

Page

FROM: Tony Beeton
XDS
15 December 1994



18547

DESK IMMEDIATE

PS/Secretary of State (L&B) cc: PS/Michael Ancram (L&B) B
PS/PUS (L&B) B
PS/Mr Fell B
Mr Legge B
Mr Thomas B
Mr Bell, o/r - B
Mr Brooke B
Mr Daniell - B
Mr Leach B
Mr Shannon - B
Mr Steele - B
Mr Watkins B
Mr Williams B
Mr Wood (L&B) B
Mr Brooker B
Mr Maccabe B
Mr Stephens - B
HMA, Dublin - B
Mr Lamont, RID - B
Mr Lever, Cabinet Office
Miss Collins, Cabinet Office

cc Mr Maxwell

David Beeton

*For new file
(for my personal use)
22/12*

REF NO: XD/R1

EXPLORATORY DIALOGUE: RECORD OF FIRST MEETING, 9 DECEMBER 1994

The first meeting of exploratory dialogue with Sinn Fein began at 10.45 am on Friday 9 December 1994 in Parliament Buildings, Belfast. Present were Quentin Thomas, head of the Government team, Stephen Leach, David Watkins, Chris Maccabe, Jonathan Stephens, and Tony Beeton (Secretary). The Sinn Fein side was led by Martin McGuinness with Lucilita Bhreatnach, Gerry Kelly (Secretary), Sean McManus and Siobhan O'Hanlon (notetaker).

2. Quentin Thomas began by observing the disparity in name plates on the table with Sinn Fein's including forenames while the Government side was more formally identified. Martin McGuinness countered that they had observed another disparity in that none of

CONFIDENTIAL

SIL/EM/24748

the Government delegation were women. Mr McGuinness then asked Mr Thomas how Fred was [an allusion to the contact between the Government and the Provisionals during 1992]. Mr Thomas said he did not know. Mr McGuinness replied "I think you do". Mr Thomas said that he knew who was meant but did not know how he was.

3. Moving quickly to close what had been a somewhat contrived exchange Mr Thomas said that he would make a few opening remarks of welcome.

"Before turning to our agenda, may I say a few words of welcome. I am conscious of a moment of history. But history forms a gulf between us. It is both what divides us and what we have in common. The past hangs like a chain around Ireland's neck, and around Britain's too. The enterprise we begin is to find an accommodation, a reconciliation where these old links become benign and agreed. We must find a way to bury, with dignity, the sacrifices, mistakes and horrors of the past. We share a responsibility - as we have acknowledged before - to work to end the conflict, to secure peace and to look to the future.

Because so much history does lie between us, there is also scope for recrimination. But I hope we can avoid that in this dialogue, because it serves little purpose. We shall seek to avoid the politics of recrimination. (We may not manage to do so altogether.)

On the contrary we shall approach this dialogue in a straight forward way. Where there are differences, as of course there are, we should acknowledge them and work our way round. We shall seek to be constructive. There will be no tricks and no gimmicks. Both sides are suspicious and cautious - no doubt with good reason - and we should proceed step by step. Finding our differences is easy: seeking agreement harder. We shall

look for the common ground and seek to enlarge it, looking for points of agreement and ways of building trust.

"We have an opportunity. I hope both sides seize it. We are for the first time across the table, and acknowledged and authorised on both sides to be so. We have had communication failures before. We have been good at misunderstanding each other. Now we have an opportunity directly across the table to make sure each knows the others meaning. We must work to ensure that we do so.

"We cannot, at this stage, avoid the issue of violence, and of consent. It is not the gun and the bomb which have brought you to this table. On the contrary it is what you have called the armed struggle which has created the need for this exploratory dialogue. That is why the Government is not ready to move at once to the substantive political negotiations which, with others, your electoral support would otherwise justify.

"This dialogue is exploratory and explanatory. But the project before us, the project we begin today - but which will go through and beyond exploratory dialogue - is a bigger one. Can we, between us and in due course with others, for it must be a shared enterprise, find ways within the democratic system of accommodating your point of view, the Republican perspective, as well as that of Unionists and other Nationalists? Can we, thereby, demonstrate the wisdom and validity of your movement's decision to abandon - as we hope you have done - what you term the armed struggle and commit yourself wholly to non-violent and democratic procedures? Can we foresee the possibility foreshadowed, for example, in your discussion document "Towards a lasting peace in Ireland" of "political structures which are capable of sustaining peace"?

CONFIDENTIAL

SIL/EM/24748

"We shall no doubt have to address many difficult issues, of detail and substance. But I hope we keep in mind that larger objective - to work towards a political dialogue, with others, to design and establish political structures capable of sustaining peace and, one might add, capable of fostering a sense of freedom and justice. That is our interest. We believe it is yours and that of all the people in these islands.

"These discussions could not be more serious or of more importance for Ireland as a whole, and for these islands we share. We should do our best to be orderly but not, I hope unduly formal.

"Finally, let me say this. The past, with its triumphs and sacrifices (not forgotten), and with all its mistakes (not yet forgiven) drags behind us. History grasps greedily at our backs - "the mortal hunger of the martyred past". But let us begin together to work towards the future."

4. Mr McGuinness said that he thought that it was a pity this dialogue could not have happened in March last year and he wanted to place it on the record that Sinn Fein found the behaviour of the Government then both reprehensible and incomprehensible. Mr McGuinness then continued, speaking rather rapidly, to read into the record the introduction to the submission to the Government which Sinn Fein later released to the press:

"Sinn Fein welcomes the resumption of discussions between your government and our party and we look forward to a positive engagement which we hope will move the present peace process forward. Sinn Fein enters these discussions on the basis of our electoral mandate. We regret that the British government has failed to recognise our mandate or the rights of our voters. It is essential that Sinn Fein and our voters are accorded parity of esteem and equality

of treatment. We hope, therefore, that this meeting marks the end of the discrimination to which we, as a party, and our electorate, have been subjected until now. There is an onus upon the British government to engage with our party on the same basis that it deals with every other party. Our delegation represents the leadership of our party. This is in earnest of our serious intent to engage meaningfully and authoritatively with your government. Your government needs to respond in kind and with speed.

"We believe that the political climate in which these talks occur could be significantly improved if your government responded positively to the need for a demilitarisation of the situation. An end to British military operations and the speedy release of all political prisoners, for example, would greatly assist the peace process. While such issues should not become preconditions to inclusive dialogue we would urge you to address them as a matter of urgency.

"We regard these discussions as preliminary to the all party negotiations led by both the Dublin and the London governments, which is the essential next stage in the search for a lasting political settlement. It is therefore essential that we apply ourselves energetically to the completion of these preliminary discussions and move quickly to inclusive peace talks. We are confident that we can do so speedily.

"These talks are, in themselves, an historic development and reflect the unprecedented opportunity which has now been created to resolve the age-old conflict between British and Ireland and to build a lasting peace based on democratic principles. As democrats we believe that this settlement should be based on the fundamental right of the Irish people to national self-determination. As Irish republicans we seek an end to British jurisdiction in our country.

CONFIDENTIAL

SIL/EM/24748

"Notwithstanding the many obvious political differences between us, I am sure you will agree that dialogue offers us the best hope of moving forward. We will, therefore, address these discussions and the all party talks which follow on from these, in a constructive, responsible and determined manner."

5. Mr McGuinness completed his presentation at 10.55 am and Siobhan O'Hanlon handed copies of the submission to the Government delegation. Mr Thomas said that we would study this with great interest. But he would like to pick up on one point. Our account of last year's contacts was different from Sinn Fein's. What was apparent was that there had been considerable misunderstanding, but he thought there was no profit in delving into that.

6. Mr McGuinness responded that it would be helpful to Sinn Fein if Mr Thomas's opening words could be available to them, and Mr Thomas undertook to write them up and ensure a copy was forwarded.

Opening statements

7. At 10.56 am Mr Thomas introduced and read into the record the Government's opening statement.

"The Government's priority in Northern Ireland is to help achieve peace, stability, reconciliation and prosperity for all the people of Northern Ireland, and to establish locally accountable democratic institutions carrying widespread support and acceptance within a wider framework of harmonious relations based on consent.

"For the last 25 years, all sections of the community have endured violence and immeasurable human suffering. They have overwhelmingly rejected such violence and supported the principles of democracy and consent, as set out in the Downing Street Declaration.

CONFIDENTIAL

SIL/EM/24748

"That Declaration offered a framework for a better future and set out a clear path by which Sinn Fein and others could come to play a full part in democratic life. There had first to be an assurance that violence was at an end. The IRA's announcement of 31 August, progressively confirmed in actions over the past three months, has made it possible for the Government to open this exploratory dialogue now as the next step in the process.

"It is through this dialogue that peace can be consolidated and Sinn Fein can demonstrate its commitment to exclusively peaceful methods and the democratic process, and so take the opportunity offered by the Downing Street Declaration to enter fully into normal political life. It is therefore of critical importance. Senior Government officials, acting under Ministerial direction, are entering these exploratory discussions with the utmost seriousness and in a positive spirit with a commitment to bringing them, if possible, to a successful and satisfactory conclusion.

"As the Government has already explained, it is entering this exploratory dialogue with the following purposes:

- to explore the basis upon which Sinn Fein would come to be admitted to an inclusive political talks process to which the British Government is committed but without anticipating the negotiations within that process;
- to exchange views on how Sinn Fein would be able over a period to play the same part as the current constitutional parties in the public life of Northern Ireland;
- to examine the practical consequences of the ending of violence.

CONFIDENTIAL

SIL/EM/24748

"As the British and Irish Governments reiterated in the Downing Street Declaration, the achievement of peace must involve a permanent end to the use of, or support for, paramilitary violence. The continuation and completion of this dialogue depends on the IRA's continued adherence to this in word and action, and on Sinn Fein demonstrating a commitment to exclusively peaceful methods and showing that they abide by the democratic process. One of the clearest demonstrations of adherence to these principles will be the safe removal and disposal of illegally-held weapons and explosives. Also important will be clarification of Sinn Fein's attitude to the use of violence for political purposes, and of its relationship to the IRA.

"The Government recognises that Sinn Fein is supported by, and reflects the interests and aspirations of, a significant (though small) section of the population of Northern Ireland, and that this has been demonstrated through successive electoral mandates. The Government wishes Sinn Fein to play a full part in normal political life in accordance with its electoral mandate, but that will only be possible if, over the period of these exploratory discussions, the Government and other political parties can come to be satisfied of Sinn Fein's abiding commitment in both word and deed to exclusively peaceful methods, and to the democratic process. In these circumstances, as far as the Government is concerned, Sinn Fein would be free to participate fully in democratic politics and join in due course in political dialogue between the British and Irish Governments and the political parties on the way ahead.

"The Government's fundamental approach to the future of Northern Ireland is based on the right of self-determination and the principle of democratic consent,

as set out in paragraph 4 of the Downing Street Declaration. The Government reaffirms all its commitments in that Declaration, together with its obligations under international agreements and the guarantees which it has given, including Northern Ireland's statutory constitutional guarantee.

"The Government welcomes the parallel commitments on behalf of the Irish Government to these principles in paragraph 5 of the Downing Street Declaration. It believes these principles have the support of people throughout both parts of the island of Ireland.

"In accordance with these principles, it is the present wish of a greater number of the people of Northern Ireland for Northern Ireland to remain part of the United Kingdom. Northern Ireland is part of the United Kingdom in domestic and international law. The Government is accordingly the lawful and democratically-constituted governing authority in Northern Ireland. There is also a set of geographical, historical and political realities which give the Government of the Republic of Ireland an interest in relevant Northern Ireland issues as acknowledged in the Anglo-Irish Agreement 1985.

"Northern Ireland has a deeply divided community, characterised by traditions and identities which extend beyond Northern Ireland itself to the rest of the island of Ireland and to the rest of the United Kingdom. Northern Ireland has suffered from an absence of agreement on political arrangements which would allow representatives from all main parts of the community to play a full and effective part in the political life of the region.

CONFIDENTIAL

SIL/EM/24748

"The larger part of the population of Northern Ireland retains a strong sense of loyalty to the Crown, believing that its culture and ethos can best be preserved if Northern Ireland remains part of the United Kingdom. The minority community, in general, sees itself as Irish. Politically, many in that community aspire to the achievement of a sovereign, territorially united Ireland.

"The Government acknowledges a responsibility to all the people of Northern Ireland to provide security, stability and good government in general. It is committed to the establishment of a society in which all may live in peace, free from discrimination and intolerance, and with the opportunity for members of all sections of the community to participate fully in the structures and processes of government on the basis of parity of esteem.

"So far as legislation and Government policies are concerned, most - if not all - sources of inequality between the two main parts of the community have now been removed. Intensive efforts have been and are being made to tackle the residual problems of inequality, and to target the areas of greatest social need, wherever they occur. But there remain substantial social and economic inequalities. These further exacerbate intercommunal divisions and reduce the extent to which certain parts of the minority community consider they are treated fairly in Northern Ireland. At the same time, there is evidence of alienation from Government in parts of the majority community on the grounds that the Government are alleged to pay insufficient concern to their legitimate interests and aspirations. These factors may also contribute to the readiness of small minorities, in different parts of the wider community, to resort to terrorism in pursuit of their political goals.

CONFIDENTIAL

SIL/EM/24748

"Terrorism in support of, and terrorism in opposition to, a change in the constitutional status of Northern Ireland has done great damage and inflicted immeasurable human suffering - although it has been steadfastly resisted by an overwhelming number of the people of Northern Ireland. More particularly, it has rendered the search for a just and lasting political settlement, as well as the achievement of economic prosperity, far more difficult. It has also made necessary the substantial commitment of the armed forces in support of the police.

"The Government totally rejects any attempt to promote political objectives by violence or the threat of violence. It is absolutely committed to the achievement of political goals by exclusively peaceful and democratic means. But it also recognises that Northern Ireland's various community, security and social and economic problems tend to reinforce each other in a way which makes their solution, both individually and collectively, more difficult. Given this intimate and inseparable connection between Northern Ireland's political, security and economic and social problems, the Government recognises the need to tackle all these deep seated problems together.

"The Government, upholding as it does the constitutional status of Northern Ireland as part of the United Kingdom this being the undoubted wish of most people who live there, also recognises a unique relationship between the peoples of the United Kingdom as a whole and of the Republic of Ireland. The Government is, therefore, firmly committed to the enhancement of that relationship and to continuing close contact, consultation and co-operation on matters of shared concern.

"It also recognises that the history of these two islands is closely connected, with both uplifting and tragic

episodes. No one has a monopoly on suffering. All sides have matters to regret. There is a need for a healing process through genuine reconciliation and dialogue between the various sections of the community, based on mutual recognition and acceptance of each other's rights.

"It is against this background that the Government has been seeking to achieve the goal described in paragraph 1 above. More particularly, it is attempting to do so by:

- promoting the attainment of agreement amongst all the people who live in the island of Ireland, and working together with the Irish Government to that end;
- undertaking a co-ordinated and coherent approach to all aspects of Government policy in Northern Ireland, recognising that the fundamental political, security and economic and social problems of the region are closely interrelated; and
- pursuing policies informed by the principles of equality of opportunity, equity of treatment and parity of esteem irrespective of political, cultural or religious affiliation or gender.

"The remainder of this statement sets out the more detailed implications of the preceding statements of the Government's objectives, and the principles and analysis on which they are based.

"In respect of law and order, it will remain the Government's policy to:

- deal with all types of crime, including terrorist crime, by the vigorous and impartial enforcement of the criminal law by the police;

CONFIDENTIAL

SIL/EM/24748

- secure the removal of all illegally-held guns and explosives;
- prevent any individual or organisation from usurping the functions of the police by taking the law into their own hands;
- move as rapidly as circumstances permit to exclusively civilian policing in ways acceptable to the whole community;
- continue to act imaginatively, in conjunction with the police and the armed forces and without lowering their guard prematurely, in its responses to the terrorist threat as and when that threat diminishes;
- maintain a secure but humane prison system in which convicted prisoners serve their sentences in accordance with the law.

"In terms of social policy, the Government will continue to:

- seek to eliminate discrimination on the grounds of political opinion or religious belief in both the public and private sectors;
- secure the further protection of the human, civil, political, social and cultural rights of all members of the community in Northern Ireland;
- pursue action programmes targeted at the areas of greatest social and economic deprivation in Northern Ireland.

CONFIDENTIAL

SIL/EM/24748

"The Government's objectives in the field of economic policy include:

- the promotion of economic growth through increased competitiveness, from which it seeks both more jobs and a reduction in unemployment;
- a fair distribution of jobs throughout Northern Ireland;
- the provision of education and training facilities designed to maximise the welfare and life chances of members of all sections of the community; and,
- maximising the benefits to Northern Ireland of the UK's membership of the European Union.

"The Government expects that exploratory dialogue will provide the opportunity, in terms of the purposes of the discussions set out in paragraph 5, to clarify and explain Government policy in any of the above areas with a view to helping bring the dialogue to a successful conclusion.

"The Government expects, in particular, when discussing the practical consequences of ending violence, to examine at an early stage how all illegal weapons and explosives are going to be removed from life in Northern Ireland. Their safe disposal will provide convincing evidence of a permanent end to the use of violence and of commitment to exclusively peaceful methods and the democratic process. Their continued retention will call such commitments into question and will constitute a barrier to other political parties, as well as to the Government itself, in joining with Sinn Fein in substantive political negotiations.

"It remains the Government's belief that all the most fundamental issues facing Northern Ireland can be most satisfactorily addressed and resolved through inclusive political negotiations addressing a broad agenda across all the relevant relationships with no issue excluded and no outcome predetermined. It is to such a Talks Process that the Government hopes that it will prove possible for Sinn Fein, as a democratically mandated party exclusively committed to peaceful methods, to be admitted.

"As paragraph 5 makes clear, the Government has said that exploratory dialogue should not anticipate any part of the negotiations that constitute the Talks Process. But, with a view to exploring the basis upon which Sinn Fein might come to be admitted to an inclusive Talks Process, the Government believes it would be helpful to set out its approach to it.

"In brief, through the Talks process, the Government is seeking a stable, durable and workable political settlement which secures widespread consent across the community in Northern Ireland.

"In the Talks process the two Governments are therefore, as announced in the House of Commons on 26 March 1991:

" setting out to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands.... In order to ensure a full airing of the issues, it will be open to each of the parties to raise any aspect of these relationships, including constitutional issues, or any other matter which it considers relevant.... It is accepted by all the parties that nothing will be finally agreed in any strand until everything is agreed in the talks as a

CONFIDENTIAL

SIL/EM/24748

whole.... in the final analysis, the outcome will need to be acceptable to the people".

(Hansard 26 March 1991 Col 765-6)

"Those "ground rules" remain the basis for the political talks, and were agreed between the British and Irish Governments and the main Northern Ireland constitutional parties in 1991. Even though the Government accepts that there might be modifications in the format of future multi-lateral talks, if that is what the participants want, the principles set out in the 26 March 1991 Statement remain so far unchallenged, and the Government in particular remains committed to them. In the view of the Government, the Downing Street Declaration also complements and underpins the Talks process and the search for a comprehensive political settlement.

"Although agreement in principle had not been reached by the end of the period set aside for multi-lateral talks in November 1992, virtually all the key issues between the parties participating, including the Irish Government, had been touched on in greater or lesser detail, while the Talks process itself has continued ever since. Within Northern Ireland there have, for example, been intensive rounds of discussion between Northern Ireland Office Ministers and three of the main Northern Ireland parties to explore the basis for agreement.

"Of equal importance to the continuing political dialogue in Northern Ireland has been the continuing work by the two Governments in drafting a "Joint Framework Document", designed to embody their shared understanding of the kind of accommodation, in those areas of special concern to both Governments, which might have the best chance of winning the widespread acceptance across the community that it will need if it is to be workable and durable. The British and

Irish Governments hope to publish the Document, when complete, not as a blueprint to be imposed by the two Governments, but as a shared assessment to serve as a basis for further discussion.

"The Joint Framework Document will deal with relations between the two Governments, and their views on the possible development of relations between Northern Ireland and the Republic of Ireland. As part of its search for an overall settlement, the Government also plans to publish, at the same time as the Joint Framework Document, its own understanding of those local democratic institutions in Northern Ireland which as part of an overall settlement might best secure widespread acceptance, as a basis for public discussion and a guide for further negotiation in the Talks Process.

"Without in any way anticipating the negotiations that form part of the Talks process, the Government is prepared to explain and clarify its approach to the wider Talks process and how Sinn Fein can come to be admitted to it, as well as the relevance of the principles enshrined in the Downing Street Declaration.

"The Government looks forward in this exploratory dialogue, not to the anticipation of political negotiations which would form part of the Talks process, but to a sustained and productive exploration of the issues, including those touched on above, all in the context of the purposes set out in paragraph 5.

"The Government remains firmly of the view, also set out in the Downing Street Declaration, that this can be achieved in ways that compromise no position or principle, nor prejudice the future for any section of the people of Ireland, North and South, whatever their tradition.

CONFIDENTIAL

SIL/EM/24748

8. During Mr Thomas's reading - which was delivered, in some contrast to Mr McGuinness's style, in a measured tone and pace with much deliberate eye contact across the table - Ms Bhreatnach and Ms O'Hanlon wrote notes almost continuously; Mr Kelly looked lean and mean, and very attentive, writing one or two short lines in his notebook; Mr McGuinness appeared to take no notes and looked slightly nervous.

9. At 11.20 am Mr McGuinness similarly read into the record, at the same fairly rapid lick as his opening remarks, Sinn Fein's submission.

"We welcome this dialogue and hope it can help create a healing process which both removes the causes and addresses the consequences of the conflict. Everyone shares the responsibility to work to bring about a real and lasting peace in Ireland. Republicans are not reluctant to face up to our responsibility in this as has been evidenced by the initiatives we have taken, both unilaterally and with others in Ireland, to advance the search for a lasting peace. The courageous initiative taken by the leadership of the Irish Republican Army on August 31 is, of course, most significant and has created the best opportunity since partition to achieve a political settlement. The British Government clearly has the power and the major responsibility to initiate the necessary process of negotiations to move us in this direction.

"Our long-standing position has been one of willingness to enter into dialogue with a view to resolving the conflict. In all of this we do not seek to impose pre-conditions nor should pre-conditions be imposed on us.

"Inclusive dialogue and negotiations are necessary and inevitable if this conflict is to be resolved on a

CONFIDENTIAL

SIL/EM/24748

democratic basis. Pre-conditions represent obstacles to peace. They are a distraction from and a barrier to the necessary negotiations.

"Moreover, after more than two decades of conflict and political impasse, we hold as self-evident the view that democratic, political and practical imperatives clearly require the open involvement and inclusion of all political views if a democratic resolution is to be sought and achieved. This is the basis upon which we enter into dialogue. Democratic reasons clearly determine that Sinn Fein's right to represent its electorate and to promote its analysis should be accepted and acted upon, immediately and publicly.

"The re-opening of bilateral discussions between Sinn Fein and the British Government should be a prelude to inclusive negotiations which can address in a comprehensive fashion all the issues which have given rise to conflict and division in Ireland. In addition the bilateral discussion between Sinn Fein and the British Government must address the discrimination which Sinn Fein and our electorate have suffered as a result of the British Government's tactical refusal to recognise our democratic mandate. This discrimination must immediately be ended and Sinn Fein must be accorded equality of treatment with all other political parties.

"Inclusive and all embracing peace talks led by the London and Dublin Government should be initiated as a matter of urgency. These negotiations, must address three broad areas:

CONFIDENTIAL

SIL/EM/24748

- (a) Demilitarisation and associated issues.
- (b) Democratic rights for all Irish people, nationalist and unionist alike.
- (c) Political and constitutional change.

"The route to peace in Ireland is to be found in the restoration to the Irish people of our right to national self-determination - in the free exercise of this right without impediment of any kind. Agreement on how that right is exercised is a matter for the Irish people alone to determine. The British Government should therefore introduce the measures to give legislative effect on their side to this right. This should be within an agreed timeframe.

"British sovereignty over the six-counties, as with all of Ireland before partition, is self-evidently the inherent cause of political instability and conflict. This must be addressed within the democratic context of the exercise of the right to national self-determination if the cause of instability and conflict is to be removed.

"We seek to assist the establishment of, and to support, a process which, with due regard for the real difficulties, involved, culminates in the exercise of that right and the end of your jurisdiction. This should, of course, be accomplished in the shortest possible time consistent with obtaining maximum consent to the process.

"We believe that the wish of the majority of the Irish people is for Irish unity. We believe that an adherence to democratic principles makes Irish unity inevitable. The

CONFIDENTIAL

SIL/EM/24748

emerging political and economic imperatives both within Ireland and within the broader context of greater European political union support the logic of Irish unity. Since its creation 72 years ago, the six-county statelet has been in constant crisis. Its survival has always been dependent on the existence and exercise of repressive legislation, coercion and discrimination. Its existence lies at the heart of the present conflict and divisions, both in Ireland, and between British and Ireland.

"It is our view therefore that the British Government should play a crucial and constructive role in persuading the unionist community to reach a democratic accommodation with the rest of the Irish people.

"Your commitment to uphold the unionist veto is an attempt to predetermine the out-come of negotiations. The consequence of upholding the veto is, in effect, to set as your objective the maintenance of the primary source of the conflict. If they are to successful, inclusive negotiations must address all relevant issues without vetoes, without pre-conditions and without any attempt to pre-determine the out-come.

"We recognise that the concerns of the unionist population about their position in an Irish national democracy must be addressed and resolved in a concrete way, including legislation of all measures agreed in the course of a process of negotiations. This process of national reconciliation must secure the political, religious and democratic rights of the northern unionist population. This is not only the democratic norm but a practical necessity if we are to advance the cause of peace in Ireland and find a way out of the present impasse.

CONFIDENTIAL

SIL/EM/24748

"The most urgent issue facing the people of Ireland and British is the need for a genuine peace process which sets equality, justice and political stability as its objectives and, has as its means, dialogue and all-embracing negotiations in the context of democratic principles. In attempting to progress towards that position republicans have consistently demonstrated a willingness to be reasonable and flexible. We are convinced that if the political will exists then we can finally move away from conflict through the achievement of a democratic political settlement. The potentially historic opportunity which currently exists should not be lost."

10. Adding to the prepared text a visibly relaxing Mr McGuinness said that it was time to liberate the oppressed and the oppressor.

11. Mr Thomas said that he would take his own advice, and that it was clear that there was much common ground between us. The description of inclusive talks was shared, although our approaches to them would be different. Without wanting to make too much of it there did seem an inherent weakness in Sinn Fein's criticism of the unionist veto and their recognition of a need to achieve something with consent - these seemed to be two sides of the same coin. For its part the Government would not coerce people to take another view on the union, but we were not the obstacle if they wished for a united Ireland. Mr McGuinness countered that the Government could not stand aside. It appeared to want to take the luxurious position. He noted that the Downing Street Declaration talked of the Government being enablers and facilitators. There was not a huge jump from these to being persuaders. Mr Thomas said that he would not accept that the Government was standing aside. The Government had a central role, but it was not because of any selfish strategic or economic interest. It would be essential for people here to decide the future for themselves.

CONFIDENTIAL

SIL/EM/24748

12. Bringing the brief discussion to an end Mr McGuinness said that Sinn Fein would need to take the Government's opening statement away to consider it. Mr Thomas said that he welcomed that opportunity too. Discussing these statements would not be time wasted. We might agree then to park the statements and return to them at a later meeting. Mr McGuinness indicated assent.

Confidentiality

13. At 11.34 am Mr Thomas introduced the next item on the agenda which had been sent to Sinn Fein before the meeting. Mr McGuinness said that Sinn Fein were committed to transparency - this process had to be an open one. Mr Thomas said that the key was that the two sides should understand one another. The Government entirely agreed that there should be no question of any secret deals. The process had to be public and acknowledged. He said that Sinn Fein and the Government delegation both wanted to say something to those not directly involved in the talks - for example, in Sinn Fein's case to the Ard Comhairle and in his to Ministers. The Government side certainly envisaged making their opening statement public and they expected Sinn Fein would do the same. The Government side was not dogmatic about this principle, it might be sensible to try to agree an approach meeting by meeting. Nevertheless the Government did think it was a useful principle; in the talks, for example, the rule was not completely observed but it held generally good and had done so since. Mr McGuinness repeated that Sinn Fein saw an urgent need for transparency but acknowledged that there might be issues where an opportunity for confidential exchanges could be helpful. He too thought that taking it meeting by meeting would be sensible. Mr Thomas emphasised again that the Government delegation took it as read that the Sinn Fein delegation would wish to share fully what happened in exploratory dialogue with committees in their movement.

14. Mr McGuinness observed that some unionists appeared to have

CONFIDENTIAL

SIL/EM/24748

an uncanny knack of asking the right questions at Westminster. Asked by Mr Thomas he named David Trimble and John Taylor specifically. Last year, he said, Mr Trimble had on three or four occasions mentioned his belief that contacts between Government and Sinn Fein were taking place. Mr Thomas dismissed the significance of this saying that it would hardly have been in the Government's interest to prompt such questions. Mr Trimble had been fishing, he suspected.

15. Then moving back to more matter of fact business he suggested that the Government intended to say with regard to today's meeting that the two sides had met, discussed mainly procedural issues, made opening statements and agreed a date for the next meeting. Mr McGuinness asked whether the names of the Government delegation would become public. He thought it was right that they should do so. Mr Thomas said that the Government had not published the names of Sinn Fein's delegation (although he noted that Sinn Fein had done so themselves). We would not publish the names of our own delegation and we would prefer it if Sinn Fein did not do so, but we could not force them. Mr McGuinness undertook to report that preference back to his Executive.

Agenda

16. Mr Thomas said that with regard to developing an agenda and a work plan, when the two sides had discussed their opening statements we would see the issues on which we should focus more clearly. Mr McGuinness said that Sinn Fein's agenda would be to try to convince the Government that it was essential to move as quickly as possible to all-party talks. The Government should recognise Sinn Fein's electoral mandate and the rights of its voters. For example, the handling of the invitations to the Economic Conference sent all the wrong signals about the developing peace process. Mr Thomas agreed that the objective was to move as soon as possible to inclusive political talks process,

CONFIDENTIAL

SIL/EM/24748

but it was a matter of political realities. There was no possibility from the Government's point of view of doing so until we had addressed issues of arms and violence. There had, as Mr McGuinness had said earlier, been three months ceasefire but there had been acknowledged incidents during that time and there was in the IRA an organisation in existence which could resume terrorism at any time - it was impossible to avoid that issue. It was a matter of principle and of substance for the Government, and simply not politically realistic to attempt to move further until this matter had been addressed. Furthermore, there was no hope of involving other parties until that had happened.

17. Mr McGuinness averred rather vigorously that Sinn Fein was not involved in violence. It was a party exclusively committed to peaceful means. The IRA is nothing whatsoever to do with us, he said, and it was about time the Government saw sense and changed the way it was treating Sinn Fein. If the Government was imposing pre-conditions for further developments, he added, then it was clearly not interested in addressing the causes of the conflict. Warming to his theme, Mr McGuinness continued by asking what it was the Government wanted Sinn Fein to say to the IRA - "Give up all your weapons"? Were they being asked to disarm the nationalist community in Northern Ireland when there were thousands - hundreds of thousands - of weapons legally held by unionists? The purpose of the process was to remove all guns - British, loyalist and Republican, from Northern Ireland. Sinn Fein was seriously committed to that. The Government knew what risks had been taken in getting us to this point. If we were coming to a brick wall there would be a battle around this issue and... (Mr McGuinness checked himself and, laying some stress on the word, said a 'publicity battle'). It would be difficult for the Government to win that. There was a risk of running the peace process into the sand. Mr Thomas asked what that meant. Mr McGuinness explained that it would lose momentum. From 1990, he said, the Government had been talking about talks. There had been a veneer of movement, but there was a common perception that we were no nearer to these real talks.

CONFIDENTIAL

SIL/EM/24748

18. Mr Thomas returned to the question of Sinn Fein's relationship to the IRA. If Sinn Fein was entirely autonomous as Mr McGuinness had said that was one thing. But there appeared to be a very close nexus.... Mr McGuinness interrupted that it was only in terms of their overall objectives not the tactics. Referring to Mr Thomas's illustrating the links between Sinn Fein and the IRA by citing the role of Gerry Adams in advising the IRA one day and the ceasefire being announced the next, Mr McGuinness said that it was a cheap shot. Mr Thomas said it was not intended to be so, but this was an issue of real concern, suppose the IRA were to resume their armed campaign in the New Year - what would Sinn Fein's position be?" Mr McGuinness did not answer the question but said in turn, "Suppose the loyalists resumed?" He urged Mr Thomas not to be negative. "Let's look hopefully at prospects." The current peace had caught the imagination and it was imaginative responses that were required. "Imaginative", he repeated, "it was a key word used originally by Peter Brooke. The truth was that the people did not see it. The Government must be decisively imaginative."

19. Mr Thomas said that Mr McGuinness asked "why not go with the momentum?" There was plenty of evidence to suggest that doing so would be premature and incautious. We both accepted that getting rid of guns was related to a political address to the problem. Remembering again his own precept that we should look for the common ground in this exploratory dialogue, he said that was a shared perception. But it was difficult while the IRA remained fully armed. He had to ask the question why did the IRA still exist if republicans were really serious about peace. Mr McGuinness asked whether there were any other examples anywhere in the world where one of the armed groups involved surrendered its weapons before peace talks. Mr Leach observed that the Government could not accept that the army and the police were armed groups. He accepted that the ceasefires were a very significant development. There had been reductions in security force activity and we wanted to go further in scaling that down.

CONFIDENTIAL

SIL/EM/24748

But the Government could not do so unless it was wholly clear that the threat was over. Instead there were reports of continuing activity. The approach to dialogue was cautious, but with goodwill things could become easier.

20. Mr McGuinness asked what that meant on timing. Sinn Fein had a right to expect to meet Michael Ancram and Sir Patrick Mayhew - when would that be? Mr Thomas said that the Government had decided that at this stage of the dialogue, officials should represent it. "Did that mean that Ancram, Mayhew and Chilcot would appear at the next meeting?" said Mr McGuinness. Mr Thomas said not, but it wasn't a cut and dried issue, there were no clear thresholds. The Government delegation would note that Sinn Fein had raised the issue of meeting Ministers. Mr McGuinness said, to emphasise the point, that the Sinn Fein delegation were at the talks as democratic representatives.

21. Mr Thomas observed, though, that they had influence over the IRA. Mr McGuinness countered that they had influence over members of Sinn Fein and they were asking whether everything was dependent on the surrender of IRA arms. Mr Thomas said it was not a question of surrender. But arms did matter. The question really was what were they for if Sinn Fein were entirely committed to peace. He went on to develop the point that if the two sides had a dialogue about arms, the Sinn Fein delegation might be influential. He accepted that Mr McGuinness said that they did not speak for the IRA, but there was a need to see whether we could reach a political situation when arms were not considered essential by anybody. We were working for the moment when all could agree that arms should not be available. Mr McGuinness asked whether that was realistic. Would the RUC, for example, be part of the discussion? Mr Thomas said he hoped so. The Government looked forward to hearing Sinn Fein's views on the subject - policing would be part of any talks process and we would not prejudge it. Mr McGuinness looked interested. What was the sequence of events the Government envisaged? Mr Thomas replied that we could not be clear on the timetable. He suspected

CONFIDENTIAL

SIL/EM/24748

that, more than on any other question, what was needed was an accumulation of evidence by word and deed, proof that the Government was right to welcome Sinn Fein to the process. He repeated the Government side saw a very close relationship between Sinn Fein and the IRA. Mr McGuinness said that Sinn Fein was an open and democratic party and they thought the Government was trying to erect a major obstacle. But, assuming for a moment there was no problem, then what might happen? Mr Thomas said that if that was the case - and there were things Sinn Fein might say which could contribute to this - he believed the main trigger for political talks would be the completion of the Joint Framework Document by the two Governments which would provide an agenda and a sketch plan for a possible outcome. Of course, the slight difficulty in Dublin was delaying matters. Mr McGuinness wondered whether if Albert Reynolds had still been Taoiseach, the Framework Document would have been ready before Christmas. Mr Thomas said that he could not be sure but he thought the two Governments were very close to agreement.

22. Mr McGuinness returned directly to the issue of arms and asked how could it be resolved. Mr Thomas said that it might be useful to have a discussion in exploratory dialogue of the modalities, leaving the question of when to press the button for subsequent resolution. Sinn Fein might form a judgement on the political context on which they would be able to say that we were no longer in a ceasefire but in a lasting peace. Mr McGuinness asked how you would prove the issue was resolved. Mr Thomas replied that verification was one of the issues of modalities that could be explored. The British side could produce a paper, if that would be helpful. He thought that a contingent agreement would be possible, and that the sooner we could make progress the sooner Ministers were likely to feel that they could become involved themselves. Nevertheless, he said, in response to a question from Mr McGuinness, this was not a pre-condition - it was a very significant issue, but there was not an absolutely straightforward yes/no to further progress.

CONFIDENTIAL

SIL/EM/24748

23. At 12.15 pm, Mr Thomas turned to other matters on the agenda. He thought the preceding discussion had been useful and wondered what else we might cover in the meeting. The Government delegation had had some thought about procedural rules although he thought we had done quite well without them so far. Mr McGuinness said that there were other issues the Sinn Fein delegation wished to raise. He reminded the British delegation that he wanted to refer to the Economic Conference, but first he said Sinn Fein had some points to make about parity of esteem. Mr Thomas noted that our thinking on procedural rules was that when topical issues arose either side would be able to bring them forward for discussion and that we should note those issues and cover them at the end of the meeting.

Parity of esteem

24. At 12.20 pm Lucilita Bhreatnach introduced this subject with what was obviously a prepared presentation. The Government was systematically denying Sinn Fein parity of esteem, she said. They were denied access to state bodies and to official meetings. Several requests had been made recently - she specified a request to the T & EA on the 30 November which had been denied. But there was now a new situation since the IRA ceasefire with new possibilities and opportunities. She referred to the Government's opening submission and quoted from the passage where it sought the objective of seeking to eliminate discrimination over cultural rights. But in spite of the words the Government's language and actions had not improved. There was blatant discrimination over the Irish language. The decision to deny funding to the Meanscoil was discrimination against children and their parents, and a refusal to accord those who wished to live their lives in an environment where they could express their identity without impediment. But there was discrimination against the Irish language in general - this was a form of political vetting. [At that point Ms Bhreatnach spoke in Gaelic for one or two minutes,

CONFIDENTIAL

SIL/EM/24748

ending with the words (in English) 'parity of esteem'.] Sinn Fein, she concluded, had 12 % of the vote in Northern Ireland. Yet its councillors and supporters were denied equal status to other political parties.

25. Mr Thomas agreed that we were at a time of transition. Sinn Fein's position was that the ceasefire provided conditions for parity. The Government too wanted to get to that position, we wanted to get on even terms with Sinn Fein, that is why we were having exploratory dialogue. Sinn Fein might argue that this was a wrong approach but we believe that it was in our mutual interest to have entirely routine exchanges with Sinn Fein.

26. Mr Watkins said that with regard to the Irish language the Government recognised that many people saw it as an important part of their identity. That there had been discrimination in the past he freely acknowledged but it was no longer the case. There was currently an Order in the Commons removing the prohibition on Irish language street names, for example, and the Government did fund Irish medium teaching. There were three Irish medium primary schools with an enrolment of around 700 pupils and a satellite school in Twinbrook. As for the Meanscoil the Department of Education's urban guidelines were that there should be an enrolment of 600 pupils before schools could be fully funded. This requirement was reduced for both Irish language and Integrated schools to 300. At present the Meanscoil enrolment was 104 and its Form 1 intake was 34 (when the requirement would be about 60). This was not discrimination but precisely the same judgement applied to integrated schools which the Government was under a statutory obligation to support.

27. Ms Bhreatnach was not impressed by statistics which she said could be quoted at great length. The point was that the Government was only responding to parents but was providing no support to foster the demand [this was a slightly unclear passage but I believe Ms Bhreatnach was arguing that the Government should

take on the role of persuaders and promote actively Irish medium education.] Mr Thomas acknowledged the strength of feeling about the issue and about parity of esteem generally. The Government had no wish to deny Sinn Fein's mandate. Mr McGuinness summarised saying that the Government was actively penalising thousands nationalist citizens by its attitude.

Demilitarisation and border roads

28. Sean McManus repeated that the IRA ceasefire had opened a new vista but the Government's approach had been minimalist. There was little reduction in troop levels, patrolling and fortifications and there continued to be a great deal of harassment of nationalists. Sinn Fein, he added, had documented evidence for all of this. Six weeks ago, he said, the Government had said that all border crossings were open but many of the roads would not in fact be open for up to two years. There was a great deal of inconvenience - he cited economic loss of divided farms and said that there should be compensation to the border communities. He said that the problem was, and he had no wish to be rude about it, that the Government side was far removed from the communities most affected and did not understand the problem. Mr Thomas responded immediately that one great advantage of moving to normal relations between us was the Government would know directly what were the particular issues of concern in all communities. Mr Leach added there had been many positive steps; barriers were down and streets opened for example Lanark Way. On the border there was now a free flow of traffic through many check points and a range of other reductions in security force activity. It was a really major development that the closure orders had been lifted on all roads. Making them all fit for traffic can not happen overnight but there was a very large programme of bringing them all up to standard. On compensation, he added that it had not been the government's policy to compensate people of border areas, and he observed that this was an issue which effect all communities equally.

CONFIDENTIAL

SIL/EM/24748

29. Mr McGuinness said that was all very well but in Derry foot patrols had ended yet when he came to Belfast or visited Armagh he saw patrolling continuing with the paras and the marines. This was a puzzling difference. Mr Leach confirmed that the level of activity in Belfast had diminished but so long as there was a terrorist capability there was a need for security forces to remain alert. Martin McGuinness then mentioned seeing very large patrol in County Tyrone the week before and Mr Leach responded that police commanders would continue to make operational decisions locally. Mr McGuinness observed quietly that he felt the security forces behaviour did not seem to complement the complete cessation of activity. Mr Leach said that there was evidence that some activity continued and, he repeated, the full capability of the IRA continued to exist.

30. At that point (12.45pm) Mr McGuinness requested a short recess. Before going he added that there was one small point. He wanted to correct something which had been said about Mr Adams earlier. When the President of Sinn Féin had given to the IRA in the summer was not advice but an analysis of the political situation from which they had made their own decisions.

31. There followed an adjournment until 1.10 pm.

32. Resuming, Mr McGuinness said that Sinn Féin's main purpose in coming to the meeting today had been to convince the government of the need to give them full parity of esteem. The people Sinn Féin represented were not second class citizens and Sinn Féin was not a second class political party. The government must recognise that if the peace process was to succeed then momentum was needed, there must be demilitarisation, release of political prisoners and we must move as soon as possible to all party talks. If not the view of the international community will be that the government was fumbling. The economic conference remained an outstanding issue and this must be settled. On the issue of confidentiality

CONFIDENTIAL

SIL/EM/24748

raised earlier Mr McGuinness repeated Sinn Féin's that there had to be transparency in the process but he confirmed that the delegation would take back to their committee the issue of whether to reveal the names of the government delegation.

33. He said he thought that people would expect Sir John Chilcot (and at this point he laughed saying that he made it sound a bit like the coming of Moses) and also Michael Ancram and Patrick Mayhew to be involved shortly. Anyway we should set a date sooner rather than later for a next meeting, and he proposed possibly the end of next week (16 December) or the 19th. Both delegations then agreed on 19 December at 10.30 am for the next meeting. Mr Thomas said he trusted there would be a Christmas break but perhaps we could pencil in something for the New Year? At that point Mr McGuinness made an interesting suggestion. Could Gerry Kelly and Siobhan O'Hanlon meet us privately between meetings? Mr Thomas said that we would be very ready to respond to that, but there could be no secret dialogue. He then suggested 5 or 6 January as possible dates in the New Year.

34. Turning to Mr McGuinness's earlier remarks he emphasised that the government had no intention of treating the people Sinn Féin represented as second class citizens. He had noted the issues raised by Sinn Féin. He had also noted that they had not said that the peace process was fragile. Mr Watkins added that the economic conference had objectives he knew Sinn Féin shared. No parties have been invited as parties but elected councillors, including some from Sinn Féin, had been. Mr McGuinness asked about John Alderdice and Mr Watkins replied that he was there as an elected councillor and, it had to be admitted, representing a party wholly committed to peace. Mr McGuinness said that confirmed Sinn Féin were being treated differently from others. Mr Thomas said that it was very (un)important that there were invitations to Sinn Féin councillors - it was a change, a small one, but not an insignificant one. Mr McGuinness said that it

CONFIDENTIAL

SIL/EM/24748

seemed that the government was setting a series of tests for Sinn Féin and Mr Thomas replied that in some respects that was true, it was a matter of building confidence.

35. Mr Thomas then offered to send Sinn Féin a record of the meeting. There was some brief discussion of a press statement at which both sides agreed to describe the meeting as businesslike and constructive, but agreed that each would issue their own press statement. Mr Thomas said we would hand over a copy of our draft rules of procedure which the Sinn Féin delegation might like to take away and consider for the next meeting (copy attached).

36. The meeting closed as 1.20 pm

SIGNED

TONY BEETON
Exploratory Dialogue Secretariat
OAB Ext 6564

CONFIDENTIAL

SIL/EM/24748

STANDING ORDERS

1. Each side will have up to 6 delegates at the table ('the delegation').
2. All delegates shall have the right to speak.
3. No other person shall remain in the room except by mutual agreement, and then only to advise their delegation.
4. Each side shall determine the composition of their own delegation.
5. One member of each delegation shall be nominated to act as its Secretary.
6. Any changes in the delegation shall be notified to the other side at the earliest practicable opportunity through the Secretaries, and at least one hour before the scheduled commencement of the meeting where the change is to take place.
7. It shall be open to either side to propose changes to these Standing Orders in writing through the Secretaries at any time. Any change must be mutually agreed to be effective.
8. In the event of both sides agreeing to refer any matter to a sub-committee or working group for clarification, scrutiny or resolution, they may agree to include non-delegates in the composition of the sub-committee or working group, but at least one delegate from each side must be included.
9. Each side shall have a nominated Head of Delegation who will act as guarantors of the orderly conduct of business at meetings, subject to the provisions of these Standing Orders.
10. The two Secretaries shall be responsible for drawing up and circulating agendas at least one hour and generally the day before meetings. Other appropriate documentation will be circulated in advance if possible.
11. Either side may introduce emergency items at the beginning of a meeting which may then be dealt with as first business or under Any Other Business. In the event of a dispute as to the applicability of this rule to an item there shall be an automatic 10 minute adjournment during which the Heads of Delegation and the Secretaries shall act to resolve the disagreement.

12. Any delegate may seek an adjournment at any time through their Head of delegation. If the Head of delegation makes a formal call for adjournment they will indicate a proposed duration, except when they call for the meeting itself to be adjourned to another date.
13. The proceedings shall be confidential except where both sides agree to allow publication of any statement, paper or record.
14. Both sides shall seek to agree a line for the press at each meeting.
15. Minutes of the meetings will be prepared by the Secretaries who will endeavour to agree and circulate a common draft without prejudice to either delegation's right to challenge the minutes at the following meeting.