



**An Chartlann Náisiúnta**  
**National Archives**

**Reference Code:** 2021/95/44

**Creator(s):** Department of the Taoiseach

**Accession Conditions:** Open

**Copyright:** National Archives, Ireland.  
May only be reproduced with  
the written permission of the  
Director of the National  
Archives.

SECRET

Meeting with Mr. Ken Maginnis and Mr. Reg Empey

1. The Tanaiste, accompanied by Mr. Fergus Finlay and the undersigned, travelled to Dungannon on Sunday the 28th November, for a meeting with Mr. Ken Maginnis and Mr. Reg Empey. The meeting, which lasted two and a half hours, took place in informal conditions in Mr. Maginnis' home.
2. In preliminary conversation, Reg Empey<sup>said</sup> he had been greatly concerned at the time of the Shankill bombing that matters were going over the edge. He was impressed with the volume of condolences and messages of support, many of them anonymous, which he had received from the Republic and would try to publicise them.
3. Turning to the broader issue, Ken Maginnis, having expressed appreciation for the Tanaiste's courtesy in travelling to Dungannon, said that his invitation was not a knee-jerk reaction to recent events. He felt it would be very useful to talk to the Irish Government about language, even if they could not talk about solutions. The importance of language had been shown in the Talks. He felt it would be valuable to look together at the language of the six principles. They had been told that there would be no change in the status of Northern Ireland without the consent of a majority there. In the light of their experience with Article 1 of the Anglo-Irish Agreement, this assurance was not fully adequate.
4. The Tanaiste deplored the "mutual incomprehension" which characterised some aspects of North-South relationships. He explained that Northern Ireland was at the top of the agenda for the Government and for him personally. There was a process of profound change in the South. Neither the Taoiseach nor himself wished in any way to threaten

Unionists or the Unionist position, in the ways that had been alleged. There were two possible avenues to progress. The Talks process was a step in the right direction. There was also the question of whether it was possible to achieve a total cessation of violence and a background of peace for such negotiations. The Irish Government wished to see whether there was some mechanism which could stop the violence of the Provisional IRA. They were fully aware that the cost must be very limited. They did not want a Loyalist backlash. They did not want anything which drove Paisley and his supporters wild. They did however believe it was right to explore whether peace could be available on conditions consistent with the basic principles of all concerned.

5. Reg Empey said the Unionist community also wanted peace, but the IRA were muscling in on that sentiment. The cost of peace was the issue. The Unionist community did not know what that cost would be. Empey said that if the cost was for British Government to say that the unification of Ireland was politically desirable, then, notwithstanding all the guarantees which were in existence, that left the unionist community on foundations of shifting sand. It would bring out the worst fears and would amount to coercion for them. The credibility of the British Government in the Unionist community was low in any case, and would be even worse after the Observer leak.
  
6. Maqinnis said that they did not have a problem with the legitimacy of the nationalist aspiration. It was legitimate, and it was not for a British Government to confer or withhold such legitimacy. The problem was the insatiable appetite which nationalism showed to "tie the unionists down". The Unionists would be devaluing their own aspiration by valuing the nationalist aspiration.

7. Mr. Maginnis then went through the Tanaiste's six principles one by one: In relation to the first principle, he recalled that Article 1 of the Anglo-Irish Agreement had appeared to be a full guarantee, but the Dublin Supreme Court had ruled otherwise. The issue of status was "carefully not defined". He felt the reference to North and South introduced an unnecessary ambiguity, and suggested it should be reformulated to say that "people in Northern Ireland should determine their own future".
  
8. On the second principle, he had informed Mr. Molyneux that it was generally in line with Unionist thinking but again the expression "North and South" was undesirable. It would be preferable to say "between Northern Ireland, the Irish Republic and the two islands". He felt the third principle appeared to negate the concern expressed in principle one, and recalled again that the status of Northern Ireland was not defined.
  
9. As regards the fourth principle, he was a little unsure of what it meant. As regards the fifth principle, about enshrining consent in fundamental law, he was somewhat surprised because it seemed to imply that the Republic was not at present committed to consent. He accepted it was intended to be reassuring, but said it needed clarification.
  
10. On the sixth principle, he felt it would be better to say that a place in the political process would follow when the people had repudiated rather than stopped violence. Otherwise he accepted that that was a political reality. Martin Smyth had had "head stagers" in the way he had handled it, but the Ulster Unionist Party were political realists. They had learned to play the hand they were dealt. His suggestion was that the principles would be interesting if the language were made clearer and there were less emphasis on North and South.

11. The Tanaiste explained that without taking account of the Southern dimension they were unlikely to solve the problem. Instead of denying that dimension they should look to the South and the real possibility of understanding which now existed.
  
12. Q hUiginn pointed out that the consent principle meant that as a matter of reality, Northern Ireland was likely to stay within the United Kingdom for a very long time into the future. If that was the case, Unionists had an urgent duty to address the problems of the nationalist community. In one sense the Unionists were "winning" since the present exercise was after all about how even the extremes of nationalism could come to terms with the reality of the Unionist position. It was necessary now for Unionists to show imagination to bring about a new situation where nationalists also could feel a sense of "ownership". To achieve this Unionists would have to go beyond their present defensive positions.
  
13. Ken Maginnis said the paper which he had tabled at the end of talks showed that he was seized of that. Reg Empey said that they were fully aware that an internal solution would not work. Their position was not based on an internal solution. The Irish side asked whether Jim Molyneaux's remarks in the debate on the Queen's speech did not bear that construction. Paisley also seemed to confirm that he was ad idem with the UUP on this point.
  
14. Maginnis said that Molyneaux's message was that if we were not ready to grasp the nettle of the constitutional claim, there was no point in saying that at the end of the process, when we are satisfied with everything, we will consider dropping Articles 2 and 3. He harked back to the Talks process in Dublin Castle. Unionists had thought they had

been in the 100 yard race and were told they were in a 200 yard race. The Irish side must be more pragmatic.

15. The Tanaiste explained that there was now a new Government, with a new Programme, and a new make-up. That Government had the largest majority in the history of the State. The previous Talks had taken place against a background where a general election was on the horizon. The present Government had the authority and numbers to carry through major change in relation to the Northern problem.
  
16. Empey recalled their disappointment that a concession apparently offered in Dublin Castle had been taken off the table again. Maginnis said that his paper, allowing for the technicalities of it having been withdrawn, was still available for discussion.
  
17. Empey repeated again that they wanted the Provo violence to end. They did understand that the Unionist aspiration was realised, the nationalist was not, as far as the nationalist community in Northern Ireland was concerned. The question they asked was what they could do to both ensure that the Unionist aspiration is not "unrealised", but to make Northern nationalists as comfortable as possible with that position. They worried about statements that the British Government were taking "no selfish interest in Northern Ireland". Such statements appeared to point to a day when the Unionist aspiration would no longer be realised. The price of bringing Gerry Adams into the process could be that the Unionists would fall off the edge.
  
18. Maginnis, reverting to the Hume-Adams "document", asked about the notion of a timescale. Unionists feared hidden agendas.



19. The Tánaiste made clear there were no hidden agendas. The lesson of the 1980s was that no-one could be excluded from a settlement. There was a need for the utmost clarity now, even if the issues had been fudged then. He himself, the Taoiseach and the Government wanted straight talking. The Unionists should be clear that the Taoiseach and Prime Minister were not proposing to endorse the Hume-Adams process. The Governments would assume their own responsibilities. The overall picture was that they wanted to bring everyone into a peace process. The Unionists could not be asked for a price that they were unwilling to pay. Both Governments and all of the parties had to keep working to "square the circle". He drew attention to the disastrous scenario that would ensue if violence continued. On the other hand an end of violence would transform the situation and make Talks much easier. There was a new situation in Ireland. The old categories of unity, etc., could be transcended.
20. Mr. Maginnis reverted to the Strand One proposals in the Talks. These had not spoken of power sharing but of responsibility sharing. There was a pro-rata allocation of Chairmanships, vice-chairmanships, etc. They were weighted majorities for areas of constitutional sensitivity. Hume had wanted six Commissioners. The Unionists had conceded three. That was against Maginnis' own better judgement, but he accepted the position of Reg and other colleagues. Even then Hume had not been satisfied, so they went to Strand Two to no avail. He felt the Talks had gone as far as they could in round-table format. Afterwards bilaterals were needed. If the language could be got right, then the realities could be looked at, including crunch issues. Then a look could be taken at what could be done with Sinn Fein. Nobody had spelt out Sinn Fein the cost of refusing the "leg-up" they were being offered of participation in the political process. If he were talking to the UVF he would

have no compunction about making that point strongly to them. They would be dismantled from top to bottom. The same should happen to the Provos. Both Governments had done that ruthlessly before.

21. The Tanaiste pointed out that Sinn Fein knew the consequences of such failure. There was no ambivalence about security cooperation down the years. Portlaoise was full of Provos, who had no need to be told of the consequences of what they did. He pointed out that Sinn Fein had got a derisory vote in the last general election.
  
22. Empey said that was not the true picture. Maginnis thought there had been a noticeable element at the Fianna Fail Ard Fheis, partly motivated by support for Hume, partly by support for Sinn Fein. The Tanaiste pointed strongly to the lead the Taoiseach had given his own party. If the Taoiseach had an Agreement that he wanted to stand over, he would lead his party to accept it. Empey asked again what Ulster Unionists should say to Sinn Fein for the process. The Tanaiste said it was Molyneaux's responsibility to brief his party and asked if he had done so. The replies were evasive but seemed to imply he had not. Maginnis indicated that the outlines were not well-known or being misrepresented by people like Taylor. Molyneaux would not have passed on anything given to him on a Privy-Council basis.
  
23. O hUiginn said the Taoiseach saw the thing on two levels: Agreement could be attained between all sides that, whatever the differences, they should be resolved exclusively by peaceful political means. Secondly, there was the question of the practical structures which could be put in place in such circumstances. These structures would probably draw heavily on work done in the Talks process, but the Taoiseach



was anxious to keep the "big idea" of peace separate from the details of structures, etc., since the inevitable debate on these could cause people to lose sight of the "big idea".

24. Just as Unionists could not accept an exclusively all-Ireland framework for negotiations, the Republican movement would find it very difficult to accept an exclusively British, i. e. Northern Ireland, context for negotiations. A framework had to be found which was to some extent neutral for both and therefore generally acceptable. Secondly the principle of consent could not be used, as the DUP were inclined to do, as the jumping-off point for an argument that nationalists were compelled by the logic of the consent principle to acknowledge an exclusively British nature for Northern Ireland.
25. A general discussion followed about identity and allegiance, including the manner in which these complex matters were reflected in the rugby field. Empey thought there was a danger that attempts to reconcile the two identities meant that the Unionists had to be neutered before they were allowed onto the pitch. Northern Ireland could be "an amorphous mass at the mercy of events". In attempting to make Gerry Adams comfortable, there was a risk that at the other end of the "sausage machine" his own British nationality was fudged and reduced to the same position as that of nationalists now.
26. The Tanaiste said that was not where the Irish Government wanted to end. The issue was not about making Gerry Adams comfortable. If there was some other expression which could be substituted for "status", that could be looked at.
27. Empey acknowledged that Unionist tradition had over-emphasised flags and emblems. However the idea of some

other flag undermined the unionist status. There may be neutral symbols in some other areas which could be worked on. Where however you had a clash of identities you had a problem which had to be faced unless these identities were subsumed into something else. He wondered whether the problem was insoluble?

28. Maginnis thought that a "Brits out" approach or joint authority would lead nowhere. He felt that not enough work had been done with extreme Republicans to show what consent really meant. He welcomed the emphasis which he saw the Taoiseach placing on Nationalism as opposed to Republicanism. That was accurate. He said they could not accept that Northern Ireland should become some kind of protectorate.
  
29. The Irish side explained that there was no attempt to impose joint authority and that the consent principle meant what it said. There was no problem in the people of Northern Ireland taking a greater say in their own affairs. The mechanisms for that would build on the Talks last year. However the process whereby that result could be arrived at was complicated, given that a framework had to be created which nationalists, no less than unionists, could regard as their own. That required the "new beginning" spoken of. The discussion then adjourned for tea in the kitchen, in circumstances which made it inappropriate to take detailed notes. The following were the main points which I recollect:
  
30. Maginnis urged strongly a "carrot and stick" approach to the Provisionals. The stick should be a threat of internment. He recalled how successfully this had been done in the past. The Tanaiste made clear, that while those who were guilty of IRA violence would be punished, the option of internment was not a realistic one in modern circumstances. It would be

still less realistic against the background of current developments.

31. Empey pleaded strongly for a genuine relationship between the British and Irish Governments and the Ulster Unionists. Arrangements between the two Governments were no longer excluded. They could not however prosper if the approach was to "shaft the Unionists".
  
32. The Tanaiste said that there might have been a time where he would have believed the British Government could force the Unionists to a particular course of action. The more he had studied the issue, the more he had become convinced that that was not now possible. His strong conviction now was that everyone had to work together.
  
33. Maginnis stressed the danger of loyalist backlash, exemplified by the Greysteel murders. The Tanaiste said that nothing would be achieved by invoking the paramilitary threat on one side or the other. All of these horrors confirmed the importance of negotiations, and above all of talks between the Irish Government and the Ulster Unionist party. He underlined the absurdity of the present lack of dialogue. James Molyneaux was in many ways the most important man in the island at the moment in terms of the future of all Irish people. He asked that Maginnis and Empey should use their influence to persuade him to have a meeting with the Tanaiste under whatever conditions were convenient.
  
34. Maginnis responded that Molyneaux had his own way of doing things. He tended to delegate. He was aware of the present meeting. They could "twist his arm" for such a meeting. He would agree if they insisted, as he had done at the time of the Dublin talks, which Maginnis recounted at some length. They agreed however that they would consult him, and

canvassed, without commitment, the possibility of a meeting in London on Tuesday.

35. In response to their question, the Tanaiste indicated that he was ready to have the meeting either on a one-to-one basis, or with aides as appropriate. Maginnis' suggestion was that at least part of the meeting might be with aides involved.
  
36. There was some more general discussion about the parameters of a possible accommodation. The Irish side suggested that the more the Unionists insisted on the presentational formalities of the union, the greater the risk they would damage the substance of the union which they wished to protect. Mr. Molyneaux had spoken of "repulsing all attacks on the citadel", but it would also be important to consider what happened in the citadel while the gates were kept closed.
  
37. Maginnis said that one of the problems was that John Hume always seemed to be chipping away at the foundations of the Union and there was an appearance that the Irish Government were aiding and abetting him in that process. The Tanaiste suggested that if that had been his objective, he could have very comfortably have stayed in Kerry. It was because he wanted an accommodation which safeguarded all positions, including those of the Unionists, that he was so committed to dialogue. He suggested that the present meeting be taken as an opening one, and that the process of dialogue should be developed further. Maginnis agreed that they would look on their side at the areas which had been specified and see where the areas of agreement were likely to lie. It was understood that they would come back to the Tanaiste on the question of a meeting with Molyneaux.

Sean O hUiginn  
29 November, 1993