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Secret.

Round-table talks, Strand one,

Plenary Meeting, Friday 12 June 1992.

Parliament Buildings, Stormont.

1. Plenary convened at 11.30 with Mayhew thanking delegations for the efforts that had been made the previous day to make progress on "the difficult issues" facing the process. He then invited party leaders to make a statement.

2. Molyneux, on behalf of the party leaders, said that the four leaders had met the evening before and again prior to the plenary that morning. They would be resuming their discussions shortly after the Plenary concluded and intended to report to the Secretary of State as soon as possible. Mayhew replied that it was important that the process be allowed to develop and asked delegations to be patient in awaiting further news.

3. At the meeting of the leaders prior to plenary, there was (as Denis Haughey put it later) a clear withdrawal of the Molyneux proposal made the previous evening for a meeting with Dublin to explore the Irish Government's thinking in relation to Strand 2 and the nature of the possible relationship with new institutions in the North. Paisley said that he had considered the matter overnight and believed that a decision in relation to Strand 2 was a matter for the parties in Strand 1 and the working out of arrangements in relation to new Institutions. Molyneux remarked, with Paisley agreeing, that given the SDLP concern that the question of identities had not been adequately addressed, it might be useful for Hume to go to Dublin to find out what was on offer (in relation to Strand 2). Hume said he did not think that idea would work and, after consulting his delegation, returned to confirm that this was not an acceptable proposal.

4. At the meeting of party leaders after Plenary, the Unionist leaders proposed that the Business Committee hold a meeting, attended by the two Governments and the four political parties, to discuss a possible agenda for Strand 2. Hume consulted his delegation on this with Seamus Mallon arguing the need for an assurance that the meeting would be held in the context of Strand 2. Hume took the point but said that the Unionist proposal seemed designed to get around the problem for the moment. Denis Haughey said later that his view was that the Unionists realised they were on weak grounds if the talks collapsed and should be helped into a Strand 2 transition provided no unacceptable conditions were placed.

5. The party leaders then met Mayhew who accepted the proposal and said that he would consult the Irish Government and Sir Ninian

Stephen in order to convene a meeting next week. Paisley said that he would like a clear statement that this was not a transition or a commitment to Strand 2 but Molyneaux replied that "we can't be as negative as that". It was agreed to hold a short plenary session after lunch and the Govt side indicated that they would prepare a draft statement for the agreement of the leaders. This draft [Appendix A] was circulated shortly before lunch.

6. After lunch, Paisley indicated that he required clearer language that indicating that a transition to Strand two was not being proposed and seeking a Govt commitment to support and endorse the work of the Sub- Committee. After some discussion, a new draft was produced that deleted the phrase "I have not as yet proposed transition to that Strand" (ie Strand 2) at the conclusion of para 2 and added to para one the underlined wording: " The parties have agreed on the next steps in the process of the Talks in preparation for my proposing transition to Strand 2". The para 3 language concerning a meeting between the two Governments, to which observers from each of the parties would be invited to attend for at least part of the time, was also amended by insertion of the phrase "in Strand 3 formation" [Annex B]. A new para 5 was also added stating that the " Government welcomes and endorses the progress made to date in developing common ground within the work of the sub-Committee and look forward to building upon this progress in the light of developments in other strands".

7. OUP delegates indicated to the SDLP that they were happy with the proposed language and were trying persuade Paisley to accept it. Haughey said later that he was told by the UUP that a row was developing and Molyneaux was taking the view that this was becoming ridiculous and the issue had to be settled today. At a SDLP meeting, there was reluctance to accept any additional change of language with Denis Haughey arguing that the DUP were engaging in poker on the presumption that the SDLP would be unwilling accept a break-down. The general view was that no new major changes should be accepted but minor textual alterations might be considered.

8. Haughey said later that the indications from the UUP were that Sammy Wilson, Dinny Vitty and others were posing problems for Paisley. In addition, Paisley himself had been greatly irritated when Eamon Mallie had approached him and asked his reaction to "indications from Dublin" that Strand two was to be launched within hours.

9. After continuing impasse, a new text was agreed shortly before nine o'clock that stated in para one: "I am not yet proposing the transition to Strand 2 however the parties have agreed on the next steps in the process of the Talks". Para 5 was amended to now read as follows: "The Government welcomes and endorses the progress made to date in through the work of the sub-Committee and looks forward to building upon this progress" [Annex D].

10. Plenary was due to meet at 9.30 to agree this text but was delayed until Paisley reappeared and the meeting did not start

until considerably later. Mayhew began by saying that the party leaders had taken care regarding the way forward but that difficulties had persisted. Problems, in particular, had developed in relation to the delegation of Dr Paisley.

11. Paisley said that he could not say, in all truth, that his whole party approved the proposed statement and quite a number were not at present around. He indicated that he did support the statement and would endorse it.

12. Mayhew proposed that the text be agreed but proposed, to meet DUP problems, that para one simply state "I am not yet proposing the transition to Strand 2" with the rest of the sentence deleted (ie. the phrase "however the parties have agreed on the next steps in the process of the Talks". John Hume asked why this change was necessary and Mayhew replied that in view of Paisley's difficulties, the sentence was not accurate in relation to the phrase "the parties have agreed". Hume suggested that the phrase be changed to "the leaders have agreed" or, alternatively, the whole paragraph should be deleted. Mayhew indicated that he could accept deletion as did Alderdice of the Alliance party. Paisley said that he could not recommend that to his party and asked what all the rush was about and why agreement could not be left to Monday. He was doing, he said, his level best to achieve progress.

13. Hume intervened to say that only two alternatives were acceptable: either the paragraph should read the "leaders have agreed" or the entire paragraph should be deleted. Mayhew proposed that the para simply read "I am not yet proposing the transition to Strand 2" but Hume shook his head. John Alderdice said that he had presumed they had come to Plenary to agree the statement and a conclusion simply had to be reached at the present session. Paisley then (according to Denis haughey's later account" launched a "tirade" about what he termed a "mad rush" and asked why the meeting could not be postponed to Monday. Alderdice replied that they all had schedules that could not be lightly abandoned. Mayhew, following consultation with his officials, then proposed the paragraph be amended to read that he was not yet proposing the transition to Strand 2 but that it was his judgement that there is wide agreement on the next step in the process of the talks. Mayhew also proposed that Paragraph four be amended to read that the Sub-Committee be invited to continue its work on the remaining issues. This was agreed. The meeting then adjourned.

Assessment.

14. Denis Haughey said after the meeting that, while the language of the statement was not ideal in some respects, its substance was the crucial point and the meeting of the Governments and the parties, under the chairmanship of Sir Nihian, would make it difficult for the Unionists to break away from the Talks without risking considerable criticism. Haughey added that the Unionists would be certain to place articles 2 and 3 of the Constitution as their first items on the agenda but that the Government

representatives could simply agree to anything the Unionists wanted being on the agenda. He added that the DUP, in particular, were likely to demand a return to Strand one to seek final agreement on new Institutions before moving to Strand 2 and a way round this problem would have to be found to allow assurances on Strand one continuation of its work once Strand 2 was launched.

15. Haughey said that he had proposed to Hume that Seamus Mallon and Eddie McGrady be appointed the Strand 3 Observers and perhaps also appointed as the Strand 2 negotiators. In his view, although he had not said so to Hume, one of the problems in Strand one to date has been that the SDLP negotiators had not sufficient room for manoeuvre and had always had to be looking over their shoulders at possible party reaction. Mark Durkan and Sean Farren also share this view and felt it unfortunate that, once Mayhew proposed continuing work on the first agreed draft of new Institutions last week, they were effectively forced to negotiate with their hands behind their backs and were unable, for example, to propose any changes or additions in the language on the proposed Panel while the Unionists (especially Robinson) sought strengthen wherever possible the language on the Assembly.

16. Over the past week, clear differences have emerged between the SDLP and the other parties on the relationship of legislature to executive. Hume is determined that there should be a clear separation of powers between Assembly and Executive (as detailed in the proposal on Commissioners) while the Unionists, while tacitly accepting the proposed panel, view the Assembly Committees as the central institution of the Executive. The SDLP negotiators placed reserves on all suggestions that the Committee Chairmen should also be Heads of Department on the grounds that the SDLP, while willing to see Ministers drawn from within the Assembly, also believe the appointment of outsiders should be considered and, in any event, the Executive could not be linked in any prescriptive way to Committee Chairmen. The negotiators were willing to accept language that the Committee Chairmen could be heads of Department but declined all Robinson's efforts to move into "would" language in this area. Beyond that, the precise division between the Panel (or Commissioners that will be proposed in Strand 2) and the legislature and Heads of Departments (however composed) is potentially a major source of difference that has yet to be fully addressed.

17. The SDLP took the view throughout the negotiations that the only requirement in Strand one was to develop a possible outline of new Institutions and to do otherwise would be unreal in the absence of discussions in Strand 2. Mayhew's decision last week to allow further work on the outline of new Institutions paper placed the SDLP negotiators in a difficult position and the ultimate outcome, where the SDLP placed reservations in several areas, was the only possible outcome unless the principle of a fully worked up model was allowed (which the negotiators had neither the authority nor the willingness to agree).

18. Haughey and Durkan feel that the SDLP was at a clear psychological disadvantage in Strand one but that it will be the Unionists who will be in the more vulnerable position in Strand 2 if only because any responsibility a collapse of the process will be seen as their responsibility. Fundamentally, the primary SDLP objective in recent weeks has been to ensure a transition to Strand 2 happens and that the Unionists were up to now given no reasons for plausibly leaving the process. To that extent, the agreement on discussions on the agenda for Strand 2 represents a vindication of their tactics so far and, in the view of Haughey and Durkan, will make it more difficult for the Unionists to call a halt to the process or seek continuing endless discussions in Strand one before moving onwards. That said, today's difficulties within the DUP and Paisley's reluctance to assert leadership authority (presuming he did not share their views) against some of his hard-men is indicative of the difficulties that may lie ahead. More narrowly, it remains to be seen whether the Unionists will demand continuing Strand one discussions in advance of any move to Strand 2 or whether, once the remaining tasks such as the Bill of Rights and other issues are considered early next week, they will be willing agree to Strand 2 (following next week's meeting to discuss the agenda) subject to assurances on future Strand one completion of its work. End.

L. Gore.
12/6/92.