



An Chartlann Náisiúnta
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Reference Code: 2021/102/7

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Meeting of Committee

Belfast, 9 November

1. The meeting took place from 12 noon - 1.30 pm and from 2.30 pm - 3.50 pm. Delegations were represented as follows:

Irish Government

Secretary Dorr
S. O hUiginn
D. O'Donovan
D. Donoghue

British Government

Sir Patrick Mayhew
Minister Hanley
J. Chilcot
D. Fell

SDLP

J. Hume
S. Mallon/E. McGrady
S. Farren
B. Rodgers

Alliance

J. Alderdice
S. Close
S. Neeson
A. Morrow

UUP

K. Maginnis
C. McGimpsey
M. McGimpsey
J. Allen

DUP

I. Paisley
P. Robinson
N. Dodds
G. Campbell/R. Paisley

2. The Chairman said that the meeting, which had been agreed by Heads of Delegation last Friday, had been convened at the request of the UUP. The purpose was to receive and consider a UUP paper, which the party wished to have circulated on a "see and return" basis. He proposed a Plenary at 3 p.m. on Tuesday (10 November) in order to wind up proceedings. He intended to discuss with

individual delegations in the meantime their views about a possible public statement.

3. Paisley said his understanding had been that the UUP paper would be considered during the lunch recess and that delegations would return to discuss it in the afternoon. Delegations needed to have the paper in their possession for this period.

The Chairman attributed the UUP request to a fear that the document might be leaked.

Secretary Dorr said his understanding of the Heads of Delegation meeting last Friday was that, although the Irish Government had suggested an adjournment of business at that time because of the election taking place in one jurisdiction, it had been decided to proceed with the present meeting. It had been made clear that Irish officials could attend to receive the UUP paper. We would obviously wish to report back to Irish Ministers, who would be attending the Plenary on Tuesday. He noted that, while there had been a practice of circulating papers on a "see and return" basis, this had not occurred at the level of full Committee meetings. Difficulties were posed for the Irish Government delegation if we were merely given sight of, and then had to return, a paper which had been a main reason for prolonging matters from Friday to Monday. This varied our understanding of the purpose of our attendance at this meeting, which was to receive the paper and report back to Ministers.

4. The Chairman appreciated the difficulty. His understanding had been that the Tanaiste had indicated last Friday that Ministerial attendance might be possible and that he would see what could be done in this respect. No elaboration had been given about attendance by officials, though he welcomed the latter's presence. He suggested that delegations might now read the UUP paper.

Maginnis indicated that, if he and his colleagues felt that the paper was being taken seriously, and on condition that it was open to amendment in the light of comments, they might be able to allow delegations to retain their copies at the end of the meeting. They would, in any event, provide a copy to Sir Ninian for his own use.

5. Hume agreed with Paisley's understanding of the purpose of the present meeting. He asked if Maginnis was merely seeking "knee-jerk" reactions to his paper.

Maginnis said that the UUP had produced this paper for serious benefit. In the event of a totally destructive response to it, its contents would no longer apply. He suggested that it should now be read by delegations and

that the question of copies being retained might be left till later.

Paisley repeated his recollection of what had been agreed by Heads of Delegation and said that it would be irresponsible of him to give a "knee-jerk" reaction to this or any other paper.

Alderdice said that he considered that this paper offered a possible basis for negotiation if delegations wished to get into negotiation within the remaining 36 hours or so. He would like to be able to take it away and study it. On the other hand, however, he understood the UUP's anxiety about a possible leak.

6. The Chairman recalled that, in answer to the question which he had posed twice last Friday, Maginnis had indicated that he did not intend to show the paper individually to delegations but would prefer it to be distributed at a Committee meeting. The basis on which this might be done had not been discussed, though Paisley and others had underlined the need for delegations to be able to consider it and to return to the table.

Secretary Dorr said that, in his earlier remarks, he had simply been pointing to a consequence of the procedure proposed by Maginnis. The Irish Government representatives were attending mainly for the purpose of receiving the paper and reporting to their Ministers, who alone had authority to respond to it. He made clear that the readiness of the Irish Government delegation to return to the table for discussion implied no commitment of any kind in relation to the UUP paper.

Hume recalled that the SDLP had taken the view last Friday that the election now declared in one jurisdiction was a very good reason for the Talks to be suspended and for delegations to depart without mutual recrimination. He had been told that the UUP intended to produce a new paper which would be very significant. The SDLP had attended today in the expectation that the UUP paper would unveil new ideas for discussion. Instead, it was merely a summary of what had already been discussed bilaterally with the Irish Government and the SDLP.

7. At this point, there was a ten-minute pause while delegations read the paper. Two typographical errors were pointed out.

Upon resumption, Hume asked what the paper contained which had not already been discussed in detail in the bilateral context.

Maginnis suggested that there were two new elements. First, it contained matters which had not been discussed

with the other delegations and which had also not been discussed with the leader of the SDLP (an infrequent attendee at bilaterals). Second, a number of points had been committed to paper such as the party's clarification of their leader's support for his negotiators (a response to what they considered an unfair and offensive innuendo on the part of Irish Ministers).

Hume said that he had agreed some time ago with the UUP leader on the level at which the two parties would conduct their bilaterals with each other. Neither leader had attended these meetings.

Secretary Dorr rebutted the implication that the Irish Government delegation had insulted the "integrity of Ulster Unionists and their leader". They would not wish to do this to any delegation. A problem had been caused by the fact that, at two separate bilateral meetings, different impressions had been received of proposals made by the UUP. One UUP member had himself commented that it was a matter of whether one regarded a glass as half-empty or half-full. The Irish Government delegation were concerned simply to clarify matters. Maginnis expressed appreciation for this response.

Alderdice again defended the UUP paper as a potentially helpful basis for negotiation.

8. The Secretary of State recalled that the British Government were ready to agree to anything which was supported by the parties and the Irish Government. He would like to take the UUP paper away to study it and he reserved his position until other delegations had reacted to it. He remarked that he did not see any particular risk to its authors even if it were leaked.

Paisley also reserved his position on the paper. He hoped that there would be an opportunity for responses to it, including from the Irish Government (on the issue of Articles 2 and 3). He had not been encouraged, however, by remarks made by the Taoiseach and Seamus Mallon over the weekend.

Secretary Dorr said that the Irish Government delegation were glad to receive this paper as a statement of position on the UUP's part. He was not in a position to make any substantive comment about it. He would be glad to refer the paper back to Irish Ministers for consideration on the basis of what we had noted of it.

9. Maginnis then agreed to the retention of the paper by delegations, subject to the understanding that, in the event of the Talks coming to an end, it should no longer be regarded as the party's position.

10. After the lunch recess, the meeting resumed at 2.30 p.m.

Robinson suggested that, as the paper purported to clarify and develop issues arising from bilateral meetings with the Irish Government and the SDLP, the latter delegations should respond to it first.

Hume said he had earlier made his position clear, i.e., he questioned whether the paper contained anything new. The SDLP had already expressed their views on these matters to the UUP and he did not wish to develop further views which had been conveyed at a bilateral meeting. He had been under the impression that a completely new paper would be produced today and that this was why delegations had agreed to talk through until Tuesday.

Maginnis said that he had indicated last Friday that the UUP would provide a significant paper on Monday. The section headed "An Agreement" contained something new.

11. Secretary Dorr recalled his earlier statement that the Irish Government delegation would report back to Irish Ministers, who would hopefully be able to attend tomorrow and would respond to the paper. Purely for the purpose of clarification, he asked for an explanation of the phrase "interim agreement" (p. 4 of the paper).

Maginnis noted the acceptance that "nothing is agreed until everything is agreed". There would have to be at some stage a definitive document, finalised with the assistance of parliamentary draftsmen, setting out a final agreement which would be put to the electorate. Pending the elaboration of such a document (which would be laborious and time-consuming), delegations might usefully establish whether they could agree on the progress which had been made to date. The alternative would be an admission by all concerned that, after a period of several months, they had been unable even to reach an agreement which partially satisfied everyone.

12. The Chairman asked a number of questions relating to the suggested "interim agreement". Was it envisaged that expert advice would be sought on how the North-South structure might operate? Would Strand Three issues be left to one side? Would Strand One be dealt with in terms of the 10 June document (which could be a sticking-point for some delegations)?

Maginnis replied that, although the present format excluded discussion of Strand One as such and Strand Three discussions were also precluded, he had the impression over the previous three weeks that the talks were moving outside the strict Strand Two parameters. (In passing, he commented that the least discussion of all seemed to be taking place in Strand Three; if this

view was mistaken, this was due to a breakdown in communication about Strand Three.) A possible "interim agreement" would have to address all three strands.

Asked by Secretary Dorr whether the "interim agreement" was synonymous with the "Heads of Agreement" referred to in earlier discussions, he suggested that no one agreement could offer a definitive solution from the outset. An agreement would have to be open to amendment in the light of experience. He indicated that, while it would have to be unambiguous in certain areas, there would be room for development in others. If, however, something was excluded from it, this would be not for some tactical reason but because it was right that this element should be excluded.

13. Alderdice noted that an Irish Government response to the UUP paper would not be available until Tuesday. He saw two options: (i) delegations might try to put into a statement what they felt had been, or could be, agreed between them; or (ii) a way should be found of indicating that there had been no substantial agreement. The statement could be prepared by the Chairman, by the British Government or by the two Governments.

The Chairman felt that, if today's meeting ended with no responses to the UUP paper other than dissatisfaction, it would be very difficult for him to indicate areas of agreement between the delegations.

The Secretary of State agreed with Alderdice. He felt that, as the paper dealt primarily with Strand Two and the Irish Government would be an operator of Strand Two institutions, Irish Ministers must be given an opportunity to respond to it. There was, however, a parallel need to conclude this period of talks with, if possible, a statement emanating from all participants which offered a reasonable hope that there would be talks at some stage in the future and that the present period of talks had been worthwhile. He agreed with Hume who had some time ago described these talks as very constructive. They were the most constructive talks which had yet taken place, despite the limited nature of their success.

It was important to have a statement which all participants would stand over. Some time was needed to prepare this. It should be drafted not by the Chairman but by the delegations. He suggested, therefore, that, without prejudice to what Irish Ministers might say tomorrow about the UUP paper, delegations should consider the content of a possible statement. Mentioning that he would have to make a statement in the Commons, probably on Wednesday, he envisaged that delegations might agree a "core" for what each of them might separately wish to say

about the talks.

Hume agreed with the Secretary of State. He wished to see a continuation of the bilateral discussions which had been the basis of the UUP paper. His understanding was that the SDLP and the UUP had agreed to request further information from both Governments. It was quite clear that these bilaterals would not end today or tomorrow. He hoped that delegations, accepting that the Talks would not continue beyond Tuesday, would use the remaining time to achieve a constructive and positive statement. He would be happy to indicate to the Chairman what he wished to see in the statement.

The Secretary of State said that he also had some suggestions for this statement.

14. Paisley objected to the change in the agenda for the meeting which the British Government, with SDLP support, was proposing. This conflicted with the agreement reached by Heads of Delegation last Friday.

He asked Hume whether the matters in the UUP paper had been put to the SDLP by the UUP and, if so, how the SDLP had reacted. As the UUP's bilaterals with the Irish Government had involved Ministers rather than civil servants, he could not put the same question to the Irish Government delegates present today.

Hume replied that the SDLP/UUP bilateral discussions had been of an exploratory kind, covering a range of different subjects. The UUP paper was simply a written expression of the party's views. In view of the bilateral nature of the discussions, he was not prepared to say whether or not the paper went further than the discussions. Asked by Paisley whether the paper contained anything new, he replied "No". Asked for clarification of the subjects on which the two parties had evidently agreed to seek additional information from the Governments, he replied that this was factual information on the subjects which they were discussing.

15. Alderdice complained that there had still not been a liaison meeting in relation to a number of Strand Three meetings. He wondered if this could be arranged for tomorrow, when Irish Ministers would be present.

Secondly, while he understood the wish for an agreed statement, he advised caution. People were not stupid. The standing of the parties might be improved if they were openly to admit their failure rather than issue a bland agreed statement. Alliance were not prepared to agree to something in which they did not believe.

Maginnis agreed, warning that people in NI would not be "hoodwinked" and would respect only "action and results".

The UUP would not put their hand to a statement which did not truly reflect the failure around this table.

The Secretary of State said he had never suggested that a statement should be other than realistic. However, there had been a lot of constructive things over the past six months which provided a foundation for progress. He was prepared to be called a "Charley" in a just cause (though not in an unjust one).

16. Paisley said that reasonable progress had been made in Strand One. There had been progress between three of the parties and the British Government had seen no difficulty in implementing the proposals. Strand Two was different because of the territorial claim, the one thing on which everything else hinged. Remarks by the Taoiseach and by Seamus Mallon over the weekend had made clear that the Irish Government had had no intention at any time of dealing with this. In an interview today, Mallon had been adamant that this was the bulwark behind which nationalists would fight to the death.

Mallon intervened to ask Paisley if he had a transcript of these alleged remarks. When Paisley said that Mallon had been urging a "no surrender" position on the Irish Government, he repeated the request for a transcript. Paisley said it was "good, heavy stuff anyway".

17. Paisley asked Maginnis if he agreed with Hume's comments on the paper, in particular his suggestion that it contained nothing new. He again said that he could not expect Irish Government civil servants, in the absence of their Ministers, to indicate whether particular points had been put by the UUP to the Irish Government.

Maginnis said that, as a number of things had been said in the UUP's bilateral contacts which might be open to misinterpretation, the party had decided to define as clearly as possible what it believed should be the nature of a North/South structure. What was new in the paper was the extent to which the UUP would be prepared to implement the Strand One process and to develop the Strand Two process. The proposal that an agreement should be aimed at in these areas was put more explicitly than on previous occasions.

As regards the seeking of additional information from the Governments, this idea had arisen following an indication by Reg Empey (after one bilateral with the SDLP) that the extent of current contacts between the administrations in NI and the Republic was not entirely clear. It had been decided that information should be sought about this.

Asked by Paisley to confirm Hume's indication that SDLP/UUP bilaterals would continue, he said that they would do so as long as the process continued but would

end once "the shutters are pulled down".

18. Robinson sought assistance in understanding Maginnis' state of mind in the preparation of this paper. He assumed Maginnis had had some understanding from the bilaterals with the SDLP that a paper like this would help to break the log-jam? Maginnis replied that his party's impression had been that there were some in the SDLP delegation who were seeking information sincerely and who wished to move on towards some form of agreement.

When Robinson asked whether the contacts had seemed to the UUP to hold out the possibility of an "interim agreement", he replied that there had been occasions when they felt that, if they made an effort, the SDLP might reciprocate.

Robinson then asked whether, if the UUP and the SDLP had reached a stage where Maginnis thought that an "interim agreement" might be possible, the SDLP were in some way "holding back". Hume replied that this was not so. It had been agreed that an approach would be made to both Governments for information. That information was awaited. (He went on to suggest, in an aside to the Chairman, that the two Unionist delegations were wasting time).

19. Farren expressed concern that participants in bilaterals were now apparently expected to report back to the Committee. The SDLP had understood the bilateral process as essentially one of clarification and exemplification. They had reached a general understanding with the UUP and required some technical input. However, they had had no understanding that anything like an "interim agreement" would be possible. These words were quite new to Farren.

The Chairman intervened to say that he would not regard any party which engaged in bilateral discussions as under an obligation to answer questions from any party which had stayed away from bilaterals.

Paisley said that he had posed two questions arising directly from the paper before them. He had asked (i) whether the paper contained anything new; and (ii) about the "information" which the two parties would apparently be seeking from the two Governments. He was entitled to seek clarification of these two points. He was not, however, trying to pry into what had been said at informal bilateral meetings. He again doubted that the Irish Government delegates present would be in a position to answer his questions. He posed them instead to the SDLP.

Hume reiterated that an agenda was being discussed today with which he had disagreed last Friday. He had assumed

that he was attending today to discuss an entirely new paper from the UUP. He did not expect to find himself discussing the UUP's minutes of its bilaterals with the SDLP and the Irish Government. He asked Maginnis why the latter had not sought the production of a joint paper with the SDLP.

Maginnis noted that no such proposal had come from the SDLP. He recalled that he and Hume had had an exploratory discussion at the first SDLP/UUP bilateral and that it had been agreed that two members from each party would meet to take this further. They had endeavoured over the subsequent three weeks to reach a clearer definition of their positions. Maginnis had felt obliged to define the UUP's position in advance of the ending of the talks.

20. The Chairman observed that further discussion of this kind would not progress matters. The Irish Government's response would be heard when Irish Ministers came tomorrow.

Paisley sought clarification that the Irish Government would address his two questions tomorrow. The Chairman replied that "you'll have to see tomorrow".

Secretary Dorr noted that Paisley had not wished to pry into the bilaterals and had felt free to pose his two questions only because they had been suggested by today's discussion of the UUP paper. He drew attention to the fact that he himself had said nothing today about any bilaterals involving the Irish Government. Using Paisley's argument, he suggested that it would be inappropriate for questions to be asked about the Irish Government's bilaterals.

Paisley responded by seeking nonetheless Secretary Dorr's comments on what had been said today.

21. The Secretary of State proposed at this point a meeting of a Business Committee, or a sub-committee of the Plenary, in order to work on a draft agreed statement.

Paisley opposed this, saying that he had yet to hear the Irish Government's response to the paper. The Secretary of State pointed out that he could hear this tomorrow. Hume said that everybody knew that this stage of the talks would end tomorrow and that they should give some consideration now to what they might say. The Chairman said that this would be useful and noted that the Secretary of State had a draft text.

Robinson asked whether it was being assumed that the Irish Government's response to the paper would be negative. The Chairman said that participants were making an "informed guess" to that effect. The Secretary

of State suggested that delegations might proceed to the drafting exercise contingently. Robinson agreed to do so on the assumption that the Irish Government's response would be negative.

Secretary Dorr said that he would not want the Irish Government's position in this matter to be prejudged. He recalled his earlier indication that we were glad to receive the paper, that we would report on it to our Ministers and that it was open to them to react to it tomorrow. He did not want any assumptions to be made about the character of the response which Irish Ministers might make. He indicated that he expected Ministers to attend the Plenary scheduled for 3 p.m. on Tuesday.

22. It was agreed that a sub-committee comprising two members of each delegation would meet at 4.15 p.m. to work on a draft agreed statement.

DD

David Donoghue
9 November, 1992