



**An Chartlann Náisiúnta**  
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## Outline of opening remarks by Irish Government Delegation

Chairman,

I should like to begin by thanking you, Sir Ninian, for coming here today to preside over our meeting. I should also like to thank the Australian Government for releasing you to take on this task and for also making Mr. Thompson available. We look forward to working under your Chairmanship.

This, as we see it, is a practical meeting to deal with practical issues and not an occasion for rhetoric. Nevertheless as we come to the table it is hard not to be conscious of what this process is about. We are seeking to work together around this table to find a way between all of us to lift the heavy burden of history which weighs on all of us in these islands. What we seek to do is to use the goodwill which does exist so abundantly between the peoples of both islands to help to resolve the remaining unresolved problems of our common history. Certainly the mandate from our Government with which we come here today is to approach the process to which we have all committed ourselves in a spirit of goodwill and in a genuine effort to reach agreement.

How do we see the present meeting? In my view it should be a practical meeting. Last year, after long negotiations, we all agreed on a document of 26 March, 1991 setting a framework within which we would work. That document made it clear that there are three main relationships which must be addressed and which must find adequate expression if a real and genuine settlement is to be reached. That point is a fundamental point; and it was recognised in the structure set for the talks, which were to take place in three strands.

I will cite, if I may, some key points from that document of 26 March, 1991 which are of particular relevance to our discussion today. The two Governments which had signed the Anglo Irish Agreement made it clear that they would be "prepared to consider a new and more broadly based agreement or structure if such an arrangement can be arrived at through direct discussion and negotiation between all the parties concerned".

Another point of particular importance was the agreement that "it would be necessary to have launched all three sets of discussions within weeks of each other." We all agreed also that, "in order to ensure a full airing of the issues, it will be open to each of the parties to raise any aspect of these relationships including constitutional issues or any other matter which it considers relevant". All concerned also agreed "to participate in good faith" : and it was accepted by all the parties that "nothing would be finally agreed in any Strand until everything is agreed in the talks as a whole."

Taking account of these guidelines agreed on 26 March, 1991 we feel that our approach today to this meeting, which is in preparation for Strand Two, should be a practical and sensible one. It should be directed to smoothing the path to enable Strand Two, and in due course Strand Three, to get under way, bearing in mind that we are all agreed that "all three sets of discussions should be underway within weeks of each other."

More particularly in our work here today, it seems to me right to work towards an agenda which would be broad enough in its structure to allow all issues which any party wishes to raise to be covered. We feel that this could best be done by working from the general to the particular.

The agenda should therefore allow for general statements to be made at the outset. All of you here have been participating in intensive discussions in Strand One. We were not participants in those talks. We are now moving towards Strand Two where the Irish Government will be involved. It seems to me right, therefore, in preparing an agenda for that Strand to allow scope for general statements to be made at the outset which will be directed to the nature of the problem. I am thinking not just of what the Irish Government would wish to say but of what other parties around the table might wish to say directly to the Irish Government.

In approaching this meeting, we had thought it better not to put forward a specific draft agenda at this stage but rather to suggest first to others around the table the broad lines of an approach to the agenda on which I think we could all agree. This approach would first allow for statements of the problem and the issues of identity and allegiance as they are seen by the various parties. The agenda could then move to the requirements to be met if that problem is to be addressed. It could then go on to consider structures which could meet those requirements. Then there would be a need for views on the relationship of those structures to existing structures; and finally there would then be need to discuss the consequential measures and prepare the way for Strand Three discussions.

The advantage of this approach is that it would be possible, within a very general framework, to accommodate specific issues which any party wish to raise. We should bear in mind that the statement of 26 March makes it clear that "it is open to each of the parties to raise any aspect of these relationships including constitutional issues or any other matter which it considers relevant." So it will always remain open to any party to raise any matter. If it seemed desirable, in due course, we could put forward a specific draft which would give expression to this approach. But for the moment I think it might be preferable not to focus on any particular wording or formula but to try to see if we could all agree on the general approach I have outlined.

The word "Strand" to me suggests intertwining. All three strands are inter-connected. In order to get real progress, therefore we must carry through with the commitment of 26

March, 1991 that all three strands "will be underway within weeks of each other". The sooner we get down to addressing all three sets of discussions, the better. All of us are, of course, protected by the agreement of 26 March, 1991 that "nothing would be finally agreed in any Strand until everything is agreed in the talks as a whole".

If I may summarise, therefore, we believe that our approach here this morning should be sensible and practical, designed to get us to serious discussions in Strand Two and to allow for the general exchanges which will be necessary in that Strand. The agenda should be structured in broad terms and in a way which can accommodate any issue which any party may wish to raise.

## Procedural Guidelines for the Conduct of Strand Two\*

### Role of Chairman

1. The independent Chairman will preside over all meetings of Strand Two. He/She will exercise his/her functions in an impartial and even-handed manner.
2. The Chairman will be responsible for the orderly conduct of business. He/she will conduct the proceedings so as to allow an opportunity for full discussion of the issues and will be guided by the objective that the outcome should be agreed by all participating Delegations. To this end, but only after consultation with the Delegations to establish that it would be regarded as helpful, the Chairman may bring forward specific suggestions.
3. The Chairman will consult with participating Delegations in the exercise of his/her functions. A Business Committee will be formed to facilitate such consultation.
4. The Business Committee will comprise the Chairman him/herself and a designated member of each of the participating Delegations. The Committee will be available to advise the Chairman on the day-to-day exercise of his/her responsibilities and to facilitate communication between the participating Delegations and the Chairman. It is envisaged that the Committee will normally meet on days when talks are taking place.

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\* Note: for the purpose of this document, the term "participating Delegations" refers to the two Governments and the four Northern Ireland parties: Alliance, SDLP, UDUP, UUP.



5. In discharging his/her functions, the Chairman will confine his/her consultations to the Delegations participating in Strand Two. Any written submissions which may be received from other groups or individuals will have no status.
6. For the duration of the process the Chairman will not be expected to make any public comment. However, should the need arise he/she will wish to seek the approval of the heads of participating Delegations before doing so.

Conduct of Proceedings

7. The proceedings of Strand Two will be held in private.
8. The Chairman will have responsibility for the convening, postponement and adjournment of meetings, in consultation, as he/she considers appropriate, with participating Delegations. It is understood, however, that any Delegations may request an adjournment of up to 10 minutes at a time and the Chairman shall only refuse such requests if they are made with unreasonable frequency.
9. The agenda for each day's business shall be determined by the Chairman after considering advice from the Business Committee.
10. In addition to the regular plenary meetings the Chairman may, with the agreement of delegations, propose more limited meetings at which all delegations would be represented. He/she may also at any time ask some or any of the participating Delegations to meet with him; and he/she will accede to any reasonable request for a meeting with him from any delegation.

11. All remarks shall be addressed through the Chairman. Time limits on interventions may be imposed at the Chairman's discretion.
12. The Chairman's ruling on all individual questions of procedure and order shall be final.
13. A record of the proceedings of Strand Two will be maintained under the general direction of the Chairman and circulated to Delegations participating in the meeting. Approval of the records of meetings involving all Delegations will be a matter for the Business Committee.
14. Changes and additions to these rules of procedure shall be made only with the agreement of all participating Delegations.

Inter-relationship of Strand Two with Strands One and Three

15. It is accepted by all participating Delegations that nothing will be finally agreed in any strand until everything is agreed in the talks as a whole.

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JOINT STATEMENT BY THE TAOISEACH AND THE PRIME MINISTER

The Talks process in which the two Governments and the four Northern Ireland parties are now engaged offers an historic opportunity to make lasting political progress. We have together set out to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands.

As Heads of the Irish and British Governments, we have consistently made clear the great importance which we attach to these Talks and our wholehearted support for them. We reaffirm this support, and send our warmest wishes to all the participants, on the occasion of the opening of Strand Two of the Talks.

We owe a particular debt of gratitude to the Independent Chairman of Strand Two, Sir Ninian Stephen. He was appointed to this role by the two Governments a year ago, following consultation with the four parties and with the approval of the Australian Government. We are deeply appreciative of his willingness to assume this responsibility and expect that we will have further cause to be grateful to him for the way in which he will discharge it.

Everyone who is involved in the Talks process understands the complexity of the issues which are being addressed and the sincerity with which conflicting views are held by different participants. An opportunity now exists for open, constructive and far-reaching dialogue both on the issues which divide the two main traditions in Ireland and on those



which unite them. All of us share a common commitment to the values of constitutional politics and a total rejection of violence as a means of achieving political progress.

We reaffirm the readiness of the two Governments, as the signatories of the Anglo-Irish Agreement, to consider a new and more broadly based agreement or structure if this can be arrived at through direct discussion and negotiation between the parties concerned.

We do not underestimate the difficulty of the task which lies ahead. But we know that all concerned will participate in good faith and make every effort to achieve progress. We wish the participants in Strand Two every success in this historic endeavour.

SIR NINIAN STEPHEN

Biographical details

Born 15 June 1923 at Nettlebed, near Oxford (UK), to Scottish parents.

Married to Lady Valery Stephen since 1949; five daughters.

Educated at Edinburgh Academy; St Paul's School, London; Scotch College, Melbourne.

Arrived in Australia early in 1940.

Commenced legal studies at University of Melbourne in 1941.

1941-46 Served with the Australian Military Forces in the Pacific; discharged with rank of Lieutenant in 1946. (Automatically became an Australian citizen by virtue of military service).

1946-49 Continued legal studies and graduated from University of Melbourne. Qualified as barrister and solicitor.

1951 Commenced practice at the Victorian Bar.

1967 Appointed QC.

1970 Appointed Judge of the Victorian Supreme Court.

1972 Appointed Justice of the High Court. Received knighthood (KCBE).

1982 Appointed Governor-General of Australia

1989 Retired as Governor-General. Appointed full-time Ambassador for the Environment (reporting to PM Hawke, Evans and Minister for the Environment).

#### Assessment

Sir Ninian Stephen is an eminent Australian constitutional lawyer and judge who served as Governor-General from 1982-89 and is currently Australia's Ambassador for the Environment.

He is described as a scrupulously fair-minded person, as a man of intellect, integrity and high principles.

He is a relaxed, affable and unpretentious individual with a cautious and self-effacing manner. Possessed of a fine legal mind, he was known for his grasp of the finer points of property law on being admitted to the Australian Bar in 1951. He was also regarded as one of the more able and enlightened members of the Australian High Court when he served there from 1972-82. He favoured an approach based on reason, consensus and sensitivity.

Consistent with his emphasis on consensus, he has not identified himself with any particular political direction in Australia. His detachment from party politics has enabled him to remain acceptable to successive Australian Governments - his two most recent appointments (Governor-General and Ambassador for the Environment) came under two different administrations.

He is believed, however, to have a keen sensitivity to the political implications of the roles which he has played in the later part of his career. While Governor-General, he indicated on a number of occasions his view that the holder of

that office should not act unilaterally (as a predecessor, Sir John Kerr, had done in provoking the constitutional crisis of 1975) but should act solely on the advice of the Government. His own term as Governor General was marked by an almost complete lack of controversy (which helped significantly to restore the prestige of the office). Sir Ninian is also believed to take a conservative view of the scope for constitutional change in Australia.

He has a strong interest in the rights of minority groups and, as Governor-General, showed particular concern about the restoration of lands to Australian aborigines.

Though raised a Presbyterian, Sir Ninian is reported to have no religious affiliation today and to have told colleagues that he is an agnostic.

Lady Stephen is involved in various Australian organisations concerned with the arts, women's affairs and child welfare.