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SECRET

Round-table Talks, Strand One,  
Plenary Sessions, Monday, 18 May 1992  
Parliament Buildings, Stormont

Mr Donoghue

1. I was briefed on the above last night by Denis Haughey and Sean Farren of the SDLP. This note sets out the main points of the day's proceedings as conveyed to me by Haughey and Farren. The note is rather long, but I felt it better to report as fully as possible on what was an important day in the process.
2. The Plenary was chaired by Secretary of State Mayhew, with all the principals in all four party delegations present. The day's sessions - all held in Plenary - were devoted exclusively to consideration and cross-examination of the SDLP proposals. For the most part, the SDLP replies were handled by John Hume, with a small number of interventions by Seamus Mallon and Eddie McGrady. It was a difficult day for the party, with the DUP, UUP and Alliance all arguing strongly - and, in the case of the DUP and UUP, frequently in strong language - that the SDLP proposals were "totally unacceptable". It was also made clear that no amendments - "tinkering" was the word used by Molyneaux and Paisley - to the current proposals would make them acceptable to Unionists.
3. Mayhew began proceedings at 10.40, recalling Friday's agreement that Monday's Plenary would be devoted to the "important issues" arising from the proposals of the four parties for new institutions. He said that the Plenary should "now hear from each of the party leaders as to how his party's proposals conform to the principles and common themes of particular importance; proposals should (lead to institutions which would be) democratic, stable, durable and workable. I believe that the proposals

should recognise the fact that Ireland is de facto part of the UK and shall so remain until and unless a majority of its people decide otherwise. I believe that the SDLP should start, followed by Alliance, UUP and DUP".

4. John Hume then led off for the SDLP, with an opening intervention setting out the background against which the party had framed its proposals. His intervention was based primarily along the lines of the attached speaking note (prepared by Sean Farren). He said that the SDLP wished to see emerging from the negotiations a "new political framework to which all sections of the community, as well as the people of the rest of Ireland could give whole hearted support. We are not interested in temporary expedients which would falter at the first crisis or which would leave substantial sections of any community with a grieving sense of alienation". In regard to the Commission proposal, Hume emphasised the value of the concept of the three externally nominated Commissioners, which would serve to make the Commission a "potent symbol of reconciliation and co-operation, clearly pointing to a new partnership of all the interests with a direct concern for Northern Ireland".
  
5. In a new elaboration on their proposals, Hume stressed that the three externally nominated Commissioners would be required to take an oath committing himself/herself to "working alongside the the directly elected Commissioners on behalf of the people of Northern Ireland". This oath would be similar to that taken by European Commissioners when they took up duty at the EC Commission. Hume went on that these Commissioners would be subject to the Commission's consensus seeking approach to decision making. "They would therefore be subject to considerable influence from and also a measure of control by their directly elected colleagues". Hume "frankly acknowledged" that the SDLP's proposals were "radical and innovative". They followed however from the party's analysis and they dealt with the relationships at "the

heart of our centuries old conflict".

6. John Alderdice (Alliance) put his party's view of the SDLP's proposals. He accepted that the SDLP's proposals were based on their analysis - but Alliance did not agree with that analysis. The proposed SDLP structures would be only "partially directly elected", involve a separation of powers (as between executive and legislative branches) and create "an essentially powerless Assembly". Alliance had difficulty with all these concepts. The problem of achieving a working partnership was a difficult one. Alliance's view was that if 70% of the elected representatives were agreed then that was a sufficient basis on which to proceed. The SDLP proposals required 100% agreement between the directly elected and externally nominated Commissioners. In Alliance's view, appointing a representative of the Dublin Government would deepen divisions and make agreement more not less difficult.
  
7. Alderdice said that the SDLP's proposals were, like Sunningdale, an attempt to turn "Northern Ireland in a particular direction". The Alliance party had no difficulty with innovative proposals but there was the question of acceptability. He went on to speak about the nature of the Anglo Irish Agreement, saying that it was the fact that ultimate decision making power would remain with the British Government, and its emphasis on seeking (through Article 4) the establishment of devolved government, which had convinced Alliance to support it at the time. The SDLP's proposals however went beyond the Agreement in a way that was not acceptable to Alliance.
  
8. Alderdice questioned the legal authority under which the EC would appoint a "member of a Government authority in a Member State". This would require a discussion with the other Member States. As regards the appointment of a Commissioner by the Irish Government, Alliance had a

fundamental problem with such a proposal. Alderdice concluded his opening intervention by saying that "comment and criticism by each party of proposals should not be seen as an attack but rather as an exploratory process to deepen understanding".

9. **Molyneux** followed for the UUP. He began by echoing Mayhew's reference to Northern Ireland's constitutional position, emphasising that as far as the UUP were concerned "this discussion is within the framework of a situation where sovereignty remains with the UK Parliament and Government". He said that he "would confirm" Alderdice's point in regard to the decreased role envisaged for the Irish Government in a devolved situation under the terms of the Agreement (quoting from a letter from Mrs Thatcher to Alderdice's predecessor John Cushnahan). Continuing on the Agreement, **Molyneux** said that "three parties here were not consulted about the Anglo Irish Agreement", quoting Sir Robert Armstrong's remark that the Unionists were not consulted "because they would have disagreed". The SDLP's proposals took the Agreement as "read" and "ask us to take another leap forward - almost a spacewalk!". The UUP understood that Strand 1 would involve negotiations on structures of devolved government for Northern Ireland within the UK. They believed that Strand 2 discussions were to be devoted to relations between that devolved body and the Irish Government. "We assured the Prime Minister that we would continue the practice of the old Stormont Government of regular meetings between responsible Ministers North and South on matters of mutual interest. We did not envisage that discussions in Strand 1 would involve a role for the Irish Government, or any other foreign Government, in the internal affairs of Northern Ireland. It is an insult to the integrity of the Unionists to expect them to take the bait of a powerless presidency for which only an Ulster Quisling would qualify".

10. Molyneaux referred to former Secretary of State Brooke's declaration at the beginning of the process that there was "sufficient common ground" to proceed to discussions between the parties. At the time the two Unionist leaders had suggested to him (Brooke) that bilateral talks be conducted to establish this. Their understanding was that Brooke had reached his conclusion (about the existence of common ground) "deliberately and with reason". Molyneaux now believed that they had been "misled". (He went on to give a lengthy account of contacts between Brooke and themselves in the period before the statement of 26 March 1991.) He said that he "never imagined that the confrontation (between the parties) would be so stark as it is now. The greater number of citizens of Northern Ireland would under these proposals cease to be citizens of the UK. The proposals in the form they have been presented leave the SDLP no room for flexibility and they are so fundamentally flawed that no mere tinkering would suffice to make them acceptable to us". If a structure were created which enabled all of the people of Northern Ireland to work together at all levels, a trust and bonds would be established "which would transform the community". The SDLP proposals would, however, "take the community in the opposite direction". "It starts from the premise of two irreconcilable communities and every provision of it is intended to entrench that division". Molyneaux concluded with an appeal to "all around this table to rethink. The track record of the Unionist leadership shows that we can work with representatives of the other side of the community and adhere to undertakings given".

11. Paisley, on behalf of the DUP, led off by quoting from an editorial in the "Belfast Telegraph" last week on the SDLP proposals (the editorial was highly critical of the proposals). The "Telegraph", he said, was a "liberal Unionist paper and I have had many disagreements with it. But this editorial represents the view of all unionists". Paisley went on: "I am not at the table to negotiate



Northern Ireland's exit from the UK. This document exposes the ultimate strategy of the SDLP - to bring us into an All-Ireland state. Northern Ireland is not to be a democracy. The minority is to become a majority and external relationships are to be the altar on which the will of the Ulster people is to be sacrificed. And to think that offering Ian Paisley a presidency role will tempt him to accept it is an insult. The first fundamental is that the will of the Ulster people should be supreme - not the will of a foreign state, not Catholic Europe, not the USA or any other (state). Failure to give the Ulster people their democratic rights will provoke a conflagration in Ulster which will make the present IRA campaign look like a Sunday school picnic. The SDLP paper does not accept the sovereignty of the Northern Ireland people at the ballot box. It provides a means whereby a foreign alien state will drag us into a united Ireland".

12. Paisley said that he found it strange tha the "European structures, which are under attack from all sides are being held up to us as the model. I've heard the talk of consensus before. Mr Heath assured us we had a veto - now it has almost disappeared. We are to have six Commissioners, three of them elected, three of them nominated, with the poll-topper chairing. How the Commissioner from Europe is to be nominated the Lord alone knows. Will it be the Parliament, the Council or the Commission? The Commissioner from the Irish Republic could be nominated - even a Minister from the Cabinet. And how will the British nominee be nominated? And we are then to witness the greatest miracle of the ages - consensus between these six! And then the six Ministers of State - how these are to operate isn't clear. And the Assembly will have no power. And none of this is for the good of Northern Ireland but to take us into a united Ireland".

13. Paisley referred to Hume's point that the externally

nominated Commissioners would recognise the status of Northern Ireland - "what status? The status of Northern Ireland has never been defined under the Anglo Irish Agreement - and you, Secretary of State, preside over Conferences with a Government which claims jurisdiction over our country". "There would have to be legislation passed in the UK Parliament - legislation which would involve the destruction of the Government of Ireland Act. This is a straight forward attack on the status of Northern Ireland and no tinkering with it will suffice".

14. This concluded the opening interventions of the four party leaders on the SDLP proposals. Mayhew adjourned the Session for coffee at that point (11.55), indicating that the next Session would begin with John Hume's reply to what had been said. Thereafter the floor would be open to any member of any delegation.
15. After the break (12.15), John Hume responded to the other party leaders' remarks. He said that he found some of the comments "quite outrageous in their misinterpretation". He wondered if the people concerned had actually read the SDLP proposals. "We are not concerned with who wields power but with a solution to the problem. In its present manifestation it began when Unionists succeeded in overthrowing the rule of law by forcing Parliament to renege on Home Rule. That led to the IRA and their conclusion that the only thing the British understood was force. These episodes led to two distinct loyalties in this community which have to be reconciled. We looked to the European model - even Her Majesty the Queen last week referred to the process of breaking down the murderous divisions in Europe and the success of the EC in that respect".
16. Hume went on: "We are being told that these proposals involve taking us out of the UK into a united Ireland. That is simply a nonsense. We are the first party on the Nationalist side to bring people away from territorial



irredentism and to relate the political process to people. That's why we propose a dual referendum to generate legitimacy by winning consent. Unionists seem to accept that we have a different identity but refuse to follow the logic of that. We do not object to your identity nor to the involvement of the UK Government. But when we ask for recognition of ours we get a reaction like today. As for the European dimension, it is already there. Our proposals would make us a very special region and commit the EC to us. As Dr Paisley knows, we are not getting what we are entitled to from Europe - for example we are about to be excluded from the Cohesion Fund".

17. Hume then took up Alderdice's point about the separation of powers between the executive and legislative branches. He said that the first attempt to establish such a system was the US Constitution, which he said was "written by Ulster Presbyterians as a consequence of their experience of intolerance. Our proposals arise from a similar experience. We are accused of trying to bribe Dr Paisley. My view is that a member of any other Parliament could not be a Commissioner because it would be a full-time job. As to the powers of the Assembly, we are open to negotiation on that. John Alderdice suggests that the direction of our proposal is Irish unity. Our consistent view is that any such move has to be based on consent. We have confronted tribal nationalism, in its violent manifestation, at the polls and our vote is increasing".
18. Hume picked up Molyneaux' reference to the Agreement. Hume said that devolution was "available" under Article 4, but Unionists had objected. He concluded by saying that "all our proposals are based on democratic participation and consent, but stabilised by the participation of other relationships".
19. Mayhew raised a number of questions himself. If initiative power in relation to legislation lay with the

Commission what role was there for the Assembly? **Hume** replied that while initiative power rested with the Commission, it would be necessary for it to bring proposals for legislation to the Assembly - "we could look at proposals for a mechanism by which the Assembly might have rights to agree or disagree". **Mayhew** argued that this was an important point. The Assembly would be "in a different category if it did not have legislative powers of some kind". Would the SDLP accept the Assembly initiating legislation? The EC is seen as a most successful supranational institution in terms of resolving conflict. He wondered, however, about the validity of the comparison. "It is surely a club of nations in which each of them accepts as part of their own domestic laws decisions agreed by them all while they remain in the club. Therefore, there is a pooling of sovereignty for certain purposes. Is there not a substantial difference in that under your proposals legislative authority is shared with not one but two external authorities?"

20. **Hume** replied that EC institutions cannot be applied exactly, but that the key factor was consensus. Each state had a veto but "there were powerful reasons to reach agreement". The Unionists depicted themselves as in a permanent minority of two out of six - the point however was that the Commission could do nothing if they disagreed. "That is the process we envisage. Northern Ireland cannot have a normal democracy because it was a gerrymander to start with. We are proposing therefore a form of Government which allows for both identities".
21. **Mayhew**: "I have looked closely at the European comparison. What you have said is reassuring in respect of workability. But you are proposing a body in which two external authorities have a role in determining the internal affairs of a part of the UK". **Hume** replied: "Nation states are receding as we move to European Union. Major decisions being taken by the French, Germans,

Greeks, Italians etc, have an impact on our future....Under the European model everybody has a say in everybody else's affairs".

22. There followed an exchange involving Hume, Paisley, Robinson and Martin Smyth (UUP) on the implications of the European role in Northern Ireland, as envisaged in the SDLP proposals. **Mayhew** followed up with a reference to the role envisaged for the Irish Government, which he said went beyond the Anglo Irish Agreement. **Hume** replied that "Unionists rejected Article 4 of the Agreement and would not discuss devolution under that, but wanted a new agreement. We accepted and that's what we are now doing".
  
23. **Eney** (UUP) raised the issues of identities. He told Hume that if Unionists accepted the SDLP's proposals their identity would, by definition, be eroded "because the UK as we know it would no longer exist here. Consequently the acceptance you refer to of the status of the UK is debased by these (external) appointments". **Hume**, in reply, argued that the proposal in their blueprint in regard to expression of the Irish identity was a "minimal" one. "We have one Commissioner appointed by Dublin. The whole system remains in the UK and the British appointment along with the directly elected representatives surely give your identity strong expression. Do you feel that your identity is eroded by the EC?" **Eney** replied that a lot of people did. **Hume** added that as well as representing a minimal expression of the Irish identity, their proposal "would generate total loyalty" (from the Nationalist community). **Eney**: "Yes, but some of us feel that you are trying to squeeze too much into Strand 1. You are not in possession of the total picture". (**Eney** here quotes from a Subcommittee minute carrying an SDLP question "but how can we judge?") "We have further proposals in subsequent stages." **Hume** responded that that was very constructive. He reiterated the point that "nothing is agreed until everything is

agreed". He went on to point out that the appointment of an EC representative was meant to erode the sharpness of the confrontation between the two identities by having a third party involved.

- 24. There followed a further exchange between Hume, Empey and Moyneaux, in which the UUP representatives reiterated their concern that no other part of Europe operated such a system, that no other part of the UK was governed in this way and that "the supreme authority of the UK Government would be at an end". McCrea (DUP), in his first intervention, warned "if John Hume wants peace he will not go down this road - if he thinks that the people of Northern Ireland will go down this road he is wrong".
- 25. Alderdice raised the consensus issue. Hume responded that in practice the Commissioners would have "to work the common ground. If this all came into play it would remove the ground on which the subversives work". The Plenary then adjourned for lunch (1.10).
- 26. At the resumption at 2.15, Molyneaux raised the minutes of the Subcommittee which had been circulated by the British side. He said that a "sheet of paper has come into my hand with a list of 24 people to whom a summary of the views put forward in the Subcommittee was circulated - including the British Ambassador in Dublin". He said that his delegation was concerned "about possible misrepresentation of our position" in the covering note (signed apparently by David Fell). Molyneaux quoted from a passage in Fell's covering note which said "Mr Empey was clearly uncomfortable with this line of questioning and took refuge in references to proposals which they would be making in Strands 2 and 3". Molyneaux wanted to know why the Government team had questioned Empey so closely on this model when it was based on a concept first devised by their colleagues Mrs Thatcher and Mr Neave (the Conservative manifesto of 1978/9)! "We could understand the SDLP and Alliance questioning it but not

the Government"! "This slanted view does less than justice to Mr Empey's contribution". Mayhew said that he had no notice of this matter and would make enquiries [Denis Haughey said that there were "crimson faces" in the NIO delegation during this exchange!]

27. Paisley, returning to the SDLP paper, raised John Hume's "no winners claim". "Was not the basis of the post war agreement between France and Germany not the fact that Germany had lost, and therefore had to give up claim to disputed territory? The Gibraltar problem has been solved because no such agreement was reached". Hume responded that while it was true that Germany had lost the war, it had set about creating reconciliation and rapprochement with its enemies "instead of lying in wait to reassert its rights". Paisley: "should the Irish Government not be persuaded then to give up their illegal claim?" Hume: "Many people in Nationalist Ireland believe that the British claim to involvement here is illegal. The quarrel is out of date". Paisley: "Are you suggesting that Northern Ireland was illegitimate from the start?" Hume: "Its legitimacy has been disputed - that is a matter of fact. The real basis of order is consent of the community as a whole - that (its absence) is the reason for the instability". Paisley: "Were the boundaries of Northern Ireland not agreed by three Parliaments?" Hume: "Yes, but the Parliament of the Republic also introduced the 1937 Constitution.....All previous attempts have failed to resolve the problem. Therefore all relationships should be on the table so that people can give consent. We have never had institutions which have commanded the loyalty of all the people. That was because of your people's mistrust - that's the relationship that has to be settled to your satisfaction".
28. With Mayhew asking that they seek to confine themselves to the terms of the SDLP paper, Paisley and Hume had a further exchange on circumstances under which Northern



Ireland came into being. Paisley argued that Parliament had freely consented to the opting out of the six counties. Hume countered that the rule of law had been undermined by the Loyalist threats of 1912 - most historians accepted that, but he acknowledged that Paisley did not. "The response to that (the Loyalist threats) was 1916. It was the same in 1974, with the IRA responding in the same way. That is the vicious circle which has to be broken." There followed a somewhat acrimonious exchange between Paisley and Hume, with the former repeating his charge that the SDLP paper represented an "attack on the foundations of Northern Ireland". Hume repeated that what was proposed was a "minimal expression of the Nationalist identity".

29. Robinson then took up the identities issue. He noted that the SDLP saw this as central and had sought to persuade other parties of the correctness of this view. The problem was that Unionists did not accept the means of expressing the Nationalist identity proposed by the SDLP. What the SDLP sought was more than an expression of identity; what they sought was an expression of their political aspiration. Did Hume accept this distinction? Hume denied that their proposal expressed their "aspiration". Robinson: "But are Irishmen from Cork or Kerry better Irishmen? Are you not as good Irishmen as they?" Hume: "What we seek is a minimal expression of our nationality. You could also say that we are proposing a British aspiration and a European aspiration....Our relationships are interlocking and impacting on each other all the time and our proposals accommodate them all. We are an artificial minority and our experience of that has been bitter". Robinson: "Are there no circumstances in which you can express your identity without an Irish Government presence?" Hume: "Can you express your identity without a British presence?" Robinson: "My identity is the same regardless of where I am".

- 30. Robinson raised the issue of compatibility with the Common Principles, in particular that relating to the need for a democratic basis. "Is there not a democratic flaw in a partially elected top tier lording it over a democratically elected Assembly?" Hume: "The first question is how you define democracy. You define it as majority rule. In fact it is majority rule by the consent of the whole society. The Commission idea is based on a model which already works. And we base the structures on the consent of the people". Robinson: "Yes, but the electorate cannot have any control over the non-elected Members". Hume: "But if the electorate agree that they have authority - just like the EC Commissioners - it will work successfully. And already there are people from the Republic of Ireland in there taking decisions about our affairs".
  
- 31. There followed a discussion on the concept of "qualified majority". Mayhew argued that a "qualified majority takes account of minority interests surely?" Robinson asked how democratic a structure was in which 50% of the members were non-elected. And regarding funding, was it "the proposition that the EC and the Republic would pay one sixth each of the budget?" Hume replied that he was "prepared to discuss that, but would have thought that that was moving towards clear joint sovereignty. In our view, the first priority has to be to establish consent and consensus".
  
- 32. Robinson went on: "the real reality is the division here - we have to live together here. Why bring someone in from outside?" Hume: " Because our experience has shown that we must". Robinson: "But Strand 2 will allow for further expression of your needs in in this regard". Hume: "Then let's suspend Strand 1 and move to Strand ". McCrea (with force): "There'll be no Strand 2 unless we get something in Strand 1 - catch yourself on".
  
- 33. Referring to the fact that all six Commissioners had the

power of veto, Alderdice asked "what would happen when Northern Ireland is in conflict with somewhere else in the UK or in the South. Similarly - given that you say that you are not opposed to considerable powers for the Assembly - could that not also lead to a veto of the executive, and consequently paralysis"? Hume replied that the SDLP was prepared to look at the whole question of the separation of powers, and at any proposals for checks and balances.

- 34. Turning again to the question of the involvement of the Irish Government, Robinson asked Hume if he "really believed that people on the Newtownards Road will accept a structure which gives Dublin a direct role?" Hume: "We dont know until the whole package is put to them". Robinson: "I am suggesting that this proposal would get a more fierce reaction than anything else - the Anglo Irish Agreement, Sunningdale, whatever. It is a recipe for war. Every single one of us would be destroyed electorally if we endorsed it. That is a reality, a fact of life."
- 35. Mayhew then asked Alderdice, as somebody "who did not come from a Unionist party", whether he could give his views on the acceptability (presumably to Unionists) of the SDLP's proposals. Alderdice replied that he saw "no possibility that the SDLP proposals in their present form could be sold to the populace at large, and that my colleagues and I could run with it. It is a bridge much too far". His Alliance colleague, Seamus Close (a Catholic) added that people from the minority tradition who had spoken to him said that they did not need "anyone from the South or Europe to express their identity".
- 36. Seamus Mallon, in his first intervention, said that "we have heard Unionist reaction to the document we have put forward. Since this state was formed, against the wishes of people like myself, we have not had a normal society.

We have 3000 people dead in the streets. We now have a structure being proposed by a party which brought a similar structure down when it was proposed in 1974. What are we asking for? One person nominated by the Irish Government and one person nominated by the EC, with all the advantages that that would bring. That might be a small price to pay for the avoidance of another 25 years of murder and mayhem. There is no problem getting a nice little package. But it would not solve the problem. If any proposals do not solve the problem they are worthless. There is a war going on out there in the streets. You think our paper has difficulties for you; it has huge difficulties for us too".

37. Robinson responded: "I am somewhat confused by Seamus's statement. The SDLP told us that 'identities' was central. Now Seamus is telling us that it is debating hall stuff". Mallon: "The appointment of a Dublin nominee would do more than anything else to stabilise and win support for institutions in the Nationalist community". The Session adjourned at 3.55 for coffee.
38. When proceedings resumed at 4.15, Robinson suggested that the SDLP paper also failed to meet the Common Principle that proposals "should avoid entrenchment of community division". Did the SDLP's proposal not entrench the community division? Hume replied that they did not. "We should not allow perception to paralyse us. Suppose we had come to the table with a proposal for a federal Ireland or a confederal Ireland?! We didn't. We propose one person who cannot do anything without Unionist consent. We are proposing a means whereby people are constrained to work together in consensus. Robinson: "But are you not saying that whatever situation we have must entrench division to some extent?" Hume: "No. The reality is that we have division, and we are proposing a system to accommodate both". Robinson: "Does the appointment of one Irish Commissioner not entrench division? To suggest that this is a mild expression of

Irish identity is not in the real world. Our proposals offer greater expression of your identity than in your proposals". Later in the exchange, Robinson raised the question of acceptability to Unionists: "Do you honestly believe that you are in a better position to discern what can be sold to the Loyalist community than we are?"

Hume: "If you are not prepared to lead them then it is true that they will not be accepted".

39. Mayhew asked if it were not the case that the Irish Commissioner could block proposals which had the support of the majority. Hume: "Yes, that's the whole point - to force everyone to seek the common ground". Mayhew: "Could one Commissioner block the budget?" Hume: "Technically yes. The same thing could happen in Europe but it hasn't. We are talking about a new system".
40. Robinson raised the question of a Commissioner who "was opposed to the system". "If John persuaded us that his proposals were worth trying, gained say 50-60% support, but with a sizeable opposition. Let us say that someone seeks election (as a Commissioner) who opposes the system in those circumstances, and gains election. Can he - by taking the oath but not respecting it - paralyse the system? Hume: "If people are determined to wreck the system then it would fall." Robinson: "Your representatives were scathing about Alliance's proposals which require 70% support. Yet your proposals require 100% support. At the end of the day a single Commissioner could paralyse the whole process."
41. Robinson and Molyneaux went on to elaborate on how unrealistic it was to expect Unionists to sell these proposals. Hume: "Discussion is pointless if Unionists are going to take that attitude. Europe has evolved constructively. We have got to soldier on until proposals emerge that we can all work on". Robinson and Hume had further exchanges on the "interface between the Commission and the Assembly" and the question of the



accountability of the non-elected Commissioners. **Hume** argued that if the principle were accepted, there would be no difficulty devising a mechanism for dealing with the latter situation. **Robinson** also pointed out that the SDLP proposal offered no role for Alliance at the highest level. **Hume** replied that the "main division in our society is clear and the solution lies in accommodating both - not pretending that there is some middle way where you can be a little bit of both".

42. **Eapey**: "I have a feeling that the SDLP are trying to achieve too much in your first paper in Strand 1. Could the problem you address in this paper not be addressed in Strands 2 and 3, and can we really judge at this stage? We recognise the SDLP dilemma in that they may be dragged along into an agreement in Strand 1, in the hope that things would emerge in Strand 2 - only to find that there was nothing for them in Strand 2." **Hume**: "We dont know and the longer this discussion goes on the more convinced I am that we cannot take things much further until we know what is in Strand 2." **Eapey**: "Our dilemma is how do you agree a relationship between institutions here and Dublin until we know the nature of institutions here. We have nothing, not even an outline of what institutions might exist here. And yet we are all protected by the provision that nothing is agreed until everything is agreed". **Hume**: "I could see a parallel process in Strand 2. I could see the Irish Government, for instance, saying whatever institution you agree, here is how we see a relationship between us".
43. **Mayhew**: "We are touching now on the centre of our dilemma. We've got to break into a circle (sic). The SDLP are saying that nothing has previously worked. They believe that their identity must be accommodated - their proposals are new, but they do not see how else they are to be accommodated. The Unionists are saying that that they accept that Nationalists have an identity which goes beyond Northern Ireland and that that identity must be

accommodated. The Unionists say that they have proposals to do that which they do not wish to unveil until Strand 2. So the SDLP are being asked to trust Unionists to come up with adequate proposals in Strand 2. Could we work up two models and then proceed to Strand 2?" **Empey:** "We do not accept that we have not addressed the identity question in Strand 1. However, we have further proposals to make to accommodate that identity." **Molyneaux:** "We need outline approval in Strand 1, otherwise we could be facing our cousins in Dublin (sic!) as a Tower of Babel". The introduction of 'protecting power status' at Strand 1 appears to us to be a breach of 26 March. Strand 1 was to work out a reasonable means of governing Northern Ireland within the UK". **Hume:** "We are agreed that there should be institutions of government in Northern Ireland. We disagree as to their shape, but whatever that shape might be is something we can discuss".

44. **Mayhew** went on to quote John Hume as saying "I won't agree with any form of majority rule". He quoted Peter Robinson as saying that there was no chance of selling the SDLP proposals to the Unionist community. "We have to find if those factors which lead each to those stated positions can be ameliorated. Are the SDLP saying that this is the only way in which their identity can be accommodated?" **Robinson:** "Is this what the SDLP are saying?" **Hume:** "This is our proposal; if anybody has a better one, we're listening". **Mayhew** said that he was "relieved to hear that you (the SDLP) haven't your mind closed to another way of doing it". **Hume:** "Our ears are wide open". **Empey:** "There is also Strand 3 of course. There are many who believe that these talks are upside down. We look to a new more broadly based agreement between the UK and the Republic. A new Agreement will transform relations in Strands 2 and 3." **Hume:** "Are we discussing how to move to Strands 2 and 3?" **Paisley** intervened to support Molyneaux' reference to the need for outline agreement on structures in Strand 1 "before we deal with Strand 2 relations". **Empey:** "We also have

proposals on the table and we are entitled to have our day in court" (meaning, presumably, that the UUP's proposals for Strand 1 should be looked at before any decision is taken about moving to Strand 2).

45. Robinson: "I am not sure if everyone recognises the courage of Unionist leaders in agreeing to Strand 2. The only way they could do that (ie so agree) was by means of a process, whereby new structures would be agreed in Strand 1 and then proceeding. But if there is no agreement at all in Strand 1, they would be in an exposed position going into Strand 2. Three parties have put proposals on parallel lines and there is some prospect of achieving some commonality of approach (in regard to these). But the SDLP proposals are out of the ballpark".

46. Mayhew: "Let us see how the second horse in this four horse race performs tomorrow. Could we look at the Alliance paper tomorrow?" He went on to indicate that the British side had a difficulty about meeting on Thursday (Northern Ireland Question Time at Westminster). Molyneux added that Wednesday was a problem for him. Mallon: "Wednesday is a problem for all of us in Parliament". Mayhew suggested that they look at the timetable again on the following day. He adjourned the Plenary for the day at 5.50 pm.

SDLP Assessment of the Day

47. As you can gather, it was another difficult day for the SDLP, with John Hume taking the brunt of the pressure. Overall the delegation felt that he held up well in difficult circumstances. There was satisfaction that he succeeded in bringing the process closer to the conclusion that the only logical next step is to move to Strand 2. Mayhew's "two models" proposal is certainly interesting in that regard, although as I mentioned to you, there are some reservations about it in the SDLP. My impression today (Tuesday) however is that they are

inclining more towards it as likely to be the best offer that is going to be made (leaving aside the implications of actually turning it down). As regards possible Unionist receptivity to the idea, two observations could be made on the basis of the above: (1) There were hints from second tier people such as Empey (particularly) and Robinson that they might not be totally averse to the notion; and (2) the two leaders have set their face firmly against any move to Strand 2 without "outline agreement" - something clearly absent so far.

48. Mayhew revealed more of his hand yesterday and the SDLP came away somewhat "underwhelmed". It was clear from his line of questioning that he has considerable difficulty with the concept the SDLP are proposing. The mind-set appears precedent-conscious and certainly unionist inclined. The SDLP feel that it would be difficult to see him making the kind of bold, mould-breaking moves which would be necessary if a breakthrough were to be achieved. Nonetheless, they acknowledge that his "two-models" proposal may ultimately prove helpful and have not given up hope completely that Mayhew may yet surprise (pleasantly that is!).
49. As for the Unionists, the SDLP noted with interest that the fire and brimstone of Paisley's (in particular) and Molyneaux' opening interventions were gradually replaced as the day went on with more thoughtful - and trickier in terms of refuting - contributions by Robinson and Empey. (Incidentally, the reason that they were so prominent apparently was that Molyneaux and Paisley wished to avail of their experience in last week's Subcommittee discussion of the same issues. On the SDLP side, John Hume chose to field alone (for the most part), aided by notes that were passed to him throughout the day by his "Subcommittee team", seated behind.) Having stated in the most explicit terms at the outset, that the SDLP proposals were unacceptable "lock, stock and barrel", and that no "tinkering" would ever make them acceptable, the

Unionists nonetheless went on in the course of the day to at least engage the SDLP on their proposals. The SDLP side is not reading too much into this - they noted that every formal intervention by Paisley and Molyneux was unwaveringly negative. The SDLP feel that the day provided further evidence that the Unionist dilemma continues - concerned greatly about going on, but unwilling, so far, to precipitate a withdrawal. Such a policy will scarcely take them much further and hard decisions are likely to have to be faced one way or the other, possibly before the end of the week.

50. For their part, the SDLP are in no way complacent about the nature of decisions which lie ahead of them also. The next few days - during which the issue of moving to Strand 2 is likely to come to a head - are clearly crucial.

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T. O'Connor  
19 May 1992



**Presenting the SDLP Submission**

1. SDLP has been anxious to establish a clear understanding on the nature of the problem we all face; we have presented our own analysis, have listened to the analyses of the other participants; we have developed our proposals on the basis of the understanding we have reached through this dialogue. At this stage of the Talks we are anxious that our proposals and those of the other parties would be fully examined and tested through detailed discussion as to their viability and likely effectiveness in addressing our problems.

2. SDLP is anxious to see that from our negotiations there would emerge an agreement which would provide a new political framework to which all sections of our communities, as well as the people in the rest of Ireland could give wholehearted support. We are not interested in temporary expedients which would falter at the first crisis or which would leave substantial sections of any community with a grieving sense of alienation.

3. Our proposals are, therefore, part of an overall and comprehensive approach. For this stage of negotiations and in terms of addressing the concerns of the people of NI we have looked carefully at both the internal and external factors and influences that we believe must be addressed.

4. We believe that if we could agree to harness all these factors and influences to work together we would inevitably create the strongest possible guarantee of success. The external factors and influences to be harnessed are those representing the interests of the British and Irish governments and, with the intensification of progress towards European unity, those representing the EC. The internal factors are, of course, ourselves, the representatives of the people living in Northern Ireland.

5. Our proposals begin with a directly elected Executive Commission. Directly electing an Executive would break the necessary dependence of an Executive on the Assembly which existed in the old Stormont and in the power-sharing Executive of 1974. This dependence has been shown to lie at the centre of attempts since then to establish cross-community administrations. The Sub-Committee's discussions of last week recognised that this problem would be likely to arise in the future. Since these discussions also recognised that it would be difficult to avoid the need for a body with at least some executive functions, we must be honest with ourselves and acknowledge both the need and the problem. SDLP proposals do so in a manner which is widely accepted elsewhere as being both practical and effective.

6. A key feature of our Executive is the proposal for three externally nominated Commissioners to sit alongside the three Commissioners directly elected by the people of NI. In making this proposal we believe that an Executive so composed would be a potent symbol of reconciliation and cooperation, clearly pointing to a new partnership of all the interests with a direct concern for NI. To become involved, the three externally nominated Commissioners, who might not be themselves from outside of NI, and their nominators would have to fully accept and support the status

of NI. Indeed such an acceptance would be a sine qua non of both nominating and being nominated a Commissioner.

7. These externally nominated Commissioners would, in effect, be a guarantee and support for NI. Their political and moral authority would be enormous and would enable the whole community of NI to stand alongside the people in rest of the island, in Britain and in the EC confident of withstanding any threat.

8. The external interests identified are not new to our problem, The British interest is already present by virtue of the wishes of a majority of people in NI, the Irish Government's interest has been recognised and accepted as a rightful one by the Anglo-Irish Agreement while membership of the EC confers a justifiable interest in the affairs of NI on that Community.

9. The externally nominated Commissioners would not be present to dictate to the people of NI. As with the Commissioners appointed to serve in the European Commission each Commissioner would be required to take an oath committing himself/herself to working alongside the directly elected Commissioners on behalf of the people of NI.

10. These three Commissioners would be subject to the consensus seeking process of the Commission's approach to decision making. They would therefore be subject to considerable influence from and also a measure of control by their directly elected colleagues. They would not operate in secrecy or be unaccountable to the people of NI ( a criticism often directed at the operations of the AI Conference).

11. The link between the Commission and the proposed NI Assembly would be guaranteed by the six Ministers of State in whose hands would lie the day-to-day administration of Government Departments. A strong scrutiny role for the Assembly together with powers over the budget would ensure that the Commission would be further subjected to the influence of a broad group of directly elected representatives.

12. We frankly acknowledge that our proposals are both innovative and radical. However, they follow from our analysis and are supported by much that we have heard in the dialogue initiated here twelve months ago and they deal with the relationships at the heart of our centuries old conflict. They have been put forward in general terms and there is, therefore, much detail to be discussed and agreed upon. We believe that there is already a keen and positive interest in what we are proposing. This encourages us to proceed.