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SECRET

Meeting to discuss a possible Strand Two agenda

London, 19 June 1992

1. A meeting to discuss a possible agenda for Strand Two was held in the QEII Conference Centre in London on 19 June under the chairmanship of Sir Ninian Stephen.
2. The Irish Government were represented by Secretary Dorr, Asst. Sec. O hUiginn and the undersigned. The British Government was represented by John Chilcot, Permanent Under-Secretary at the NIO; Quentin Thomas, Deputy Under-Secretary at the NIO; and David Hill, also of the NIO. The SDLP were represented by Seamus Mallon, Eddie McGrady and Brid Rodgers. The Alliance Party were represented by Addie Morrow, Seamus Close and Sean Neeson. The UUP team consisted of Ken Maginnis, Chris McGimpsey and Reg Empey. The DUP were represented by Nigel Dodds, Rhonda Paisley and Simpson Gibson.

Overall assessment

3. The meeting lasted for approximately seven hours (including adjournments). The atmosphere was low-key and relaxed throughout, due partly to a consensus that the meeting's purpose was essentially procedural and practical, partly to Sir Ninian Stephen's able and affable chairmanship and partly to the choice of delegates on the Unionist side. With relatively few displays of rhetoric or emotion, the meeting was characterised by a clear emphasis on the practical business of negotiating a draft agenda.

MORNING SESSION

4. In his introductory remarks, the Chairman underlined the historic and unique nature of the occasion. The participants had a special responsibility to make this first meeting of the political parties and the two Governments around a table a worthwhile and successful one. This was not the opening session of Strand Two. Rather, its purpose was to set a possible agenda for Strand Two, if and when it was decided that the talks should move to Strand Two.

The Chairman would invite the two Governments to speak first, as they had not been heard during Strand One. The parties would then speak in alphabetical order. The Chairman hoped that delegations would submit written proposals for the Strand Two agenda, which would help him to organize a basis for more detailed discussion. Strict confidentiality was to be maintained about the meeting. If necessary, it could be resumed on Monday.

4. Chilcot thanked the Chairman on behalf of the British Government. He endorsed two elements of the 26 March statement which the latter had highlighted (the intention that Strand Two should consider relationships "among the people of the island of Ireland" and the entitlement of each party to "raise any aspect of these relationships including constitutional issues"). A possible Strand Two agenda might include the following points:

(1) How to enable all participants to acknowledge and, where appropriate, give constitutional expression to Northern Ireland's status as a part of the United Kingdom; and to recognize that there will be no change in that status without the consent of a majority of the

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people who live there, that the present wish of a majority of the people of Northern Ireland is for no change but that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, then both Governments will introduce and support legislation to give effect to that wish;

(2) How best to provide, within the relationships covered by Strand Two, for expression and recognition of the Irish identity of the minority community within Northern Ireland;

(3) How to give institutional expression to relationships among the people of the island of Ireland and, in particular, what arrangements should exist for consultation and cooperation between new political institutions in Northern Ireland and the Government of the Republic of Ireland.

Chilcot went on to suggest consideration of possible arrangements for liaison between Strand Two and both Strands One and Three. Proposing that the approach favoured in Strand One (consideration of common themes/principles followed by institutional proposals) might be repeated in Strand Two, he outlined a possible agenda involving (1) an opening statement by the Chairman; (2) a report by the Secretary of State on progress in Strand One; (3) opening presentations by all participants; (4) responses; (5) identification of underlying realities, common interests and common themes; (6) common principles concerning institutional arrangements to give expression to relationships among the people of the island of Ireland; (7) consideration of specific proposals which may be tabled by any of the participants; (8) Strand Two's implications for wider

relations, i.e., (a) relations between the two Governments and any role for NI institutions in them; (b) constitutional issues; and (c) shared EC membership.

As regards (7) above, Chilcot continued, the issues covered might include NI's constitutional position; the nature of institutional arrangements within the island of Ireland; the relationship between such institutional arrangements and UK institutions; the relationship, if any, between such institutional arrangements and the EC; and arrangements for validating the outcome of the talks process as a whole insofar as the issues for discussion in Strand Two are concerned.

5. On behalf of the Irish Government, Dorr also thanked the Chairman. He recalled the terms of the agreed statement of 26 March 1991 and underlined the need for a practical approach at today's meeting. The object should be to draw up an agenda which would work from the general to the particular and which would be structured in such a way as to allow discussion of any issue which any party wished to raise. [ The text of his intervention (as reconstructed subsequently from notes) and of an outline agenda for Strand Two (circulated by the Irish Government team at the request of the Chairman) are attached as Annexes 1 and 2 ] .

6. Following an intervention by Morrow for the Alliance Party, Mallon thanked the Chairman on the SDLP's behalf. He attributed historic significance to the meeting, at which the two Governments and the parties would begin to deal with the central relationship, that between Unionists and the rest of Ireland. He went on to propose a draft agenda which is attached as Annex 3. This included among its key points the discussion of (i) "relationships among the island of Ireland" (in order to

identify "areas of common interest" and to discuss "issues of identity and allegiance"); (ii) North/South relationships in the EC context; (iii) requirements for the acknowledgment of the rights of both major traditions in Ireland, for the accommodation of those rights and for the creation of means to reconcile both traditions; (iv) structures and arrangements to meet these requirements and to give institutional expression to them; (v) the relationship of new structures and arrangements with other institutions; (vi) the means of endorsement of agreement reached; and (vii) measures consequential on the implementation of the endorsement.

7. Dodds followed for the DUP. He emphasized that the DUP saw this not as a meeting in Strand Two formation but as a meeting for the purpose of discussing a possible agenda which could form the basis of the ultimate agenda for Strand Two, "should that ever come to pass" (a phrase which Dodds identified as a quotation from a letter sent by Sir Ninian Stephen to the DUP leader on 16 June). The DUP was attending this meeting for reasons set out in a letter of 15 June from their leader to the Secretary of State, from which Dodds quoted as follows:

"I must put on record that the only reason for the proposal to have an informal meeting to seek to suggest the agenda for talks in Strand Two was on the request of Mr Hume. He stated that, if on the agenda of Strand Two there was to be an opportunity for him to ascertain whether he would be able to deal with his problems of identity, then he would be able to withdraw his reservations on the document that the other parties agreed for institutions of government within Northern Ireland. In the discussions with him the Unionists said that they would tell him honestly if agenda items he wanted could be negotiated in a way to meet his



objections or not. Then he would be in a position to withdraw his reservations or continue to oppose the general agreement of the other three parties. On the other hand, the Unionists were keen to have Strand Three commenced so that for their part they could see clearly demonstrated the attitude of HMG to Articles 2 and 3 of the Republic's Constitution and the South's intention to try and destroy the Union as set out in the Government of Ireland Act 1920. These matters were clearly stated before you and agreed by all the party leaders".

Dodds said that the Unionist leaders hoped to meet the two other party leaders after the meeting and also after the "Strand Three meeting" which, he understood, would take place next Tuesday. He also said it had been agreed that the first of the Strand Two meetings would take place in London and that the Irish Republic's "illegal" territorial claim would be raised by Unionists.

8. Maginnis welcomed, on behalf of the UUP, the opportunity to speak "as equals" with the other participants present. They did not underestimate the difficulty of establishing a meaningful working relationship with Northern Ireland's neighbours in the Irish Republic. A wholehearted effort would be required from all concerned if trust were to be created where there had been seventy years of mistrust. There would have to be evidence of "good neighbourliness" if words were to be turned into reality. Roughly seventy years had elapsed since there had been generally accepted tripartite discussions between London, Dublin and Belfast. The UUP hoped that the two Governments would give "adequate time for and commitment to" the process upon which we were now embarking.

Turning to the Chairman, he sought confirmation for a

series of "understandings" which the UUP had about the latter's role:

- (1) No group was to have precedence over any other. Specifically, the Chairman would not brief either Government during Strand Two unless this was approved by the other delegations and the Governments would be subject to his rulings on the same terms as the parties;
- (2) The Chairman would preside over all Strand Two meetings. He and one member from each delegation would comprise the Business Committee.
- (3) After consultation with the delegations, the Chairman could bring forward "specific suggestions";
- (4) He would consult with the delegations in the exercise of his responsibilities and would strictly confine his consultations to the delegations.
- (5) He would only make public statements with the consent of the delegations.
- (6) He would have a personal Private Office staff as distinct from "a high-powered Secretariat", for the purpose of "writing papers on the substance of these talks". The Private Office would report exclusively to the Chairman and the UUP would "consider any breach of this procedure as gravely detrimental to the process";
- (7) A small note-taking team would be responsible for taking a record of Strand Two meetings which the Chairman would select from nominations put forward by the two Governments. It would work exclusively under the direction of the Chairman, who would be able to seek the advice of the Business Committee on the exercise of this,



or any other, of his responsibilities. It had been "accepted and agreed" that "no-one who has served or is serving at Maryfield can be involved here";

(8) Plenary sessions and more limited meetings involving all delegations would be minuted. Private meetings with one or more delegations could be minuted if required. In the latter instance, delegations could decide whether the note-taker should be from the note-taking team or from the Chairman's Private Office.

The UUP also sought assurances that (a) a paper submitted by one delegation would not be released until submissions from all other delegations were available for distribution; and (b) delegations could appeal directly to the Chairman where they felt disadvantaged by any decision.

Maginnis then turned to the question of nomenclature, drawing the Chairman's attention, by way of illustration, to the different titles of the Anglo-Irish Agreement depending on the place of publication and warning against any "semantic subterfuge" in Strand Two. All official minutes during Strand Two should refer to "Northern Ireland" and not to the "Six Counties" or the "North of Ireland". Any use of the terms "Ireland" or the "Republic of Ireland", furthermore, should not be deemed to imply any denial of the legitimacy and permanence of NI or its de jure position within the UK.

Many Unionists felt that the Republic had frequently appeared more interested in the rights of wrongdoers than in the rights of terrorist victims and their families. There were suspicions that the Republic's interest in the welfare of Northern Catholics extended to a latent sympathy for the Provisional IRA. The manner in which

the Republic's territory had been used to import and conceal vast quantities of Gaddafi weaponry had given rise to the opinion that no real benefit was likely to derive from any relationship "between our two countries".

Unionists felt that those responsible for the government of NI must be "the democratic choice of and accountable to the electorate of Northern Ireland"; that the right of self-determination for the people of NI must be inviolate; that there must be protection for the rights and aspirations of groups and communities within NI, in accordance with CSCE principles; that there must be unambiguous acknowledgment of NI's status within the UK; that the government and administration of NI must be conducted in accordance with the UK's international obligations within the EC; and that there must be no special arrangements which would derogate from the democratic rights of the people of NI.

The UUP wished to see relations with the Republic "regularised and normalised". They wished to see the following areas explored during Strand Two: (1) terrorism and the rule of law; (2) self-determination; (3) the Irish Constitution ("an historical and political analysis"); (4) the European dimension; (5) comparative studies (e.g., "policing, sociopolitical and socioeconomic trends"); (6) facilities for agreement; and (7) areas for joint action. Recalling the UUP's paper on a Bill of Rights in Strand One, Maginnis said it would be useful if the UUP could discover ("within Strand Two but without infringing Strand One territory") whether the Republic would bring forward a Declaration of Rights in a way which would show "willingness to enhance the basis on which a NI/Irish Republic relationship could be established".

9. The Chairman responded to some of the points raised by Maginnis. He sought indulgence in relation to any semantic errors which might arise. All six delegations were of equal standing. As regards briefing, he observed that he and Mr Thompson ("unlike any of you other than possibly the Irish Government") knew nothing of what had transpired in Strand One. He would like consideration to be given to the possibility of his receiving at least the agreed documents from Strand One. He considered that submissions should not be released without the consent of their authors. He would not propose to issue media statements on his own initiative.
10. The texts of the delegations' draft agendas (which all but the DUP had prepared) and of their opening statements were circulated.
11. Opening the debate on a possible agenda for Strand Two, McGimpsey (UUP) suggested that it would be helpful to try to work out a correlation between the decisions "almost taken" in Strand One and the positions of the two Governments (one of which had been in a neutral chairmanship role and the other absent altogether from Strand One).

Emphasizing the need to be frank and to confront areas of disagreement honestly, Empey (UUP) said he wished to see discussion of the relationship between the proposed NI assembly and the Irish Government. Picking up a reference by Dorr to "connections" between structures, he said the problem was that there was as yet no agreement in Strand One on a structure in Northern Ireland from which any relationship could be launched. As far as Unionists were concerned, the sub-committee report of 10 June was the "launch-pad" for the relationship - but there was no unanimity on this. Clarification of the

"base" from which the relationship might be launched was needed (bearing in mind that 'nothing is agreed until everything is agreed' and that Strand One can be revisited at any time). It would be helpful if the British Government would indicate their own view of what the "base" should be.

12. Chilcot agreed with the idea of an agenda which would permit initial discussion of general issues and would move from the general to the particular. The approaches proposed by the Irish Government and by the SDLP and Alliance all fitted within that framework. He had one or two queries about the UUP proposal, in particular what was envisaged under the rubrics "terrorism and the rule of law" and "comparative studies".

Responding to Empey's request, Chilcot said that the British Government had sought to maintain a position of neutrality during Strand One. As the process moved from Strand One to Strand Two, where it would be free of that particular constraint, it found itself poised in a "middle region". The British Government had no final position on Strand One, as this Strand was continuing and had yet to be completed. Very considerable common ground had been achieved so far on possible new arrangements for devolved government but there had been no final convergence on a set of proposals. In the interest of helping the process and of making further progress, the British Government was prepared to say that it would facilitate the implementation of institutional arrangements if, and only if, they came, in the light of further exchanges, to attract support from all parties. Equally, if an alternative set of proposed institutional arrangements were to gain support, the British Government would give them serious consideration and would be prepared to consider implementing them. Were there to be

convergence on the arrangements described in the sub-committee's report, the British Government would see no difficulty in facilitating their implementation - but only on the basis of agreement between the four parties.

As regards the relationship between new NI institutions and institutions in the Republic, the British Government felt that, unless and until the parties agreed on a different approach, the Strand Two discussions could be expected to take place on the premise set out in the sub-committee's report. There was nothing in this report to which the Government took exception. The proposals in question were capable of implementation and were perfectly workable. However, they were not the only proposals capable of attracting support. Chilcot noted that the common ground achieved so far in Strand One was neither final nor complete. Subject to this, the British Government considered that the sub-committee report might be considered a practicable basis on which to go forward to Strand Two (but not that delegations must go forward on this basis).

13. Thanking the Chairman for the assurances given in response to Maginnis, Dodds said that his delegation were there to listen to proposals put forward and to take them back to their party. He agreed with the view expressed that the meeting should be a practical one aimed at the preparation not of a definitive agenda but of a "possible agenda", to which items could be added (or from which they might be deleted) if and when Strand Two was reached.
14. Mallon agreed with Dodds. He would be very reluctant to enter into an extension of the Strand One negotiations at a procedural meeting preceding Strand Two. The matter raised by Empey should be left to the substantive



deliberations in Strand Two. No assumptions should be made about the status of the sub-committee report - it had merely been "noted" by the Plenary in Strand One.

Mallon wished to see the whole area of security and policing on the agenda for Strand Two. He recognized that the Unionists would wish to raise Articles Two and Three. While he accepted the need for a reasonably specific agenda (in the interests of practical efficiency), he wished to see a degree of fluidity retained in the agenda in order to permit the debate to flow easily from one item to another.

15. Dorr agreed that the meeting's purpose was essentially procedural rather than substantive. The object was to clear the way for Strand Two to get underway as soon as possible. He agreed with Dodds that a rigid agenda should not be the aim - in accordance with the terms of 26 March 1991, participants would always be free to raise an additional point. The agenda would be a draft which would in any event require the formal approval of delegations at the opening meeting of Strand Two proper.

Responding to Maginnis, he said that the Irish Government would not be engaging in "semantic subterfuge" in Strand Two. We wished to get down to basic problems. ("We want to solve the problem, not score points"). He added that Unionists should not underestimate the degree to which we in our part of Ireland had been affected by the conflict.

Responding to Empey's point that "connections" depend on structures, he said that structures also depend on connections. Clearly various issues are intertwined which is why we speak of three 'strands'.

16. Close (Alliance) agreed with Mallon on the futility of



any attempt to reopen Strand One negotiations. Agreement today on a possible agenda for Strand Two would enable "other doors to be unlocked". He agreed with the preference expressed for a broad and flexible agenda.

17. In response to a query from the Chairman, Empey made clear that he was not proposing a reopening of the substance of Strand One at this meeting.
  
18. The question of Strand One documents being made available to the Chairman was discussed. Rhonda Paisley said that the DUP delegation had come only to set a possible agenda for Strand Two and had no authority to agree to such a proposal prior to the beginning of Strand Two proper. Dodds added that it might be possible to agree to this at "the appropriate juncture" but that this moment had not yet arrived. Maginnis presumed that what was envisaged was the transmission only of papers which the Plenary had "noted"; he saw no difficulty in arranging this "as we move towards Strand Two proper". Mallon had no problem with the proposal, though he sounded a general note of caution about a proliferation of papers, observing that the scope to understand another's position and to be flexible was often retarded once a paper had been drawn up.

Dorr commented that the Irish Government would also suffer from its lack of access to the papers in Strand One insofar as other delegations refer back to those papers, as some were now doing. He said that it was a matter of practical sense for every participant in a meeting to have access to any papers which were being discussed or referred to around the table (and he noted in this connection that he had just been asked by the UUP delegation for the text of his opening statement today).

Saying that he would leave it to the parties to judge what documentation would be useful to him, the Chairman suggested that there might be a distinction between his own position and that of the Irish Government in this regard. He was not sure that all would agree that the Irish Government should be supplied with all of the documentation which he would receive. On the other hand, he would have sympathy with the Irish Government if, for example, particular submissions were made in Strand Two which incorporated documents arising from Strand One.

Chilcot said that the Secretary of State, as Chairman of Strand One, would be guided by the views of the other participants in this matter. He would consider Sir Ninian's request shortly before Strand Two began. The natural moment for transmission of relevant documents would be if and when a decision were taken to proceed to Strand Two. He agreed with Maginnis that, as a number of documents were no longer valid, the list of Strand One documents passed to Sir Ninian should be selective.

#### AFTERNOON SESSION

19. When the meeting resumed after lunch, the Chairman presented a composite draft agenda which he and Mr Thompson had prepared in the light of the proposals furnished earlier by delegations. There followed a lengthy drafting exercise which culminated in agreement on the text attached as Annex 4 (though, in the case of the DUP, this agreement was ad referendum). The following points of particular interest during this drafting session are worth signalling.
20. Chilcot felt that the "constitutional issue" had not been given sufficient prominence in the Chairman's draft. Taking issue with the use of that term in the singular,

O hUiginn presumed it would be recognized that there were two sets of aspirations in play. Dodds countered by refusing to accept an agenda item which would allow the status of the Union to be called into question and McGimpsey was also opposed to anything which would suggest a possible diminution of UK sovereignty. Mallon argued that a discussion in this area could not be confined to what the Unionists and the British Government termed the "constitutional issue"; there was more than one such issue and all such issues would have to be addressed in their totality. Dorr pointed out that the agreed statement of 26 March 1991 used the term "constitutional issues".

After a short break, Maginnis proposed an agenda item containing an explicit reference to "the territorial claim". This was rejected by Mallon, who returned to Dorr's suggestion that the 26 March phrase "constitutional issues" be used, noting that this was a broad and flexible heading which encompassed all possible matters arising in this area. The UUP made further efforts to secure a specific and explicit reference but Dorr argued for a broad heading (under which Maginnis could set out his views fully and clearly in Strand Two). The Chairman also recognized the merits of the term "constitutional issues".

There was a parallel discussion on the proposed inclusion in the agenda of "issues of identity and allegiance" (supported by the Irish Government and the SDLP but questioned by the UUP).

The compromise formulation which was eventually adopted was as follows: "Fundamental aspects of the problem: underlying realities; identity; allegiance; constitutional".

21. Mallon and McGrady also held out for an explicit reference to the EC dimension. This was eventually catered for in a compromise formulation proposed by Dorr, and agreed by the other delegations, which read as follows: "Relationship of any new institutional arrangements to other structures, including the EC".
  
22. Another matter which received sustained attention was the question of endorsement of any new arrangements which might be agreed. Mallon argued that the political and moral authority which a new agreement would gain through being endorsed by referenda North and South would be a very substantial asset. The other parties were essentially in agreement. Empey accepted that this aspect was crucial to the prospects of success for the process; he was merely questioning (as did Rhonda Paisley) why the matter should be addressed at this stage of the process. Chilcot commented that Strand Two had an important, but not a complete, relationship to the question of endorsement. This discussion was resolved with the acceptance of a formulation proposed by Dorr which read as follows: "Consideration of how an overall agreement might be endorsed". To meet a UUP concern, Q hUiginn proposed a reversal of the order of this item and another regarding "Matters referred for consideration to Strand Three" and this was agreed.
  
23. This completed the discussion. The terms of this agreed "possible agenda" are subject to an overall DUP reserve and remain to be approved by delegations at the opening meeting in Strand Two.

The terms of a draft press release, to be issued in the Chairman's name, and of the official minutes of the meeting were also agreed and are attached as Annexes 5+6

*Dawn Donoghue*

24 June 1992