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**SECRET**

Ambassador/Head of Mission

I attach on a confidential basis a review and assessment of the recently concluded Northern Ireland talks.

Missions may find this material of assistance for the purpose of background briefing of political, official or media contacts on the Government's objectives in these talks.

*David Donoghue*  
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Anglo-Irish Section  
10 December 1992

cc. Secretary,  
Mr O'Donoghue  
Mr. Hughes  
Mr. Brennan

The Northern Ireland talks: a review and assessment

1. This paper is divided into two parts: (i) a review of developments in each of the three "strands" of the Talks; (ii) a preliminary assessment of the overall outcome.

REVIEW

General

2. The Talks took place on the basis of a statement made on 26 March 1991 by the former Secretary of State for Northern Ireland (attached as Annex 1). They involved the Irish and British Governments and the four main constitutional parties in Northern Ireland (the SDLP, Alliance, UUP and DUP).

Having opened in a formal sense on 9 March of this year, they were adjourned on the following day to accommodate the UK general election campaign. Following a meeting of the Anglo-Irish Conference on 27 April, they resumed on 29 April and continued (with a four-week summer recess) until 10 November. They took place during a progressively lengthened interval between the 27 April Conference and the subsequent Conference meeting (which eventually took place on 16 November).

Strand One

3. Strand One opened on 29 April and continued until 1 July.

The Irish Government was not a participant. Meetings were held in Belfast under the chairmanship of the British Government.

As basic statements of position had already been delivered during the Strand One talks of June/July 1991, the parties proceeded fairly quickly (11 May) to the tabling of proposals for new institutions in Northern Ireland.

4. The SDLP proposed an EC-type structure with a six-member executive commission comprising three directly elected members and three members appointed by the British and Irish Governments and the EC respectively. This would be complemented by a separate elected Assembly (modelled on the European Parliament) with purely legislative functions and by a North/South Council of Ministers which would have overall responsibility for the development of relationships between both parts of Ireland.
5. The UUP proposed an elected Assembly which would in turn elect executive committees to oversee the social and economic matters devolved by Westminster to the Assembly and also perhaps discharge some consultative role on legislation, until such time as some legislative powers could be devolved to the Assembly. Chairmen and their deputies would be chosen in relation to party strengths in the Assembly. Non-executive committees would deal with the remit of the present Police Authority for Northern Ireland and with North/South relations.
6. The DUP proposed an Assembly which would elect committees to administer devolved matters, but with more elaborate provisions to ensure that Chairmanships and Deputy Chairmanships were allocated on a proportionate basis and with measures to protect the minority (e.g., 30% of the

Assembly could refer a bill to the Secretary of State for adjudication as to whether it was discriminatory). The Assembly would be able to legislate on the devolved matters and would either have a consultative or amending role in relation to Westminster legislation depending on the nature of the Bill. The paper advocated the "greatest possible role on security matters" for the Assembly but implied a consultative rather than a decision-making function. It proposed a "non-departmental committee" to deal with "external affairs", i.e., relations with the rest of Ireland.

7. Alliance proposed an Assembly with a system of back-bench committees and a small executive. The latter would be drawn from, and responsible to, the Assembly but would be appointed by the Secretary of State in accordance with pre-defined criteria which would ensure power-sharing and a membership reflecting the balance of strengths in the Assembly. There would be a weighted majority requirement in the Assembly.
8. In the course of Strand One, the SDLP proposals were resisted not merely by the Unionists but also by the British Government. The latter made clear that they regarded the proposals (in particular the external element envisaged for the six-member Commission) as unrealistic and unworkable. They kept the SDLP under constant pressure to make concessions. At one point they favoured a so-called "park-and-ride" arrangement whereby the SDLP proposals would be left "on the table" while work proceeded on the Unionist/Alliance model.
9. A sub-committee report of 10 June sketched out a model which some hoped could reflect a degree of common ground between the parties. This combined the broad Unionist/Alliance approach of an 85-member Assembly

(elected by PR and operating through back-bench committees with day-to-day control over a range of devolved powers) with an echo of the SDLP proposal in the form of a directly elected three-member "panel". The panel would have consultative, monitoring, referral and representational functions, although the details of its powers were left over for later consideration.

10. The sub-committee's report noted that the SDLP reserved its position on the source of the authority of Heads of Department and their relationship with the Departmental committees; and on the arrangements for legislation in the transferred field.
11. The SDLP's maintenance of its reserves means that there is no agreed outcome to Strand One. The 10 June report was merely "noted" by the Plenary. There is, accordingly, no agreed position in Strand One, although the Unionists, and to a lesser extent the British Government, have sought from time to time to downgrade the significance of the SDLP reserves and to suggest the contrary.

#### Strand Two

12. With an agenda agreed at a preliminary meeting held on 19 June (attached as Annex 2), Strand Two opened in London on 6 July under the chairmanship of Sir Ninian Stephen (a former Governor-General of Australia).

At this and at most subsequent meetings, the Irish Government were represented by the Tanaiste, the Minister for Foreign Affairs, the Minister for Justice and the Minister for Industry and Commerce (for whom the Minister for Energy deputised on several occasions). The British Government were represented by the Secretary of State for



Northern Ireland and by Jeremy Hanley, Minister of State at the NIO. The party delegations were led by the party leader in each instance.

13. The opening meeting was marked by some skirmishing on procedural issues (as were a number of the later Belfast sessions). Delegations delivered formal opening statements on which they were subsequently questioned. This exercise continued at the following meeting (15-17 July in Belfast).
14. The Irish Government team were subjected to particularly intensive cross-examination by the Unionist representatives.

In their replies, they emphasized the need for the rights and aspirations of both traditions on the island of Ireland to be fully catered for in any new agreement. They also underlined the continuing value of the Anglo-Irish Agreement. They responded to persistent Unionist demands for an amendment of Articles 2 and 3 of the Irish Constitution by emphasizing the need for a balanced approach to the constitutional issues. In particular, they noted that, if Articles 2 and 3 were to be raised, the Government of Ireland Act would also have to be open for discussion.

15. Questioning of the British Government and of the Unionist parties on their opening statements took place at the third Strand Two meeting (22-24 July in Belfast). Delegations then tabled formal written responses which dealt with the various opening statements and also with points which had arisen during the cross-examination sessions.
16. A Business Committee comprising representatives of all

delegations met on several occasions during July to consider the Strand Two timetable and work procedures. It was decided on 24 July that the Plenary would adjourn for a summer recess. The two Governments indicated at the same time that, in order to facilitate continued talks, the Conference (which had been scheduled to meet in the week beginning 27 July) would not meet before the week beginning 27 September.

17. The process resumed at the end of August with the tabling by most delegations of papers under item 6, the first substantive item on the agenda ("Fundamental aspects of the problem: Underlying realities; identity; allegiance; constitutional"). On 2 September the Plenary accepted the Business Committee's recommendation that it should constitute a committee (chaired by Sir Ninian Stephen and comprising four from each delegation) for the purpose of considering these papers and reporting back in due course.
  
18. The Committee (on which the four Ministers represented the Irish Government) produced a four-point agenda for its work which all but the DUP supported. This agenda read as follows:
  1. Lack of adequate channels of communication and cooperation
  2. Terrorism and cooperation on security matters
  3. The issue of identity in Northern Ireland and the consequent problems of allegiance
  4. Constitutional matters requiring consideration both consequent upon the foregoing and generally.



19. A progress report dealing with the first point was presented to Plenary on 10 September and adopted. Appended to it were (i) a list of principles on which to base institutional arrangements to remedy this problem; (ii) lists of obstacles to the creation of a new North/South relationship which the various delegations had identified.

20. The report also noted the DUP's disagreement with the order of business reflected in the four-point agenda and the withdrawal of Messrs Paisley and Robinson (who refused to return to the Committee until the issue of Articles 2 and 3 was addressed, though they left behind two "non-negotiating" members of their delegation).

In the event, the DUP did not return even when the constitutional issue was reached on the Committee's agenda (which happened shortly before the Dublin Castle meeting). The DUP's unwillingness to travel to Dublin led the UUP to present themselves as the sole defenders of Unionism on this issue and to justify their attendance in Dublin Castle on these grounds.

21. Meeting from 16-18 September in Belfast, the Committee discussed the second and third points of its agenda and gave initial consideration to the fourth (constitutional issues).

In the course of the latter debate, the Irish Government delivered a statement which made clear that, if the objectives which had been set for the Talks were, or seemed likely to be, realized, it would give careful thought to the constitutional implications. It indicated that, if the negotiations achieved the basis of a "new beginning" in the relationship between the two traditions in Ireland, and if agreement on a fair and honourable

accommodation between them were to entail any consequences for the Irish Constitution, the Government could approach the electorate with the hope and prospect of a positive response.

22. At the Dublin Castle meeting, which took place from 21-23 September, a progress report covering the second and third points of the Committee's agenda was presented to Plenary and adopted. The Plenary then instructed the Committee to continue its work on the constitutional issue; to consider items 7, 8 and 9 of the Strand Two agenda; and to provide a progress report covering all of these items.

The Committee proceeded to item 7 (Common interests, e.g., economic cooperation and security cooperation). Papers on the scope for North/South economic cooperation were tabled by the Irish and British Governments and Alliance. The UUP made an oral presentation.

23. On 25 September the Taoiseach met Prime Minister Major in London to review progress in the Talks. In a joint statement afterwards, they recalled that the NI parties were committed to participate actively and directly in the North/South discussions (an observation directed at the DUP). They reaffirmed the two Governments' commitment to the full implementation of the Anglo-Irish Agreement, including the principle of regular Conference meetings. They also reaffirmed their readiness to consider a new and more broadly based agreement or structure if such an agreement could be arrived at through direct discussion and negotiation between all the parties concerned. They agreed to a second and final extension of the interval between Conference meetings and decided that the next meeting of the Conference would take place on 16 November.

24. At its next meeting (in Belfast from 30 September - 2 October, with the DUP resuming participation but oscillating opportunistically between "negotiating" and "non-negotiating" modes), the Committee reached item 9 of the Strand Two agenda (Possible institutional arrangements).

Papers were tabled by the Irish Government, the SDLP and Alliance. (The British Government and the DUP also tabled papers but these did not make any specific proposals; a UUP paper appeared a week later but added little to an earlier paper of 28 August).

Over a number of meetings, detailed attention was paid to both the political and practical implications of the various institutional models which delegations outlined.

In its paper and in subsequent debate, the Irish Government made clear that any new North/South institutions would have to meet three criteria:

- they must provide meaningful expression for the aspirations of Northern nationalists;
- they must help to bridge divisions between the unionist and nationalist traditions in Ireland in an agreed framework;
- they must provide an institutional framework with executive functions for the development of practical North/South cooperation and coordination in all areas of mutual benefit.

The SDLP proposals were along similar lines. The main Unionist objections were that institutions with an

executive role could be perceived as an embryonic all-Ireland Government and would lack both political and financial accountability.

25. There was an abortive attempt to produce a progress report for Plenary covering this and the previous agenda items (including constitutional issues). Work took place on the basis of a draft supplied by Sir Ninian Stephen. The DUP's insistence on embellishing one paragraph with a hostile reference to Articles 2 and 3 eventually caused deadlock on this text and Sir Ninian decided to withdraw his draft.
26. An impasse had therefore been reached on both procedure and substance.

On 9 October a proposal was made for the preparation by delegations of "Heads of Agreement" which would be communicated privately to Sir Ninian. The latter would then seek to produce a single composite document.

When Strand Two reconvened in the following week (14-16 October), this proposal was debated further. It led to a decision that Sir Ninian would engage in a round of bilateral contacts to ascertain the views of participants on how to proceed. From this process, Sir Ninian concluded that the round-table format should be replaced for the time being by a series of bilateral consultations between himself and delegations for the purpose of gauging the scope for an agreement.

27. As part of this round of consultations, Sir Ninian came to Dublin on 21 October to see the Irish Government delegation. The Irish Ministers impressed on him the need for a balanced approach to the constitutional issue and for North/South institutions to be given executive

powers. In the latter respect, they observed that the British Government seemed to defer to Unionist reluctance to give the institutions an adequate role but had no hesitation in advocating changes to the Irish Constitution which were clearly problematic for nationalists.

28. On the following day, Sir Ninian told the Committee that he proposed to draw up a paper containing elements for an overall settlement. He would present this privately to delegations and, in the light of their reactions, decide whether it might usefully be tabled on 30 October. He urged delegations to engage in bilateral discussions in the interim.

The draft which Sir Ninian prepared proved to be inadequate in many respects. For the Irish Government, its major defects were a minimalist approach both to North/South institutions and to Strand Three institutions and a one-sided treatment of the constitutional issue. Three delegations found the draft unacceptable (for a variety of reasons), one was unenthusiastic about it and only two (reportedly the British Government and Alliance) could accept it. Sir Ninian concluded that it would serve no useful purpose to table this paper and he withdrew it on 30 October.

29. The Irish Government delegation had a series of bilaterals with the UUP. (The DUP refused to take part in any bilaterals with the Irish Government).

At their first bilateral with the Government on 22 October, the UUP (Messrs Maginnis, Empey and the two McGimpseys) indicated some flexibility in their thinking on North/South institutions. At a further meeting on the following day, the UUP (Chris McGimpsey and Empey)



appeared ready to contemplate a North/South body with "significant executive functions" on an all-Ireland basis (provided that the new Assembly was clearly seen to be the source of its authority).

A week later, however, a noticeably more cautious UUP view was in evidence at a bilateral at which the party's delegation also included Josiah Cunningham, a close Molyneaux ally. The contrast with the more forthcoming tone of the previous week's meetings was striking and raised doubts in the minds of the Irish Ministers about the degree to which Messrs Empey and McGimpsey could be regarded as representative of the UUP as a whole. The SDLP had similar experiences in their bilaterals with the UUP. The Irish Government's doubts persisted despite formal reassurances given by Messrs Molyneaux and Maginnis (at a bilateral meeting on 2 November which the latter requested, probably at the behest of the British) that the UUP negotiators had been speaking with the leader's full authority.

30. By the first week of November, the time available for the clarification of such issues was in any event running out. The imminence of the deadline of 9 November (agreed to be the last day for talks on the premise that the Secretariat would be resuming its servicing of the Conference from 11 November) meant that attention was necessarily being diverted from substance to the modalities for achieving a "soft landing" for the talks.
31. On 6 November the Irish Government sought the agreement of other participants to an intermission in the talks to allow for the Irish general election. They recalled the precedent from last April when the resumed talks had been interrupted to facilitate the British general election.



The British Government took the view that the Unionists would agree to no scenario which deflected attention from the Conference as the reason for the ending of the Talks.

The UUP, supported by the DUP, argued that the Talks should continue up to 10 November and they indicated their intention to produce a paper on North/South institutions on 9 November. It was agreed that delegations would attend in order to receive this paper (to which the UUP and others were attaching great significance) and that there would also be a Plenary on 10 November.

The UUP paper proved to be merely a summary of the party's known position and to contain nothing new. It was clearly drafted for tactical purposes and with a view to being "leaked".

32. A draft concluding statement which had been prepared by the two Governments and amended in the Business Committee was approved by all delegations at the Plenary on 10 November. Sir Ninian then read it out to the media as an agreed statement (attached as Annex 3).

Delegations subsequently gave their individual reactions to the ending of the Talks. The Alliance and DUP leaders were strikingly negative compared with the UUP's restraint and the relatively upbeat remarks of the two Governments and the SDLP.

On the following day, the Secretary of State gave a constructive account to the Commons and the Irish Government issued a formal statement (attached as Annex 4).

### Strand Three

33. The Strand Three agenda was agreed by the two Governments at a preliminary meeting in London on 30 June (which the parties also attended in an observer capacity).

Strand Three opened with a meeting in Dublin on 28 July. The delegations of both Governments on this occasion (and at the three subsequent meetings) were the same as those for Strand Two.

In addition to agreeing liaison arrangements with the parties, the Governments reviewed developments to date in the Talks process as a whole. The Irish Ministers criticised the British Government for the support the latter had given to the Unionists in relation both to the Strand One outcome and to Articles 2 and 3. One point of interest in the discussion was a remark by the Secretary of State to the effect that Ireland made sense ultimately as a single political entity. The Irish side underlined the need for balancing moves of constitutional significance in the nationalist direction if an amendment of the Irish Constitution was to be contemplated as part of a "package".

34. Similar wide-ranging reviews of the Talks took place at the subsequent Strand Three meetings (11 September in London on 11 September, 22 September in Dublin and 14-15 October in Belfast).

The Irish Government took the Secretary of State regularly to task for the comfort he was giving to the Unionists on Articles 2 and 3. The Secretary of State's standard response was that he wished to see an unambiguously expressed statement of Northern Ireland's present constitutional position (essentially through

amendment of Article 1 of the Anglo-Irish Agreement) and that it was for the Irish Government to decide whether this might have implications for Articles 2 and 3.

The Irish Ministers consistently underlined the importance of agreement between the two Governments on what final outcome of the Talks should be aimed at.

In this respect, they laid particular emphasis on the need for a balanced treatment of the constitutional issues. Some attention was paid to ways in which the shift which the Irish Government were being asked to make in the unionist direction might be compensated for in the opposite direction. The Irish Ministers recalled, inter alia, the Brooke speech of November 1990 and the emphasis on a "bond of union" between North and South in the explanatory memorandum which had accompanied the Government of Ireland Act. They impressed on the British Government the probability that a referendum which appeared merely to endorse partition would be defeated and would give a new lease of life to nationalist extremism.

In response, the Secretary of State indicated that he was prepared to reiterate the proposition that the British Government would not stand in the way of the aspiration to Irish unity. However, an active commitment to Irish unity on the British Government's part would be incompatible with the constitutional guarantee which it had given to Unionists.

35. Work was undertaken at official level to reach an agreed set of possible principles which might underpin "a new and more broadly based agreement". A draft paper was considered by the two Governments at a bilateral meeting in Belfast on 8 October. The exercise failed, however,

when an impasse was reached over the inclusion of a reference to executive powers from the outset for a North/South body (which the British preferred to leave for discussion by the participants in Strand Two).

36. Formal Strand Three meetings gradually yielded to a pattern of informal meetings between the two Governments (which permitted frank discussion without an obligation to report back to the parties). The strict separation between Strands Two and Three was in any event abandoned when the Talks were converted into a round of bilateral consultations.

#### ASSESSMENT

37. The original "Brooke initiative" arose from a belief in British Government circles that, after refusing for several years (post-Hillsborough) to engage in political dialogue, the Unionist leadership were now under significant pressure from their lower ranks and grass-roots to reverse this position. British Ministers and officials believed that Messrs Paisley and Molyneux would be unable to resist pressure from juniors such as Robinson and Maginnis to enter talks and, once in, would be susceptible to pressure from the same quarters to negotiate seriously and to conclude a deal.

While the first part of this hypothesis proved correct, the second part has not been borne out by events. The persistent British confidence in Robinson's ability to "deliver" his master gradually faded in the course of the talks. Acclaimed for his positive influence on Paisley during Strand One, he was perceived during Strand Two to have been unable to prevent walk-outs or to ensure a serious and constructive approach by the DUP to the

Talks.

Within the UUP, there was no evidence of pressure from any quarter on the leader to display the kind of imaginative thinking required if a "package" capable of bringing an amendment of Articles 2 and 3 in its train were to be agreed. While Reg Empey and the McGimpsey brothers were more forthcoming than their colleagues on the question of North/South institutions, Molyneaux did not dispel the feeling that he was reserving his option to qualify out of existence the signals being given by these relatively junior UUP delegates. The contributions of other senior UUP figures also raised questions about the consistency of the party's thinking in this and in other key areas.

38. However, the Government felt that it was clearly important to encourage in every way possible the emergence of a wide-ranging political dialogue involving the representatives of Unionism. They were anxious to test to the full the possibilities which might exist for a lasting accommodation between nationalism and Unionism.

They hoped that the British Government and the Unionist parties would recognize, and grasp, the opportunity which these talks presented for such an accommodation. They underlined the need for imaginative thinking which would address the fundamental roots of the problem and not merely tinker at the edges. They also pointed out that, if there was to be any question of the Irish electorate amending Articles 2 and 3 of the Constitution (the Unionists' widely-advertised objective), this could come about only in the context of a wider "package" providing full and satisfactory expression for the nationalist identity and in a way which avoided being seen as merely a plebiscite to endorse or entrench partition.



39. From the outset, the Government envisaged a "package" with two basic elements: (i) language on the constitutional issues (i. e., Northern Ireland's status); (ii) provisions for new institutions/structures.

On the constitutional front, they underlined the need to maintain the strict balance between both aspirations which characterised Article 1 of the Anglo-Irish Agreement. Any amendment of that Article to give enhanced recognition of Northern Ireland's status as part of the UK (as the British Government and the Unionists wanted) would have to be balanced by an enhanced recognition of the option of agreed unity. Equal treatment of the two options (a "level playing field") was required at all times.

On the institutional front, they advocated North/South structures which would give meaningful expression to the nationalist aspiration, i. e., which would have a strong mandate, executive powers and a built-in dynamic towards future North/South convergence. New structures would not merely be serving practical purposes but would have to have a strong political attraction for nationalists if an eventual "package" was to be saleable.

The Government also made clear, however, that there could be no trade-off in the "package" between constitutional and institutional matters (given the latter's intrinsic fragility).

40. The British Government game-plan, which gradually became apparent, presumed that there would be nationalist acceptance for a package along the following lines:

- The Irish Government would formally confirm Northern



Ireland's status as part of the UK;

- In exchange, the Unionists would agree to participate in a devolved administration in Northern Ireland (on the lines of the Strand One report of 10 June);
- The Anglo-Irish Conference would continue, but with its role confined to non-devolved matters (and with a possible expansion of its membership to bring in NI representatives);
- There would be new North/South structures (but on the more modest scale favoured by the Unionists).

The Irish Government made clear that substantially greater protection for the nationalist identity would be required if a proposal to amend Articles 2 and 3 were to be put successfully to the Irish electorate.

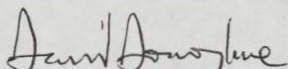
41. The picture is not, however, entirely discouraging. Although an impasse was reached on several key issues, the elements which might constitute a future agreement are at least discernible. After several months of intensive discussion, each participant has risen from the table with a clearer sense of where the others stand on the various issues and of what is negotiable or non-negotiable. Analyses have been exchanged and debated and common ground has been identified in a number of areas.

One of these is the importance of North/South cooperation on economic and social matters and in the European context and the desirability of putting North/South institutions in place which will facilitate this to the full. While the minimalist approach evident in the

UUP's formal papers was discouraging, the bilateral contacts suggested a willingness on the UUP's part to tease out a possible deal in this area, based on an acceptance that new institutions could be given some decision-making powers but that this would be clearly authorised by the respective Parliaments.

42. Future talks should enable these matters to be taken further. There may also be scope to explore further with the British Government the manner in which a generally acceptable balance could be achieved on constitutional issues (something which has only been raised in a tentative fashion so far).

Satisfactory progress in these two key areas (North/South institutions and constitutional matters) would be major ingredients of any "package" which might be negotiated. The question of the security arrangements which might be made in the context of a new agreement is also an extremely complex issue which was not discussed in any great detail in the Talks so far.

  
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10 December 1992