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copy given to me
by Denis Hanley:
original sent to
Sean O. Dwyer

Report of a meeting of the Strand II Committee
3.45 p.m., Thursday, September 3rd.

Mr. Cullen
Sullivan
7/9/92

Mr. O'Sullivan
h.k.
5-9-92
419

Ian Paisley

Before we begin Mr. Chairman, I would like to say that one of the assurances we received when these talks began was that if any party leader asked for an adjournment, for the purpose of consulting with his colleagues, that it would be accommodated immediately. Yet when I asked, just now, for an adjournment for that purpose, I was accused of bullying. If that is to be the way in which requests for adjournment are to be treated, then we are going to have to work out rules of procedure and rules of order.

Sir Ninian Steven

I am afraid that what happened was entirely my fault and I apologise to you for that. I should of course have responded immediately and positively to your request for an adjournment.

We now have a document which leaves untouched the wording of the Government of Ireland final paper, and which includes, without attribution, the wording of the papers submitted by the various parties. Paragraph 7 of the Irish Government's paper seemed more an exaltation

than an obstacle and that is the reason why it is not included here.

(Sir Ninian reads the various headings in the paper which he has prepared).

This paper was drawn up in extreme haste and I regret its imperfections. It is of course open to amendment but it seemed to me to be a useful tool for opening up discussion on the issues before us.

David Andrews

We have a problem, Mr. Chairman, in relation to the Government of Ireland Act. Whereas you have placed the first in your paper the issue of Articles 2 and 3, and have given it a lot of space, the Government of Ireland Act and its effects are relegated to a lonely and lowly position in paragraph 3. We need to have a look at the positioning of this issue, because we perceive the Government of Ireland Act in a way that is every bit as serious as the Unionist view of Articles 2 and 3. Now the March 26 statement is quite clear in that it allows for all issues to be raised.

Sir Ninian Steven

By way of explanation could I say that there were rather more comments on the question of Articles 2 and 3 than on the Government of Ireland Act, and that is why it comes first in the paper which I prepared. The paragraph of the Irish Government's submission which mentions the Government of Ireland Act, is the only one to specifically raise that issue, but the full paragraph from their paper is included. However I am open to amendments.

David Andrews

I wish therefore to make an amendment.

Padraig Flynn

We did not think that the question of numbers around the table would determine the priority which any particular issue would receive. However I believe that this is not an insurmountable problem; it is listing issues by number which appears to give priority to certain issues over others.

(A lengthy discussion followed of how it might be possible to avoid the appearance of giving priority to one issue over another).

John Hume

If you were to withdraw this paper, Mr. Chairman, and simply submit the headings as an agenda for discussion would that not suffice?

Sir Ninian Steven

Yes, but we would then lose the benefit of the points made in the various papers submitted by the parties.

John Hume

Lets be blunt, Mr. Chairman. The fear is that this document will appear some where else. If that were done, then the wording could compromise one or other of the parties.

Sir Ninian Steven

I take that point, because if this document were leaked then the Irish Government could be accused of attaching little importance to the Government of Ireland Act, since it is buried in paragraph 3C.

(Discussion continued on how to deal with this matter).

Sir Ninian Steven Perhaps we should collect the paper and simply use the headings.

Seamus Mallon Could I suggest that the heading "Constitutional Issues" might be used to include both the question of the Government of Ireland Act, and the question of certain articles in the Irish Constitution.

Peter Robinson That would confuse two entirely separate issues.

Ian Paisley Yes. We need to maintain a clear distinction between these two listeners. I repeat opposition in regard to the Union. The Union is not up for negotiation in these talks. However, if other parties wish to discuss the effects of the Government of Ireland Act, then they are perfectly entitled to raise that issue.

Peter Robinson I don't think that you Mr. Chairman, can be criticised for putting the Government of Ireland Act in paragraph 3, because it was in paragraph 3 of the Irish Governments own document.

David Andrews That is an entirely bogus point, Mr. Chairman. Our document was clearly stated not to be an exhaustive or prioritised list of obstacles.

John Hume We are all politicians here. We know what our differences are and we are here to discuss those

differences and to try to resolve them. In our own paper we used sensitive language, so that our paper might not be used to embarrass other parties.

(Discussion continued on these matters for some time)

Seamus Mallon

The more paper is circulated in these talks the more difficulties it creates, especially at this crucial stage of the negotiations. I believe that you can't negotiate if everything is going to be on paper. The only things we should commit to paper are the agreements which we reach. Now, we are trying to put some structure on our discussion. How do we order our discussions so that no appearance of priority is given to one issue over another? When paper is produced the paper tends to become the important issue and the matters in the paper of secondary importance.

Ian Paisley

But, we do need something on paper so that we can have something to speak to. We must have some order in our discussions; we must have an agenda.

Jeremy Hanley

This discussion clearly illustrates the difficulty trying to help some people. You Mr. Chairman selected these issues in this order so that a logical sequence of discussion might be provided. You did so as a totally impartial, Chairman and I believe that your independence and impartiality has been exemplary. I think we all ought to accept that and to pay tribute to it.

John Hume

Bearing in mind the sensitivities of the various parties around the table, I propose that article 1 on the agenda should be "Constitutional Matter"; a) relating to Northern Ireland; b) relating to the Republic of Ireland.

Ian Paisley

It would need to be made clear that Constitutional Matters relating to the South mean the relationship between the North and South. The heading you have given, go to the heart of the problem and there is no point in smoothing over these matters.

Peter Robinson

Why should we not take each point on a separate piece of paper without numbers?

Seamus Mallon

We spent yesterday talking about one of the constitutional issues and dealing with Mr. Paisley's point of view in regard to that. Today we have spent most of the day dealing with Mr. Paisley's problem in relation to other constitutional issues. As we must have the maturity to discuss all of the issues on the table whether we like them or whether we don't.

Ian Paisley

I am not going to talk about things that I was assured were not going to be on the agenda. At the beginning of this process the Government of Ireland Act wasn't even mentioned. It only came up when we raised the issue of Articles 2 and 3. Now the union is not within the competence of this body to deal with. However, if the effects of the Government of Ireland Act are to be raised, that is different. Any party has the right to raise that issue

and I will listen to what they have to say, even if I do not agree with it.

Peter Robinson

It was Mr. Mallon's party who raised the issue of Articles 2 and 3. His leader demanded to know from Dr. Paisley the answer to certain questions in relation to Articles 2 and 3.

Sir Ninian Steven

I like Mr. Robinson's proposition that each of issues be set out in a different sheet of paper, however, I will not undertake to staple the sheets together.

Padraig Flynn

Dr. Paisley, in one of your submissions you refer to the unconstitutionality of the Anglo-Irish Agreement and you repudiate that agreement. And yet you later ^{quote} cut the agreement in support of your case. Now you can't have it both ways.

Ian Paisley

But, it was the Irish Government who accepted the Anglo-Irish Agreement - I did not. They can't blame me for pointing out that they accepted the Anglo-Irish Agreement and committed themselves to it and making it clear to the public to what they committed themselves to.

Jim Nicholson

We shouldn't go away from here without agreement on the agenda. I suggest that we should give you 10 minutes to draw up the agenda.

John Hume

I second that.

Sir Ninian Steven

We are adjourned until 5 pm. That session of the committee adjourned at 4.40 pm.

Report of a meeting of a Strand 11 Committee
5.05 p.m., Thursday, 3 September, 1992.

Sir Ninian Steven

We should begin by recalling the task set us by the plenary - "in order to facilitate plenary etc" (quotes from the plenary's mandate). Secondly, if the parties feel that it is useful to have copies of the other party's points in relation to obstacles, we can supply you with unidentified copies of the other party's papers in a relatively short time.

The agenda which I am proposing starts with the lack of adequate channels of co-operation and communication between North and South. Item 2 of the proposal agenda is terrorism and lack of general co-operation on security. Thirdly, the failure to accommodate the Nationalist Community in Northern Ireland, and the consequent problems of allegiance of that community. Fourthly, constitutional matters requiring consideration as a consequence of the foregoing.

Do you want the circulation of "sanitised statements"?

Ian Paisley

Yes. That would be helpful.

David Andrews

Yes.

John Hume

Yes.

Ian Paisley

The agenda which you have set out would not be acceptable to us. There is a nettle that needs to be grasped, and we need to grasp it. We would simply reserve our position, until the real problem is dealt with, and that is why we insist that it should be at the top of the agenda, because we cannot deal with problems of communication or problems of co-operation until this matter is dealt with.

Sir Ninian Steven

I thought it might be helpful to build up trust and confidence by discussing less contentious issues first.

Padraig Flynn

I propose that we omit the words "lack of co-operation" and simply say "terrorism, and co-operation on security matters".

Jeremy Hanley

We would support that.

(Loud and heated DUP objections)

Sir Ninian Steven

There is an element of pre-judging in use of the term "inadequate co-operation" and I believe it should be omitted.

Seamus Mallon

I propose we adopt the agenda as amended.

Ian Paisley

We do not accept it.

Jim Nicholson

As far as I am concerned we will insist that the obstacles which we see in the way of progress will have to be discussed, and presumably others will insist on discussion of the obstacles which they see. We are prepared to go forward on that basis.

Ian Paisley

Articles 2 and 3 are the "Berlin Wall". How are we going to communicate over a wall? If that's the way it's done then we simply sit here and listen until Articles 2 and 3 come up.

David Andrews

I propose that we adopt the agenda as amended.

Peter Robinson

I propose that we deal with Articles 2 and 3 first. If you go ahead with this agenda, then we will simply adopt the same position as the SDLP did in Strand 1. We will reserve our position on every matter until we receive satisfaction in relation to Articles 2 and 3. We will of course reserve the right to comment on issues as they arise, but there will be no agreement until Articles 2 and 3 are dealt with.

Jeremy Hanley

We accept the agenda as proposed. During Strand 1 of these talks we were able to move backwards and forwards as issues arose and I believe that it will be possible to do so in Strand 2 as well.

John Hume

I have listened to what the DUP has said and I accept entirely their point of view. We are all reserving our

position until there is agreement across the board on all of these matters.

(At this stage there was a call for a vote to be taken. Sir Ninian asked for a vote of all the parties who supported the agenda as amended. It was supported by all parties except the DUP.)

Sir Ninian Steven

I adjourn these talks until next Wednesday. The papers will be available in 10 minutes. This session of the committee adjourned at 5.25 p.m.

Continuity ?

Jeremy Hanley These issues are not on the agenda as you have indicated, Sir Ninian. There is no issue to be discussed.

David Andrews An adjournment is sought by Mr. Paisley, so lets have it.

Sir Ninian Steven Mr. Paisley, if I was to hand you the elaboration made by Mr. Andrews, it might be helpful to resolve this issue. elaboration

David Andrews We will consider your suggestion.

Ian Paisley Yes, we will look at it but I am still seeking an adjournment.

Sir Ninian Steven We will have the composite list ready quite soon.

Ian Paisley In fifteen minutes.

Sir Ninian Steven Yes

Peter Robinson Its unfortunate that some matters have been grouped together with nothing between them in common and I believe that these matters should be separated.

Sir Ninian Steven If you like you can have them listed separately. There should be no difficulty in doing this.

Padraig Flynn

If others matters then are to be listed numerically, then I would suggest that the Government of Ireland Act should be listed as a separate issue.

Sir Ninian Steven

Wait until we see the list.

The meeting then adjourned for the fifteen minutes requested by Mr. Paisley.