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Mr Seán Ó hUiginn
Assistant Secretary
Anglo-Irish Division

Discussion with Sir Patrick Mayhew, Secretary of State for Northern Ireland

Sir Patrick Mayhew and his Private Secretary, Mr William Fittell, came to lunch at the Embassy on Friday last (5 June). Joe Hayes was also present. We had a long and very frank discussion over lunch which lasted about two hours. You were given an unedited summary of the main points arising when you were in London on Friday evening. This was prepared rather hurriedly after the lunch so that you would be adequately briefed for your "Diner" meeting. What follows is a more detailed report of our discussion with the Secretary of State.

Mayhew's "Baggage"

At the outset Sir Patrick seemed keen to dispel the notion that he was carrying some awkward "baggage" with him when assuming the post of Secretary of State. He described as total nonsense much of what was written about him in the press. He had, he said, grown up with a detestation of the "Black Protestants" in Northern Ireland. It was only in later years, after meeting many decent Protestants from that area, that he acquired a more balanced view of the Northern Protestant. It was clear from what he said that he had been stung by the public criticism attending his appointment. Although he did not elaborate in that connection, he had of course good reason to be sensitive in relation to certain aspects of that criticism such as his handling of the Stalker report.

Chairmanship of Strand One

Mayhew also said he had the impression that Dublin was critical of the way in which he was handling the inter-party talks. That feeling had emerged from the last meeting of the Liaison Group. He asked if that was so and how did we expect him to conduct the negotiations. We said we expected him to be absolutely even-handed in his approach. From our understanding of developments there was indeed a strong feeling that the SDLP had been subjected to an inordinate amount of pressure to drop that part of their proposals dealing with the appointment of external commissioners. If the process was about a new, imaginative way forward for Northern Ireland, rather than simply the reworking of old minimalist ideas for a modest internal settlement, then one would expect that those who put forward innovative ideas would not be pressured into withdrawing those very elements which distinguish them from other ideas.

Sir Patrick strongly denied that he had been leaning on the SDLP and wished to counter strongly the perception that he had done so. He had of course asked a lot of questions of John Hume, as any lawyer might, on the implications of the SDLP proposals. He maintained he had not expressed a view on their merits. His task as he understood it was to "hold the ring" in Strand One and he was very conscious of his responsibilities in that regard. Did Dublin feel, perhaps, that he should lean on the Unionists, thereby abandoning his neutrality? If so, perhaps the Irish Government should lean on the SDLP. He went out of his way to assure us that his dealings with the Unionists were absolutely above board: there were no "nods and winks". We said that as we understood the situation, the way in which the SDLP was being dealt with constituted pressure - pressure to "park and ride", to use the terminology in vogue. Was equal pressure being brought to bear on the Unionists to be more forthcoming and move on to Strand 2? Since Mayhew denied that he had applied pressure on any party, he did not answer that question. We emphasised the importance of not treating individual Strands as hermetically sealed and independent of each other. This was implicit in any event in the understanding that nothing is agreed until everything is agreed and on that basis it would be possible - indeed necessary - to revisit the individual Strands. We maintained that, given that protection, it was totally unreasonable to expect the SDLP to drop the most imaginative part of their proposals. If the DUP is so confident that it has proposals in relation to Irish identity and the Irish dimension that will be attractive to the SDLP, let them put them forward as soon as possible in Strand Two. It was totally unrealistic to expect John Hume to abandon his ideas on external commissioners in Strand One simply in exchange for a DUP assurance that it had satisfactory proposals to unveil in Strand 2. Logic and common sense suggested that both sets of proposals should go forward to Strand 2.

In reply Mayhew strongly endorsed the fluidity of the three Strands. The SDLP should, therefore, be able to move to Strand Two without insisting on bringing with them their proposal in regard to externally-appointed Commissioners,

secure in the knowledge that there would be a return to Strand One and that nothing was agreed until everything was agreed. We said that this argument applied equally to the Unionists and asked again if it was fair to expect the SDLP to "park" the key external element in their proposal, which they regarded as central, in exchange for a commitment by the Unionists to introduce unspecified proposals in Strand 2.

Appeal to use our Influence with SDLP

Despite the validity of the arguments we adduced, Mayhew kept on appealing that we use our influence with Hume to enable the Unionists to enter Strand Two of the Talks. He argued forcefully that external appointments to a Northern Ireland Executive were simply not acceptable to the Unionists who maintained they would not be able to sell the idea to their own followers. He repeatedly referred to Paisley's warning that his constituents would "hang him from the nearest lamp post". We strongly challenged this, dismissing it as pure bluff. Mayhew went on to say that the Unionists keep on making the point to him that they are already experiencing difficulties in persuading their own followers that they should continue to participate in a process where consideration was being given to the type of proposals tabled by the SDLP. It was not a question of what Dublin or London believed was right - it was simply a question of what was possible and practicable. The reality was that the Unionists and the Alliance Party would not wear the SDLP proposals. (We reminded Mayhew, at this point, that the Alliance was, of course, a Unionists party!)

Sir Patrick said that from his conversations with him he was convinced that deep down John Hume accepted this. He described Hume as a political visionary who believed that "the business that was not completed in 1918 should now be finished in one go". Mayhew felt it was in all our interests to persuade Hume to settle at this point for something less which could be built on in future, rather than causing the collapse of the process for something that is unattainable at this stage. In his view it was better to regard the current talks process as an historic moment for making substantial progress now and seek to build on this in the future.

In reply to this line of argument by Mayhew we made the following points:

- It seemed to us that the SDLP proposals constituted an innovative and imaginative way forward. The Unionists seemed to view the talks as being basically concerned with a minimalist internal settlement whereas the SDLP envisaged something more imaginative and lasting that took cognisance of key external relationships.
- For the minority within the North the outcome must be a system of government with which they can identify and which points in a particular direction as far as their long-term aspirations are concerned. (It is worth noting here that Mayhew did not disagree with this point. Indeed he explicitly stated his belief that the long-term solution was a united Ireland).

- We emphasised that a minority that had been so badly treated for so long, in so many ways, was entitled to see steady movement forward on a continuing basis and without relapse into old ways until they are placed on an even footing politically and otherwise with the majority community. There must be no going back to old models or proposals that were flawed and rejected in the past.

- The deliberate leak of their proposals had made it impossible for the SDLP to abandon the key elements in their prescription.

- The Unionists would have to understand that the overall package agreed on eventually would have to be very attractive indeed to the Irish Government and people as well as to the nationalists in the North if it is to supplant the Anglo-Irish Agreement and Articles 2 and 3 of the Constitution. In this latter connection we reminded Sir Patrick that Articles 2 and 3 were not in the giving of any Irish Government - they could only be changed by the Irish people voting in a referendum. Furthermore, the settlement package, besides being attractive, would have to be clearly durable in character because any changes to our Constitution would in effect be irrevocable. There was no way we could change Constitutional provisions in part exchange for new arrangements on the future government of Northern Ireland that seemed shaky and uncertain.

Transition to Strand Two

We had a lengthy discussion about the transition to Strand Two. We indicated that Dublin was becoming impatient about the delay in that regard. The time envisaged for the transition had already passed and we certainly did not accept the Unionist pre-condition that there would have to be substantial progress in Strand One before the change-over. The time was surely at hand when there was little more that the Sub-Committee could do to advance matters in Strand One. Mayhew agreed that there was no pre-condition for substantial progress before switching to Strand 2 and had confirmed this to our Minister in the course of a phone call. However, the Sub-Committee was still at work and would be reporting to Plenary on Wednesday next (10 June). He had given it the additional task of looking at the London/Belfast dimension and the Sub-Committee had in fact sub-divided to do this. After the report to Plenary he would consult with the party leaders and would then make a judgement as to whether there was a realistic prospect of bringing all the parties with him to Strand Two. There was simply no way of short-circuiting this, otherwise there was the serious danger of the Unionists simply refusing to show up for Strand 2 and he was not going to risk aborting the talks and missing this historic opportunity of making a break-through. Choosing his words very carefully at this point, Mayhew said there was "a prospect but not a probability" of moving to Strand 2 and implied that the picture should be clearer after 10 June. He said that ten days earlier it was "touch and go - and more touch than go", as to whether he could keep the talks alive. He had told the

parties that he was not prepared to let the process fail and throughout our conversation he repeatedly stressed this point. He said he believed that all the parties were genuinely engaged and wanted to proceed to Strand 2 although he accepted that there were some Unionists who would welcome a breakdown of the talks. He spoke with feeling of the potential consequences of failure. It would lead to polarisation of the two communities and would play into the hands of the paramilitaries on both sides who could then point to the failure of the politicians to achieve a settlement. Besides, he saw no prospects of a new initiative for many years.

Unionists' Inability to Reform Voluntarily

We reminded Mayhew that historically there was no evidence that the Unionists had the capacity to reform voluntarily. Any reforms and changes that were intended to improve the lot of the minority and introduce a measure of fair play were either forced on Stormont by London or introduced since direct rule was instituted in 1972. The Callaghan reforms, later continued by Whitelaw, are proof of that, such as the formation of the Housing Executive and the removal of effective power from local authorities. London took the initiative after Bloody Sunday to abolish Stormont and impose direct rule. London prescribed in 1973 the requirements for the power-sharing Executive that eventually emerged from the Sunningdale Agreement. After vetoing a series of further British initiatives the Unionists had to be by-passed eventually in order to achieve the Anglo-Irish Agreement of 1985. That Agreement, though hated by the Unionists, had the beneficial effect of bringing them to their senses, to a certain extent at least. Obduracy and intransigence would no longer prevent the two sovereign governments from coming together to make arrangements for the government of Northern Ireland. We suggested to Mayhew that this was an important point to bear in mind in his dealings with Unionist intransigence both now and in the future. Because of their mentality he would realise that a carrot and stick approach was necessary in dealing with them. If they declined to cooperate at this juncture or refused to move to Strand Two he should not hesitate to get the message across to them that in the absence of a more positive approach on their part there would be strong pressure both in London and Dublin to move towards an enhanced Anglo-Irish Agreement. Mayhew's reaction to this was very interesting. He said at first he could not do this without authorization from the Government. After further thought he added that he could not threaten the Unionists in that way. We said that there were various ways of getting the message across to the Unionists that Downing Street and Merrion Street could not countenance failure on the part of Northern Ireland politicians to reach an accommodation, thereby leaving the arena to the gunmen on both sides.

Need for Confidentiality

Mayhew spoke about the need for confidentiality and the damage that had been caused by the leak of the SDLP proposals. We said we understood that the finger of suspicion pointed clearly at the Unionists in that connection. He also adverted to the report that day (5 June) in the Irish Times attributing remarks to the Taoiseach about the timing of Strand Two. Without confidentiality his task was made all the more difficult in his dealings with the Unionists. Mayhew's remarks were wide enough to include our Minister's comments, also carried by the Irish Times some days earlier, about the need to move from Strand One to Strand Two.

Symetry and Assymetry

Mayhew's Secretary, Fittell, proffered the view that there would be a lack of symmetry between the proposals going forward to Strand Two if the SDLP insisted on adhering to the external Commissioners idea. Nationalist Ireland had the Anglo-Irish Agreement, he said, whereas the Unionists had nothing. We contested this viewpoint strongly by saying that the reverse was, in fact, the case. The reality was that the constitutional aspirations of the majority were provided for and protected whereas those of the minority were not catered for at all. The SDLP proposals were intended to deal with this asymmetry to a very modest extent.

Undemocratic nature of Ireland Ireland

We availed ourselves of the opportunity to criticise the original decision to put a system of government into an artificially created area like Northern Ireland, based on the Westminster model. That model was totally unsuitable for a divided community like Northern Ireland where alternation of power through the normal democratic process was impossible. That mistake was seriously compounded by Westminster's total failure to supervise the behaviour of the Stormont Parliament and Government from 1921 to 1972. It was foolish today to talk about democratic structures when most reasonable people accept that any new institutions will have to have their freedom to dominate or discriminate severely circumscribed and curtailed by artificial devices. There is no such thing as normal democracy in Northern Ireland.

Irish Times Editorial

At an early stage in our discussion about the externality aspect of the SDLP proposals on an Executive Commission, Mayhew drew attention to an Irish Times editorial some weeks ago that questioned this provision. He seemed to think that it should have carried a lot of weight in Government circles in Dublin. We dismissed it as the personal view of the journalist who wrote it. It carried no more weight than that.

Taoiseach's Meeting with Prime Minister Major in Rio

The Secretary of State persisted, to the end, in seeking our assistance in getting John Hume to moderate his demands in relation to the external Commissioners. It is likely, therefore, that the brief being prepared for Prime Minister Major's meeting with the Taoiseach in Rio on 11 June will place heavy emphasis on the need for the Irish Government to lean on the SDLP so as to avoid a total break-down of the talks. Assuming that the Unionists remain obdurate after the Sub-Committee reports to Plenary on 10 June, the probability is that Mayhew will delay putting a firm proposal to move to Strand 2 until he sees the outcome of the meeting in Rio.



Joseph Small
Ambassador