements across the three strands, including (i) structures within Northern Ireland; (ii) North/South structures; (iii) East/West structures and arrangements which cater for the totality of relationships between the various peoples of these islands, including relations between the two sovereign Governments; (iv) agreed provisions to address equality, justice and rights issues; and (v) a shared understanding on constitutional issues. There will also need to be agreement on how the outcome is to be democratically validated and implemented.

Institutions

2. There will be new institutions across the three Strands, as follows:

Strand One

- There will be devolved institutions in Northern Ireland.
- These institutions will be established with, and operate on the basis of, cross-community agreement.
- They will include an Assembly and arrangements for carrying out executive functions.
- The purpose of these institutions will be to enable the assumption of democratic control over, and responsibility for, agreed transferred matters.
- These institutions will be composed of representatives of the people of Northern Ireland, chosen by democratic means to be agreed.
- There will be checks and balances to protect the interests and rights of both communities.
- Appropriate arrangements will be agreed for relations with other institutions, including the British and Irish Governments, Westminster and the European Union.

Strand Two

- There will be an institution or institutions through which co-operation and common action on the island on matters of mutual concern and interest can be structured.
- One of the purposes of such institutions will be to give expression to, and validate, the sense of the identity and the sense of allegiance of Northern nationalists.
- The operation of such institutions, and any future development, will be on the basis of agreement between the two parts of the island.
- These institutions will be composed of representatives of democratic institutions, North and South.

- In their management of the North/South relationship, the representatives of democratic institutions North and South will remain accountable to those institutions and will act in accordance with the arrangements for collective responsibility which may exist within their respective institutions.

Strand Three

- There will be an institution or institutions through which co-operation between the British and Irish Governments can be structured on matters of mutual concern and interest, both generally and in regard to Northern Ireland.
- Representatives of devolved institutions in Northern Ireland will be associated with arrangements for intergovernmental co-operation in regard to Northern Ireland.
- There will be arrangements for enhanced co-operation within these islands on matters of common concern and interest. Such co-operation may be structured either through the institutions mentioned above, or through separate and distinct institutions.
- These arrangements will bring together representatives of the two sovereign Governments and of the devolved administrations in Northern Ireland, Scotland and Wales.

Constitutional Issues

3. In fulfilment of commitments already given by the two Governments, there will be balanced change both to the Irish Constitution and to British constitutional legislation in relation to the special position of Northern Ireland.

Rights, Justice and Equality Issues

4. Fundamental human, civil and cultural rights will be the subject of comprehensive, systematic and effective protection in both jurisdictions in Ireland.
5. Appropriate arrangements and commitments will be agreed in regard to policing, justice and equality issues.

Validation

6. There will be arrangements for the democratic endorsement North and South of the agreement reached in these Talks.

END