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11/7/91

Discussions in Australia on arrangements for Chairmanship
of Strand Two of the Round-table Talks

1. The British and Irish Governments, in formally writing to Sir Ninian Stephen on the 21st June to advise him of his functions as Chairman of Strand Two (letter at Annex 1), also indicated that senior officials would be travelling to Australia in the following week to respond to any queries he might wish to pose.
2. In accordance with the above, John Chilcot, Permanent Under-Secretary at the NIO, and I travelled to Australia and held discussions in Canberra and Melbourne on the 26th and 27th June with, respectively, officials of the Australian Foreign and Prime Minister's Office, and Sir Ninian Stephen. We were accompanied at the meetings in Canberra by the British High Commissioner (Brian Barker), the Deputy High Commissioner (Ian Mackley) and the Irish Ambassador (Martin Burke), and in Melbourne by the British Deputy High Commissioner, Ambassador Burke and the British Consul General.

Meeting at DFAT

3. The party was received at the Department of Foreign Affairs and Trade in Canberra by the Secretary, Mr. Richard Woolcott, who was accompanied by the Assistant Secretary, Western European Division, Mr. Mark Pierce. The meeting was quite brief, perhaps reflecting the fact that the Prime Minister's Department saw itself as having the primary responsibility in agreeing and coordinating the arrangements for Ambassador Stephen's release. (Sir Ninian, though Australian Ambassador for the Environment, is actually responsible to the Prime Minister's Department and not the DFAT).

4. Apart from a general message of goodwill and support, the only practical development at the meeting was the agreement of the DFAT, in response to a query from Chilcot, that office space in Australia House in London (the Australian High Commission) would be made available if required by Ambassador Stephen.

Meeting at Prime Minister's Department

5. The meeting was chaired by the Secretary of the Department, Mr. Mike Codd, who was accompanied by his Deputy, Mr. D. J. (Sandy) Hollway. At the outset, Chilcot and I expressed warm appreciation for the prompt decision of the Australian Government to agree to the release of Ambassador Stephen for the talks and for the strong support which they expressed for the efforts of the two Governments to get the process under way. I referred in this regard to the gracious and generous words of support from the Prime Minister to the Taoiseach when they spoke on the phone about the request to release Ambassador Stephen.
6. Mr. Codd had prepared a detailed briefing paper for the meeting (Annex 2), which was partially based on questions signalled in advance through the two Embassies. The principal points in the paper were:
 - the terms and conditions of service of Ambassador Stephen were a matter for the British and Irish Governments and the Chairman-designate, who will be "undertaking the task in his personal capacity, not as an Australian official in any sense";
 - the two Governments should provide Ambassador Stephen with a Personal Secretary while he is in Britain and Ireland;

- Ambassador Stephen had chosen as Private Secretary Mr. George Thompson, a "high quality officer" in the Prime Minister's Department. Mr. Thompson's full costs, including salary, annual leave, expenses, superannuation, travel, etc., should be met by the two Governments - the costs involved to be covered in the first instance by the Australian authorities, with reimbursement being sought on a regular basis from the two Governments;
- office accommodation in London for Ambassador Stephen to be provided, if required, at Australia House. As regards the Dublin end, the Australian Embassy would probably not have suitable accommodation for this purpose; in this regard, I said that hotel accommodation in Dublin could be organised to include suitable office facilities;
- as regards security, the Australian view was that there was little or no risk to Ambassador Stephen while in his home country. Chilcot said that the British saw no real risk to the Ambassador while he was in London; moreover, they believed that in Northern Ireland he would be a low level security risk while the talks were taking place. However, Chilcot added that the risk factor might increase if a successful outcome to the talks were to appear likely and/or imminent. I said that our initial view was that there was no risk to Ambassador Stephen while in the South; we presumed, however, that all the relevant security personnel would stay closely in touch with each other.

George Thompson

7. At the end of the meeting, Mr. Codd introduced George Thompson of his Department who, he said, had been accepted by Ambassador Stephen as his Private Secretary. Thompson, then and later, came across as bright, articulate, committed and having an easy, relaxed manner. Ambassador Burke subsequently discovered in confidence that Codd had nominated Thompson over three names submitted by the Foreign Ministry; given the anglophile approach of many of the senior personnel in the Foreign Ministry (including the Secretary, Richard Woolcott), this was an encouraging development, which probably reflected the interest and concern of the Prime Minister in ensuring a suitable appointment. (Burke also learned that Thompson has holidayed on a number of occasions in Ireland). Ambassador Stephen, who had not known Thompson previously, seems to have automatically accepted the recommendation from the Prime Minister's Office.

Ninian Stephen

8. We met Ambassador Stephen on three occasions over two days. On the evening of the 23rd, the British Consul General in Melbourne arranged an informal dinner at which Ambassador Stephen was accompanied by his wife. We subsequently had a three hour formal meeting (with George Thompson also present) at his office the following morning; this was followed by an informal lunch, hosted by Ambassador Stephen.

Remuneration and other arrangements

9. Chilcot, on the basis of the British per diem paid to Chairpersons of high-level Public Commissions (the most recent being Lord Runciman's Commission into the administration of justice), had suggested before the meeting

that a fee of £400 Sterling per day might be offered to Ambassador Stephen. This would be calculated on the basis of a five day week while Ambassador Stephen was in Britain and Ireland in connection with the talks, or travelling to and from the two islands. Stephen, when the proposal was put to him, said he would like a few hours to consider the offer; he subsequently telephoned Chilcot and myself (separately) to confirm his acceptance.

10. On the sensitive issue of accommodation for Stephen in Northern Ireland, Chilcot agreed beforehand that he would not mention Hillsborough Castle as an option. When sounded out on his wishes, Stephen seemed to send a signal that his preference would be for a private residence or apartment. In this regard, he seemed in particular to wish to develop a relationship with the key players in the talks on a personal basis and saw this as best being achieved through offering private hospitality at his residence/apartment.
11. Stephen also made it clear that he would wish to travel to London and Dublin about a week in advance of Strand Two with a view to meeting the two Governments at political level and also seeing - perhaps in Belfast - the Northern party leaders. He would be accompanied by his wife throughout the process.
12. On other issues, Stephen was quite happy with the arrangements agreed with the Prime Minister's Office (Annex 2) and also with the Rules of Procedure and Staff arrangements conveyed to him by Mr. Collins and Mr. Brooke in their joint letter.

Policy matters

13. Stephen asked quite perceptive questions about the policy objectives of the two Governments and of the parties in the North. Chilcot, while keeping his responses very general, emphasised that there were three areas where the British would insist on having a decisive say whether or not a devolved administration was established in the North: - security (for obvious reasons related to the role of the army), finance (he referred to the annual Treasury transfer to the North of £1.6 billion) and human rights protection (where the British had international Convention obligations).
14. Other points made by Chilcot which are of some interest were:
 - Peter Robinson was the most attractive and intelligent politician on the Unionist side, and had played a key role in stitching the Unionist leaders into the talks process;
 - Jim Molyneaux was very doubtful about the whole process; he also saw an opportunity, in supporting the current anti-EEC trend among a section of the Conservative party, of building himself something of a base among Tory MPs at Westminster, which might subsequently be helpful in a Northern context; and
 - (in response to a question) the Alliance party were "nice". Stephen laughingly said that, in the light of Chilcot's language, he did not need to pursue his questioning on the Alliance role.

15. In the general discussion, during which he posed a range of questions to Chilcot and myself, Stephen showed himself sensitive and reasonably well-informed. He had obviously read much of the material sent to him by the two Embassies.
16. His sensitivity came across clearly in his concern about "language" and in particular his strong desire to avoid using terms which might in any way set the wrong tone. He, for instance, raised a query about the use of Ulster (asking where this left Donegal, which was to the north of any of the six counties). In this regard, he emphasised the importance of the British and ourselves jointly drawing up a glossary of acceptable terms which he might use.
17. Stephen also showed a particularly keen interest in the Irish side's presentation of the potential importance of the European Community dimension to any solution. In a prompt follow-up to our comments, he asked Thompson to draft as soon as possible a comprehensive paper on the structure of the Community institutions and how they operated.

Assessment

18. Overall, Ambassador Stephen struck me as a patient, tolerant, sensitive and unpretentious person. He clearly has a capacity to master a brief quickly and fully - undoubtedly reflecting his long years on the bench - and he also comes across as quietly authoritative. One would expect him to have an easy if correct relationship with the two Governments and to listen particularly attentively to any signals they jointly send him. As regards the parties in the North, one would see Hume and his (European) thinking having a particular appeal for Stephen though, on day-to-day issues, he will probably come to see merit in the approaches of Mallon, McGrady, Robinson and some of the second-tier Official Unionists.

19. Overall - and my views on this were shared by John Chilcot - Ambassador Stephen came across as a tolerant and civilised person of international outlook, who is likely to bring balance and perspective to the Chairmanship of Strand Two.

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Dermot Gallagher

10 July, 1991

cc: PST; PSM; Mr. Nally; PSS: Mr. Brosnan;
Ambassador London; Mr. O Huiginn; Ambassador Canberra;
Joint Secretary; Ms. Anderson.

Department of Foreign Affairs
80 St Stephen's Green
Dublin 2

Northern Ireland Office
Whitehall
London SW1A 2AZ

21 June 1991

Dear Ambassador Stephen,

Our two Governments are very grateful to you for agreeing to accept the appointment as Chairman for the series of discussions that are due to take place between the two Governments and the four main constitutional Parties in Northern Ireland. Although there has already been informal contact through our officials, we felt we should write to advise you formally of what your functions will be.

You will already be familiar with the background to your appointment from preliminary conversations with our officials. The overall process is explained in Mr Brooke's statement of 26 March (a text agreed by all the participants before delivery) which is attached. A copy of the Irish Government statement on the same date is also enclosed.

As you will see, there are three interwoven strands in this process corresponding respectively to the three relationships: within Northern Ireland, within the island of Ireland and between the peoples of these islands. You will chair all meetings of Strand Two which will focus on the relationship among the people of the island of Ireland.

Your role is described in the enclosed Procedural Guidelines which have been agreed with the four Northern Ireland parties.

Additionally, you will wish to have the attached document on Secretariat arrangements which has also been agreed among all participants. Each Government would envisage nominating two mid-level officials who would, subject to your agreement, together comprise a four member note-taking Secretariat for the second strand. We shall also be in contact with the Australian authorities about the possibility of a Private Secretary (perhaps a First Secretary from the Australian DFA) and a personal assistant being made available to you.

It is in the nature of the process in which we are engaged that it is difficult, at this stage, to predict with any certainty what the commitments on your time will be over the period ahead. Our officials will of course remain in very close contact with you as to the date of the opening meeting of Strand Two. While that strand is under way, we would envisage it as a full-time commitment on your part. Our assumption is that, as with Strand One, meetings will be held on three days each week but we expect you will find that the remaining days of the working week are taken up with associated business.

The practical arrangements about the terms and conditions of your appointment will be settled, in consultation with the Australian authorities, once officials have had an opportunity to discuss them with you.

We both look forward to meeting you personally very shortly. In the meantime, our senior officials, who are travelling to Australia next week, will be at your disposal for any queries you may have.

Yours sincerely

Peter Brooke

PETER BROOKE

Gerard Collins
GERARD COLLINS

Procedural Guidelines for the Conduct of Strand Two*

Role of Chairman

1. The independent Chairman will preside over all meetings of Strand Two. He/She will exercise his/her functions in an impartial and even-handed manner.
2. The Chairman will be responsible for the orderly conduct of business. He/she will conduct the proceedings so as to allow an opportunity for full discussion of the issues and will be guided by the objective that the outcome should be agreed by all participating Delegations. To this end, but only after consultation with the Delegations to establish that it would be regarded as helpful, the Chairman may bring forward specific suggestions.
3. The Chairman will consult with participating Delegations in the exercise of his/her functions. A Business Committee will be formed to facilitate such consultation.
4. The Business Committee will comprise the Chairman him/herself and a designated member of each of the participating Delegations. The Committee will be available to advise the Chairman on the day-to-day exercise of his/her responsibilities and to facilitate communication between the participating Delegations and the Chairman. It is envisaged that the Committee will normally meet on days when talks are taking place.

* Note: for the purpose of this document, the term "participating Delegations" refers to the two Governments and the four Northern Ireland parties: Alliance, SDLP, UDF, UUP.

5. In discharging his/her functions, the Chairman will confine his/her consultations to the Delegations participating in Strand Two. Any written submissions which may be received from other groups or individuals will have no status.
6. For the duration of the process the Chairman will not be expected to make any public comment. However, should the need arise he/she will wish to seek the approval of the heads of participating Delegations before doing so.

Conduct of Proceedings

7. The proceedings of Strand Two will be held in private.
8. The Chairman will have responsibility for the convening, postponement and adjournment of meetings, in consultation, as he/she considers appropriate, with participating Delegations. It is understood, however, that any Delegations may request an adjournment of up to 10 minutes at a time and the Chairman shall only refuse such requests if they are made with unreasonable frequency.
9. The agenda for each day's business shall be determined by the Chairman after considering advice from the Business Committee.
10. In addition to the regular plenary meetings the Chairman may, with the agreement of delegations, propose more limited meetings at which all delegations would be represented. He/she may also at any time ask some or any of the participating Delegations to meet with him; and he/she will accede to any reasonable request for a meeting with him from any delegation.

11. All remarks shall be addressed through the Chairman. Time limits on interventions may be imposed at the Chairman's discretion.
12. The Chairman's ruling on all individual questions of procedure and order shall be final.
13. A record of the proceedings of Strand Two will be maintained under the general direction of the Chairman and circulated to Delegations participating in the meeting. Approval of the records of meetings involving all Delegations will be a matter for the Business Committee.
14. Changes and additions to these rules of procedure shall be made only with the agreement of all participating Delegations.

Inter-relationship of Strand Two with Strands One and Three

15. It is accepted by all participating Delegations that nothing will be finally agreed in any strand until everything is agreed in the talks as a whole.

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STAFF IN STRAND TWO

The independent Chairman of strand two will have a personal Private Office staff but he will not have a high-powered Secretariat for the purpose of writing papers on the substance of the talks.

2. There will be a small team responsible for taking a record of strand two meetings. It will be staffed by civil servants selected by the Chairman from nominations put forward by the two governments involved in strand two. The team will work under the direction of the Chairman who will be able to seek advice from the Business Committee on the exercise of this as well as his other responsibilities.

3. In the case of plenary meetings and sub-plenary meetings involving all delegations, the note-taking team will prepare and circulate a record. In the case of meetings between the Chairman and one or some delegations, the delegations concerned will be able to choose between not having a record of the meeting, having a record prepared by the Chairman's Private Office and having a record prepared by a member of the note-taking team selected by the Chairman after consultation with the delegation(s) concerned.

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Annex 2

NOTES FOR DISCUSSION BETWEEN MR CODD AND BRITISH AND
IRISH OFFICIALS ON 26 JUNE 1991

1. Questions of compensation to the Australian Government for the absence of Sir Ninian Stephen from his official duties.

The appointment will create some difficulties and may be at some cost for the Australian Government, since Sir Ninian will in all probability be unable to devote much attention to his role as Ambassador for the Environment. It is likely substitute arrangements will have to be made, for example, in relation to the Geneva Conference in August.

However, these consequences were recognised by the Government when it responded positively to the British/Irish soundings concerning their planned approach to Sir Ninian. The Government recognises the high importance of the task which Sir Ninian has been asked to undertake.

The Government does not therefore seek "compensation" for the absence of Sir Ninian from his official duties.

2. The likely duration of Sir Ninian's appointment, his terms and conditions of service.

It will be useful to hear from Mr Chilcot and Mr Gallagher about the likely duration of the assignment. Obviously this bears on the arrangements the Government will need to make to cover international environmental issues and the normal duties of Mr Thompson (Private Secretary), as well as arrangements for administrative support.

Our working assumption is that the task runs from roughly end June until December, but it is appreciated that this is necessarily uncertain and that the assignment could extend beyond that period.

As to terms and conditions of service, this is very much a matter between the British and Irish Governments on the one hand and Sir Ninian on the other. Sir Ninian will be undertaking the task in his personal capacity, not as an Australian official in any sense.

We would, however, note that what is involved is an international assignment of very high importance, complexity and sensitivity. We would expect that Sir Ninian's terms and conditions would reflect that as well as his own background, experience and seniority.

3. Support staff, and reimbursement by the British and Irish Governments, including provision of a Personal Secretary as well as a Private Secretary.

In relation to the Personal Secretary, we understand that Sir Ninian would be happy for the British/Irish to provide someone for the periods when he is working there. His plan is to use his existing Personal Secretary in Melbourne, while he is in Australia.

The British/Irish should pick up the cost of the former. The Australian Government is prepared to absorb the cost of the latter provided the proposal given below in relation to the financing of the Private Secretary is agreed. Having said this, it is conceivable that the work involved for the Personal Secretary even at the Australian end could become so considerable that Sir Ninian requires supplementary assistance in his Melbourne office: in that case we would want to revisit the issue of financing with the British/Irish authorities.

Should there be any travel for either of the Personal Secretaries in connection with the assignment, that should be met by the British/Irish.

Sir Ninian has chosen as Private Secretary a high quality officer in the Australian Public Service at the appropriate level and with the appropriate qualifications Mr George Thompson (Prime Minister and Cabinet).

To avoid ambiguity about Australian "official" involvement in the exercise, Mr Thompson will be detached from duties with the Department/the Government and attached to Sir Ninian's personal staff.

The British/Irish authorities should meet the full costs of the Private Secretary. This includes salary, annual leave costs, and all employer superannuation contributions etc at the officer's existing public service level; travelling allowance when the officer is away from Canberra at at least the level normally provided to Australian Public Servants; a class of travel and accommodation consistent with that being provided for Sir Ninian; payment for spouse to accompany the officer once overseas in the six month period (which may be for the full 12 weeks of the talks starting in September. This is consistent with Australian practice in relation to short term postings); and office equipment (eg lap top word processor).

In working out the administrative arrangements for paying the entitlements and meeting the costs of Sir Ninian and Mr Thompson the emphasis should be on efficiency and simplicity for all involved

- Sir Ninian will have a direct employment relationship with the British/Irish Governments who will provide his remuneration and meet all his expenses. He should be provided with a Government credit card by them.
- In the case of the Private Secretary, his salary and expenses, wherever incurred, will be met in the first instance by the Australian Government which will seek reimbursement from the British/Irish. He will be provided with an Australian Government credit card and may use that to cover some of Sir Ninian's expenses where convenient; in which case, again, we will require reimbursement.
- The Private Secretary will have normal Australian Government travel entitlements, augmented as required when accompanying Sir Ninian.
- The Australian Government to be reimbursed for any compensation liability arising out of disability or injury sustained as a consequence of the assignment.
- Mr Thompson to be detached from his Departmental position and engaged as a staff member of a former Governor-General
 - Prime Minister and Cabinet administers employment and payment (including superannuation and workers compensation) of staff of ex-Governors-General and this arrangement would guarantee continuity of all Mr Thompson's normal benefits (sick leave, recreation leave, furlough etc.)

4. The question of accommodation in London⁺, and the possibility of the Stephens being accommodated by the Australian High Commission (but at British and Irish Government expense).

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If this refers to office accommodation in London, we think it should be possible to provide that at Australia House. The appropriateness of having Sir Ninian accommodated at the Australian High Commission in London is, however, open for discussion.

If the question refers to residential accommodation, then the British/Irish should meet the costs of whatever accommodation Sir Ninian desires, which would of course be a matter for discussion with him (e.g. hotel, apartment). The Australian High Commission could assist in an organisational sense.

5. Security for the Stephens in Australia.

This will be provided by the Australian authorities. The level of security will be in accordance with threat assessments and the Australian authorities wish to maintain close liaison with their British counterparts in this regard.

OK - not for a while

Salary and other costs related to personnel in Australia will be absorbed by the Government. Costs for works judged necessary by the relevant Australian authorities to enhance the physical security of Sir Ninian's office/residence because of the Ireland assignment should be met by the British/Irish Governments.

6. Ways in which Britain/Ireland can be of assistance to the Australian Government in connection with this exercise.

There are no particular points we wish to make at this stage beyond those covered above.

These notes are not holy writ: they represent what seems at this stage, a fair and workable approach. As things develop, it is conceivable we would need to come back to the British/Irish.