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**Reference Code:** 2021/94/37

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Meeting of Liaison Group

London, 22 May 1992

1. The Irish side was led by Sean O hUiginn, accompanied by Declan O' Donovan, Joe Hayes and David Donoghue. The British side was led by Quentin Bell, accompanied by Ambassador Blatherwick, Robert Alston, Peter Bell, Graham Archer and David Hill. The meeting lasted for about two hours and was followed by lunch.

Review of the week's meetings.

2. Thomas reviewed developments during the week.

The institutional proposals which the parties had tabled on 11 May, and which were subsequently considered in the sub-committee, were examined in Plenary from Monday to Wednesday. There was a serious and committed debate, in which strong views were expressed but which also manifested a willingness on the part of all parties to listen to the views of others. The party leaders were prominent in the debate but important contributions were also made by Messrs Mallon, Empey and Robinson. At one point, Hume characterised the present round of discussions as "the most genuine talks in twenty years".

During Monday's debate on the SDLP paper, the other three parties made clear that the externality feature of the SDLP proposals was unacceptable to them and would never win acceptance from the people of Northern Ireland. Robinson described the proposal for Commissioners nominated from outside the UK (and unaccountable to it)

as "a war issue". He also claimed (in a comment which was open to literal, as much as metaphorical, interpretation) that it would be "suicidal" for anyone to advocate acceptance of these proposals. Molyneux commented that anyone who served on the Commission would be "a quisling to Ulster". Alderdice was equally firm in the view that the proposals would be unacceptable. Asked whether the SDLP expected their proposals to be accepted by the ordinary (Unionist) voter, Hume replied that this would depend on the political leadership given to the Unionist community in this respect.

Three particular objections were raised by the other parties. First, the process for the selection of the external Commissioners, and the responsibilities given to them, would undermine the constitutional position of Northern Ireland. (The SDLP questioned this). Second, the Commission would not be democratically accountable. (The SDLP's response was confused; they did not indicate clearly to whom the individual Commissioners would be accountable). Third, the relationship between the Commission and the Consultative Assembly required clarification. It was not made clear where legislative power would reside, partly because the SDLP were not consistent in their choice of model (the EC or the US) for the proposed separation of powers. They did, however, offer to go into the question of powers in greater detail.

Other objections included the observation that (as the Commission would act by unanimity) the Dublin-nominated Commissioner would have a veto on all decisions. There was also a complaint that, if these proposals were compared with the positions reached in the Sunningdale Agreement and the Anglo-Irish Agreement, it was clear that the SDLP were trying to "move the goal-posts".

The SDLP responded to these criticisms by arguing that respect for the "Irish identity" required an element of direct involvement for the Irish Government and that anything less would be a betrayal of constitutional nationalism. They warned about the possibility of paramilitary exploitation of such a betrayal. Seamus Mallon made an effective presentation of the need, from the SDLP's perspective, for proposals to be put forward which stood some chance of commanding Republican support. As the SDLP saw it, their proposals were very modest indeed, perhaps the least which could be done in order to win Republican support.

When the Unionists complained that matters relating to the "Irish identity" were proper to Strand Two, the SDLP suggested that the solution would be to move straight away to Strand Two. The Unionists objected, holding out for "some idea of the framework" before they could proceed to Strand Two. Molyneaux said that to move to Strand Two with everything still open between the parties would be degrading to everyone.

The debate on the SDLP paper took a full day and reverberated through the subsequent debates as well.

In Tuesday's discussion of the Alliance paper, Hume suggested that Assemblies did not work and that an Executive requiring 70% support from an Assembly would be very vulnerable. The exchanges were fairly gentle, with the SDLP raising a series of questions about the nature of the Executive, how people from various traditions could cooperate within it, etc.

Discussion then turned to the VUP paper ("perhaps the thinnest" of the four proposals). The problem with the

proportionate allocation of Committee Chairmanships, Thomas observed, is that each Chairman is the captive of the majority on his Committee. Drawing attention to the misconduct of Unionist Chairmen on District Councils, Hume asked how the SDLP could take seriously a proposal which would involve individuals with that kind of background. (Empey acknowledged that there had been considerable misconduct but argued that constitutional uncertainty was the real poison which had to be eradicated). The SDLP claimed that the UUP model was designed to preserve majority rule. In a very convincing critique, McGrady suggested that, one way or the other, Unionists would ensure that they were still in control of the key committees (e.g., finance or coordination). Thomas observed that the UUP model was clearly very vulnerable to that line of attack.

The DUP model, which was debated on Wednesday, was clearer in its attitude towards collective responsibility - the DUP Committees would not be bound by this doctrine. There was some talk of creating power centres within the system via mechanisms such as a 'House Committee'. During this debate, in response to a comment by Mallon that a broader context (which would accommodate the "Irish identity") was required, Paisley referred back to the statement of 26 March 1991. Recalling the decision that the Irish Government would not be involved in Strand One, he interpreted this as an acknowledgment that the Irish Government had no role in relation to transferred matters. Yet the SDLP proposal envisaged a direct role for Dublin in such matters. The SDLP, Paisley contended, was clearly trying to "move the goal-posts". McCrea warned bluntly that Dublin would be kept out of any devolved Government.

In a more conciliatory intervention, Empey suggested that



the "Irish identity" would be properly accommodated in the "agreed Ireland" (a Hume phrase) which the talks were setting out to achieve. In another intervention which echoed SDLP language, Robinson asked the SDLP why they felt they had to be represented by people from Kerry or Cork and why they could not stand on their own feet. The DUP wished to see an accommodation between "the people who live in Northern Ireland". Hume responded to this criticism with the argument that a conventional majoritarian system was not possible in a place like Northern Ireland which was an illegal, gerrymandered entity.

3. Q hUiginn thanked Thomas for this presentation. He observed that the SDLP were exposed to political risks in these talks which were no less than those faced by the Unionists. He drew attention to the fundamental problems created for the nationalist community by the establishment of Northern Ireland. Northern nationalists had been cut off from the rest of Ireland. The manner in which Northern Ireland had been set up gave them a permanent minority status. There had been a degree of active discrimination against them (though it was fair to say that these problems were by now not of an ongoing, but of a residual, nature). The SDLP were faced with the dilemma of how to persuade their constituents that these fundamental wrongs were being put right.
  
4. Thomas noted that Alliance were as opposed to the SDLP proposals as the Unionist parties. Q hUiginn suggested that, for our present purposes, there was no essential difference between Alliance and the Unionist parties. (In further discussion of the Alliance Party over lunch, the Irish side expanded on this point, observing that the real divide was between nationalism, represented by the SDLP, and unionism and that it was natural and

predictable that the divide should be between the SDLP and the others).

5. Summing up the Irish view of Strand One so far, O hUiginn observed that the discussions revealed a constitutional divide which continued to be deeply intractable. On the other hand, the debate had clearly been engaged in a serious and committed way and the fact that there had as yet been no walkouts was encouraging.

#### Looking ahead

6. Thomas summarised the exchanges between the Secretary of State and the party leaders on what should happen next. At the leaders' meeting with the Secretary of State on Thursday, there was a shared sense of gloom. The Secretary of State had "pressed Hume a bit", underlining the level of opposition to the externality aspect (though the other parties did see points of interest elsewhere in the SDLP paper) and recommending the "park and ride" approach. When Hume had countered with the argument that the SDLP were looking at the matter in a fresh way (given that the Unionists would not agree to discussion under Article 4 of the Agreement), Mayhew had described this as a respectable position which, nevertheless, was unlikely to hold up as a public posture.

It was agreed that the Secretary of State would prepare a paper which would attempt to expand the common ground between the parties and would propose ways in which the two basic models might be modified. This paper would be given to the leaders by Monday evening, with a view to establishing whether it provided a basis for further discussion. The parties would be asked to stand by for a possible Plenary discussion on Tuesday afternoon.

Thomas indicated that one possibility which the British side would consider was that of the co-option of "external" members of a Commission (a facility open, for example, to the US President in the choice of his Cabinet). In order to make this aspect of the SDLP proposals more acceptable, the directly elected Commissioners might be enabled to co-opt members from, for example, the Irish Government and the European Commission.

O hUiginn commented that the "park and ride" option was highly unlikely to be acceptable to the SDLP. The "twin-track" model might be more attractive, but it was important that everything should leave and arrive on the same tracks at the same time. Perhaps a "ro-ro" ferry was the best model. He emphasized the need for the SDLP to be satisfied that a properly balanced basis existed for going forward to Strand Two.

The political reality, O hUiginn continued, was that these talks were about finding a replacement for the Anglo-Irish Agreement. There was no warrant to assume that this could go in only one direction (i.e., towards a reduction in the Irish Government's role or amendment of the Irish Constitution). This was certainly a viewpoint but it was by no means axiomatic. He saw a difficulty in the Secretary of State referring (as he had done) to the potential for a reduction of the Irish Government's role (under Article 4 of the Agreement) when the basis for these talks, insisted on by the Unionists, was that they were taking place outside the present Agreement.

#### Planning for the substance of Strand Two

7. Thomas indicated that the British were thinking in terms of an opening meeting in London which would begin with



remarks by Sir Ninian Stephen, to be followed by statements by the British and Irish Governments and thereafter by statements from the parties (in alphabetical order as in Strand One). There would then be a discussion of these initial presentations, with "clarifications" being sought as required. It was for consideration whether certain matters might then be remitted to sub-committees. Much would depend on how Sir Ninian Stephen chose to conduct the proceedings. (He might, for example, decide to convene a meeting of the Business Committee as his first act).

O hUiginn noted that it might not prove possible to replicate exactly the procedures followed in Strand One. He also agreed with a British suggestion that a meeting might take place between representatives of the Governments and parties and, say, Mr George Thompson in order to resolve possible procedural difficulties in advance of the opening meeting.

It was agreed that a sensible distribution of work in Strand Two might be to devote the London meeting (probably three working days) to the opening presentations and clarifications and to move thereafter to Belfast.

Sir Ninian Stephen

8. Hill said that the Secretary of State had written to the party leaders to alert them to Sir Ninian's arrival on 24 May and to offer them the choice of seeing him now or at a later stage. The British proposed to tell Sir Ninian that they hoped that some form of agreed report would be generated from Strand One. The parties would be free to say whatever they wanted to him. It was hoped that the presentations made by the two Governments would be

reasonably consistent.

A draft press line for use in the period following Sir Ninian's arrival was discussed.

O hUiginn indicated some timetable constraints for the Minister for Foreign Affairs over the coming week. A programme for Sir Ninian which would include calls on the Taoiseach and the Minister for Justice would be arranged for next week and provision might also be made for a separate visit thereafter to enable Sir Ninian to meet the Minister for Foreign Affairs.

As regards Sir Ninian's accommodation in Belfast, the British side indicated that two options under consideration were the Culloden Hotel and a house belonging to the Montgomery family. George Thompson had indicated that the former would be preferable and he would be inspecting it during his visit.

A Senior Personal Secretary would be assigned to Sir Ninian (whose tasks would consist of typing, answering the phone, making arrangements for his wife, etc).

It was noted that the terms of a letter formally confirming Sir Ninian's reappointment required to be agreed.

#### Logistics for Strand Two

9. Hill said that the London venue would be either the Queen Elizabeth II Conference Centre or Lancaster House. (If Strand Two opened in the week beginning 1 June, it would be the former; if in the week beginning 8 June, the latter; in either instance, a "warm-up" period of three to four days - essentially for security "sweeps" - would

be required).

A number of organisational points relating to the Stormont venue were also discussed. On cost-sharing for Strand Two, the promised British response would be communicated to us shortly.

*David Donoghue*

David Donoghue

25 May 1992

cc PSM

PSS

Mr. Nally

Mr. Brosnan

Joint Secretary

Ambassador London

Ambassador Washington

Ambassador Canberra