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Meeting of Liaison Group

Dublin, 29 May 1992

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move to Strand III,  
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Strand II)*

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

Review of the week's meetings

2. Thomas rehearsed the main developments during the week.

At his meeting with the party leaders on Monday, the Secretary of State suggested that he might table a paper which would attempt to tease out common ground between the parties' proposals. Accordingly, a paper offering versions of the two main models was circulated on Monday evening.

In the course of discussions which the Secretary of State had with the leaders on Tuesday morning (both jointly and separately), a number of points emerged clearly. The SDLP favoured a twin-track approach which would leave two models of equal status and validity on the table as the parties proceeded to Strand Two. The Unionists, on the other hand, regarded it as a necessary prerequisite for the transition to Strand Two that there should be at least provisional agreement on a single framework (i.e., they wished the SDLP proposal to be taken off the table).

It was agreed that a Plenary at 4 pm that day would invite the Business Committee to look at the papers on the table. Making this proposal in the Plenary session,

the Secretary of State suggested that the Business Committee might appoint a sub-committee which would report back to Plenary on Monday 1 June (and which would also be free to deal with the substance of the proposals if this proved possible).

The party leaders then spoke. Paisley attributed the basic difficulty to John Hume's statement (during the discussions with the Secretary of State that morning) that he would not accept majority rule and to his need for Dublin to be represented in the internal government of Northern Ireland. Molyneaux spoke of a deadlock, which he blamed on the SDLP's consistent requirement for a structure of government not vulnerable to a majority and on their proposal for non-elected Commissioners, which he found objectionable. Alderdice underlined the need for efforts to circumvent the impasse.

Hume described the talks (up to the point where the parties had tabled their institutional proposals) as the best in twenty years. He emphasized the need for institutions to which all in the community could give their allegiance. He also underlined the importance of relations with the other part of Ireland. Noting that the Unionists seemed of the view that the three strands were sequential (rather than parallel), he challenged this with references to the statement of 26 March 1991. Robinson responded by insisting that Strand Two was indeed sequential and consequential and that it would not be possible to go to Strand Two without an idea, even in outline, of the structure of internal government which was contemplated.

The sub-committee began its work (unminuted, at the request of the SDLP and agreed by the others) and there were some frank and constructive exchanges. On Wednesday, it was agreed that it would be helpful if a new model could be prepared which, while different from those previously put forward, would nonetheless be capable of attracting support from the various parties. It might start from an assertion of common principles (e.g., agreement on "acknowledgment of the Irish identity" would provide a basis for proposing "external Commissioners or whatever").

The sub-committee's work was still in progress. Thomas mentioned that there had been an unfortunate misunderstanding on Thursday. It had been agreed that the British Government team, or some members of it, would take soundings from the parties in order to see how the proposed new model might be carried forward. However, the SDLP, who had apparently not realized that these exchanges were to take place, could not be found. The British side hoped that the SDLP would not conclude that there had been bad faith on the British Government's part.

Summing up, Thomas said it was difficult to avoid acknowledging that an impasse existed at present.

#### British proposal to move to Strand Three

3. O hUiginn said that the Irish side had been alarmed by reports which it had received of a proposal put by the British Government to the parties for an immediate transition to Strand Three. He was reassured, from

Thomas' account of the week's developments, that these reports seemed to be groundless.

4. Thomas acknowledged, in evasive terms and with evident embarrassment, that "some ideas have been canvassed" in a non-committal way in the sub-committee. (Ambassador Blatherwick said that Irish Government concern about a proposal to move from Strand One directly to Strand Three had been mentioned to him by the Secretary to the Government). Alston situated the move in the context of efforts which were made in the sub-committee on Wednesday to summarize the range of options which might be pursued.
5. Pressed by O hUiginn to clarify whether the British Government had put forward a proposal for a direct transition from Strand One to Strand Three, Thomas said that he was not aware of anything put in those terms. (As the sub-committee's work was not being minuted, it was effectively a "black box" and he could not be sure of what was going on there). British Government officials had been canvassing ideas informally in the hope of helping the sub-committee to find its way through the problem.
6. O hUiginn underlined the alarm caused by rumours of such a proposal at political level in Dublin and the need for him to know, for the purpose of providing appropriate reassurance, whether a proposal had been put forward on the lines he had indicated. Thomas replied that "such a notion" had been canvassed in non-committal terms in the sub-committee. The British Government's formal position with regard to the transition to Strands Two and Three remained as set out in the statement of 26 March 1991.

"We may have put on the table a paper which canvassed options - but we did not make proposals". Ambassador Blatherwick supported this, describing the paper in question as an aide-memoire or 'non-paper', not a formal proposal. Thomas went on to suggest that the idea of a direct transition to Strand Three was not considered a good one by anyone. Alston indicated that it had been one of a number of ideas which had surfaced during Wednesday in the sub-committee. Asked where the idea had come from, Thomas replied that he did not know.

7. At that point, the meeting was adjourned for ten minutes at the request of the Irish side in order to permit consultations on this development.
8. Upon resumption, O hUiginn gave a detailed exposition of the Irish Government's concerns along the following lines.

Underlining the need for trust between the two Governments, he recalled that the statement of 26 March 1991, the basis for the present talks, had been the product of elaborate and protracted negotiations. One of the central points which it addressed was that of the relationship between the three strands.

By any fair-minded analysis, the formulation which was adopted in the statement amounted to a clear rejection of the condition of "substantial progress" which the Unionists had endeavoured to attach to the transition to Strand Two. The Secretary of State was given the power to decide on the appropriate moment for launching Strand Two. This power contained, of course, a subjective



element. In their tete a tete discussion at the 27 April Conference, the Secretary of State had told the Minister for Foreign Affairs (according to an agreed note prepared by the Joint Secretaries) that he would use his "best endeavours" to get Strand Two underway within four to five weeks.

It would now be necessary to brief Irish Ministers to the effect that reports of a different model put forward by the British Government were not entirely without foundation. Irish Ministers would wonder how the assurances of "best endeavours" which they had received in relation to the transition to Strand Two were compatible with the proposal for a move to Strand Three contained in a paper which, the parties believed, had the prestige of the British Government behind it. Even the most junior members of the British Government team would be aware of the crucial importance attached by the Irish Government to the transition to Strand Two. The Taoiseach and his Ministers would regard this as a British Government paper and would not be amenable to the procedural disclaimers with which the British side had sought to dismiss it.

In view of the need to provide the Government with an authoritative briefing on this matter, O hUiginn asked that a copy of the paper be made available to the Irish side since, in view of what the British now said about it, this must surely help to dispel the suspicions to which it had given rise.

9. O hUiginn went on to indicate that this was not the only aspect of the British Government's stewardship of Strand

One which had given rise to unease on the Irish side. Irish Ministers were baffled as to how to reconcile with the assurances of "best endeavours" a situation in which the Unionists were refusing to move to Strand Two while the SDLP proposal was on the table. It was unacceptable that, in a process where "nothing is agreed until everything is agreed" and where the very word 'strand' implied an inter-relationship between the three sets of talks, one party should not be allowed to define its starting-point for the process as a whole.

Furthermore, not only had the British Government not exercised its influence to keep the process in line with a fair-minded interpretation of the 26 March terms but the proposal to move now to Strand Three involved a radical departure from the 26 March understandings. The transition to Strand Two was now apparently to be conditional on progress not just in Strand One but also in Strand Three.

10. In response, Thomas emphasized the Secretary of State's commitment to the 26 March statement and to the understandings he had reached with the Minister for Foreign Affairs in this connection. However, while he would use his "best endeavours" to achieve the transition to Strand Two, his role was limited to that of proposing the transition. He had also indicated to the Minister for Foreign Affairs that, should he be unable to do this within the period discussed, he would take it that the process was in trouble.

The sub-committee's brief was to consider ways around the prospective impasse. It was agreed that people should be



able to talk freely and without commitment and that the proceedings should not be minuted (i. e., confidentiality was to be maintained even more strictly than in relation to other sessions of the talks). As an aid to discussion, the British Government had put a working document on the table, without any commitment on the British Government's part. Thomas was not sure where it rested at present; he suspected that it may already have been superseded and forgotten. It was unlikely, in any event, that the British Government would wish to advance a proposal of this kind - and certainly not without consultation with the Irish Government (as the proposal seemed, at first sight, difficult to reconcile with the 26 March terms). The paper had arisen, Thomas suggested, as a result of "a chap sitting around, trying to think laterally and positively, throwing something spontaneously into the discussion and perhaps taking too literally the agreement that sub-committee matters were to remain confidential".

11. In response to O hUiginn's renewed request for a copy of the paper as the simplest way of allaying concern, Thomas undertook to report the request but felt that it would be difficult to meet it (in view of the position the Secretary of State had taken on the provision of Strand One documentation). The particular confidentiality attaching to the sub-committee's work would, if anything, accentuate the difficulties. O' Donovan suggested that, as the idea of a move to Strand Three intimately concerned the Irish Government and bore on the process as a whole (rather than solely on Strand One), this should make it easier for the Irish request to be met.

12. Thomas disputed the complaints made about the British Government's stewardship of Strand One. The British side had at no point indicated acceptance of the Unionist precondition of "substantial progress" (though the Secretary of State "knows about the understandings in people's heads"). It was also incorrect to think that the Secretary of State favoured removing the SDLP proposal from the table. He had merely indicated, in a private discussion with John Hume, his view that one aspect of the SDLP proposals would be unacceptable to the other parties. He had not expressed a view on behalf of the British Government.

In response, O hUiginn commented that the British Government was not perceived as an uninvolved bystander in relation to the process. The role of the British Government was seen by all as by far the most important factor governing the evolution of the process and it was straining credibility to suggest that its influence was of no consequence.

Any dispassionate observer would say that it was not reasonable that the SDLP should be required to modify their best attempt at what they considered to be acceptable structures, as a precondition for moving to Strands Two and Three. However, not only was the British Government not using its influence to bring a more accurate sense of perspective to the Unionist parties but the only manifestation of its influence of which we were aware was a paper which implicitly endorsed the Unionist refusal to go to Strand Two. To the best of our knowledge, the British Government's influence had not been deployed in a way which might persuade the

Unionists to go ahead to the other strands.

If the British Government wished merely to pursue an internal approach, it was free to do so - but it should not associate the Irish Government with something which amounted merely to "putting new labels on old bottles".

O hUiginn went on to underline the desire in Northern Ireland for arrangements which would be new, radical and fair. With all the participants in the process committed to "a new beginning for relationships" within these islands, it would be tragic if that scope to do something new was now, by a process of attrition, reduced to something resembling the failed efforts made by all previous Secretaries of State for Northern Ireland. Advantage should be taken of a generation of Northern Ireland politicians who knew that they had only one chance left to find a way out of the labyrinth, and whose prestige would be a great asset in persuading people to accept an imaginative new approach.

Political failure in Northern Ireland, O hUiginn warned, was not neutral. The current British approach, however, was taking the process into areas where political failure seemed inevitable.

13. In subsequent discussion, the Irish side continued to dwell on the British Government's failure to put pressure on the Unionists. Commenting on the Secretary of State's conversation with Hume, O' Donovan observed that to tell Hume, whether in private or in public, that part of his proposals was unacceptable was in itself a form of pressure on the SDLP. He also noted a tendency on the

British side from the outset to urge the SDLP to back away from the more contentious elements of their proposals before the latter had even been discussed.

O hUiginn asked whether the Secretary of State had told the Unionist parties that he respected their right not to go forward to Strand Two but did not agree with it. He had given the SDLP the impression that not only had he not done this but that, if pressed, he might do the opposite.

14. The British side responded that the Secretary of State had said nothing which might justify that impression. They also suggested that there were limits to his influence; while he could bring a certain amount of influence to bear, he could not force compliance on key issues. They remarked that, whether right or wrong, the Unionist refusal to accept the twin-track approach or to move to Strand Two with the SDLP paper on the table were facts of life. They also tried to shift attention away from the 'Strand Three' paper towards the efforts being made in the sub-committee to come up with a new model capable of attracting support from all sides.

#### Looking ahead

15. Summarising the way forward from the Irish Government's perspective, O hUiginn emphasized the need to restore an agreed interpretation of the 26 March terms, i.e., for Strand Two to be launched "within weeks" of the opening of Strand One and without any endorsement of the 'substantial progress' stipulation. The Secretary of State might judge that Strand Two could be launched on

the basis of some procedure which endorsed either all or none of the proposals tabled. The Irish side would be ready to consider an arrangement which permitted both of the main models to go forward. Furthermore, if it was considered helpful that Strands Two and Three might be launched simultaneously (as originally envisaged), O hUiginn would be willing to submit this to the Government for consideration.

Recalling the importance which some Unionists had attached last year to getting to Strand Two, O' Donovan commented that it would be very unfortunate, especially in terms of public opinion, if the process as a whole could not be tested this time round.

16. The discussion on this point continued over lunch. O hUiginn repeated the point that while the British side could not of course force the unionists into strand two, it was of great political significance <sup>to</sup> whether Sir Patrick did or did not formally make the proposal for the transition, since failure to do so amounted to a tacit endorsement by the British of the unionist insistence on the withdrawal of the SDLP proposal as a pre-condition for the transition. Moreover, there were, as both sides knew, some unionists who wanted the transition in any case, and who might themselves welcome British pressure on recalcitrant colleagues. Thomas asked whether Irish Ministers were now formally proposing that Sir Patrick now put the proposition to the parties. O hUiginn said that they were not making a formal proposal at this point, but their position on an early transition was known. If Sir Patrick did not propose the transition at some opportune point, Ministers would note that



significant omission and draw their conclusions. If the process faced failure, which it would if unionists refused to move to strand two, there was in any event little to be lost by exploring the residual hope that a British proposal to investigate the other levels of the process might in fact be a catalyst to move things forward. The British view remained that Sir Patrick would see little point in such a move. They were optimistic however that the discussions in strand one did not face immediate collapse.

Sir Ninian Stephen

17. There was a brief discussion of Sir Ninian Stephen's decision to defer his visit to Northern Ireland on the advice of the Secretary of State. It was noted that none of the parties had so far taken up the invitation to meet Sir Ninian.

Sharing of Strand Two costs

18. The British side handed over a note (attached) in response to the Irish side's paper of 6 May on this subject.

Venues for Strand Two

19. It was agreed that the Irish side would be given an opportunity next week to inspect the two possible London venues.

*David Donoghue*

David Donoghue

2 June 1992

cc PSM, PSS, Mr. Nally, Mr. Brosnan, Joint Secretary Ambassador London,  
Ambassador Washington, Ambassador Carerra.



## COST SHARING BETWEEN THE TWO GOVERNMENTS FOR STRAND 2

1. The British side was grateful for the Irish side's paper received on 6 May, replying to the British side's note of 9 January.

2. The British side acknowledges the Irish side's confirmation, in paragraph 2, that it favours the principle of a shared budget for Strand 2 costs. We also note for the agreements offered in paragraphs 5 and 7 of the paper and the provisional agreement in paragraph 6. We will provide further information in due course, to allow the Irish side to reach a final decision.

3. The British side has considered the Irish side's comments in paragraphs 3 and 4 of its paper, which have also been the subject of discussion in the Liaison Group. The British side wishes to reach an amicable agreement with the Irish side on these issues.

4. The British side also wishes to explain that, where there have been areas of uncertainty about whether it would be appropriate to invite the Irish side to contribute, the British side has erred in favour of the Irish side. For example, the British side has not sought to reclaim the cost of relocating staff displaced from Parliament Buildings specifically to meet the requirements of the Irish Government delegation. This displacement of staff necessitated the rental of other accommodation.

5. With these points in mind, the British side felt it reasonable to invite the Irish side to meet in full the costs of providing suitable accommodation and facilities for the Irish delegation bearing in mind that -

- (i) The British side was meeting in full the costs of the accommodation for the other delegations which, under the agreed groundrules, will be required in Strand 2 as well as in Strand 1;

(ii) Because of the seniority of the members of the Irish delegation accommodation was required to a standard in excess of what would be needed by the Northern Ireland Civil Service after the talks had ended. For example, because of the expected involvement of the Taoiseach, new private toilet facilities were provided which would not otherwise have been needed. Also, in order to provide accommodation for the Taoiseach appropriate to his status a room which was hitherto fitted out as a TV/Radio interview room had to be stripped and upgraded. Another similar room also had to be converted back to provide additional office support accommodation. The standard of the accommodation prior to the refurbishment was quite adequate having regard to the seniority of the occupants and would not have required upgrading in any reasonably foreseeable circumstances.

(iii) Insofar as there might have been a need for a certain level of redecoration HMG would not have countenanced any expenditure at this stage because Parliament Buildings as a whole is due to be emptied, stripped and refurbished.

6. Taking these points together, the British side would argue that the circumstances in Parliament Buildings were not analogous to those which would arise over the use of, for example, Dublin Castle. As the British side understands it the latter exists as a Government hospitality and conference centre on which a financial return can be obtained over a period of years. By contrast, Parliament Buildings is, in effect, a block of working offices, normally used by the Northern Ireland Departments of Finance and Personnel and the Environment which has had to be adapted to meet the requirements of the political talks. Following the Talks process the planned major overhaul of the building including the talks areas will still be required before it can be reassigned for future use.