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From: W K Lindsay  
LXD  
21 December 1994

ASST  
SEC 23 DEC 1994  
CENT SEC

- cc PS/Secretary of State (B&L) - B
- PS/Sir John Wheeler (B&L) - B
- PS/Michael Ancram (B&L) - B
- PS/PUS (B&L) - B
- ~~PS/Mr Fell~~ - B
- Mr Thomas - B
- Mr Legge - B
- Mr Bell - B
- Mr Brooke - B
- Mr Daniell - B
- Mr Steele - B
- Mr Shannon - B
- Mr Leach - B
- Mr Watkins - B
- Mr Williams - B
- Mr Wood (B&L) - B
- Director, TFU - B
- Mr Brooker - B
- Mr Maccabe - B
- Mrs Brown - B
- Mr Stephens - B
- as the replacement* HMA Dublin - B
- Mr Lamont, RID - B
- Mr Lever, Cabinet Office
- Miss Collins, Cabinet Office

NOTE FOR THE RECORD

FIRST MEETING OF LOYALIST EXPLORATORY DIALOGUE (LXD) - 15 DECEMBER 1994

The first meeting of LXD with the UDP and PUP took place on Thursday 15 December at Parliament Buildings. It lasted from 10.30 am until 1.40 pm, with a half hour adjournment at 11.30 so that the parties could consider the Government's opening statement and a further short recess at 1.20 pm while the parties discussed their stance on attending further meetings jointly or in single delegations. The Government side was led by Mr Leach and included Mr Steele, Mr Maccabe, Mr Stephens, Mrs Brown and myself. The two parties were represented as follows:

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Ulster Democratic Party

Mr G McMichael\*  
Mr D Adams  
Mr J English  
Mr T Kirkham  
Mr J White

Progressive Unionist Party

Mr W Hutchinson\*  
Mr D Ervine  
Mr J Mahood  
Mr L Robb  
Mr W Smyth

\*leader of delegation

Summary

2. Mr Stephens has circulated an initial account of the meeting in his note of 15 December. This is a fuller record of the exchanges, which were frank, but reasonably positive. Name plates had been placed so that the leaders of the two parties sat together, with their delegations arranged on either side. These were altered by the PUP so that Hutchinson and Smyth (PUP Chairman) changed places, thus putting the former in the lead along with Ervine for that party.

3. The atmosphere was reasonably relaxed at the beginning and throughout the reading of the opening statements. This changed after the first recess, with some orchestrated tough talking on the part of both parties, particularly in relation to their mandate, which they saw as significantly enhanced because they were the people who had helped to deliver the loyalist ceasefire. We focussed on arms; they responded, and also raised the Hurd policy and (particularly) prisoner issues, calling on the Government to show goodwill and positive intent in agreeing some small concessions. The two parties agreed to respect confidentiality about the content of the talks and the names of the participating officials. The UDP pressed for separate meetings but both eventually agreed to a further joint meeting (on 23 December) on the basis of an understanding that the Government side would then respond on the issue of single-party meetings.

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Introductions

4. Mr Leach welcomed the two groups to Parliament Buildings and referred to the historic opportunity provided by the meeting and the Government's hopes that the cessation of violence could be built upon to establish a lasting and fair settlement. Both parties had contributed importantly to the peace process, and continued peace would give them the scope to develop further provided that the spectre of terrorism was removed. It was not the gun and bomb which had brought them to the table, but their association with violence created the need for exploratory dialogue before they could fully enter normal political life. While this was exploratory dialogue, not negotiation, he hoped that the discussions would be as constructive as possible and that all sides would approach them in a spirit of courage and imagination and work towards a shared success.

5. Mr Hutchinson said he was honoured to be present. The PUP had a role to play because the Government could not afford to exclude any section of the community. They were at the table because the guns were silent and it was up to the Government to help the parties to achieve peace, because they could not do it on their own. Mr McMichael, for the UDP, said that the two parties had been instrumental in bringing an end to violence. As such, they wanted to play a constructive role in cementing the peace. They would indeed approach the talks with courage, imagination and realism but HMG also had to be realistic. In particular, so long as the guns remained silent, the communities in Northern Ireland would be content.

Confidentiality of Proceedings

6. Mr Leach explained that HMG's opening statement would be published, along with the opening statements of the two parties if they so wished. The broad positions of all sides would therefore be in the public domain. However, in the interests of making the subsequent exchanges as frank as possible, he proposed that the detail of the discussions should remain confidential unless one side

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wanted a particular point to be made public. The Government side would also prefer that the names of officials should remain confidential: publicity would add nothing to the process. Both Mr Ervine and Mr McMichael agreed that confidentiality was important and gave a commitment on both these points.

Opening Statements

7. Mr Leach read out the Government's opening statement (attached at Annex A), which had been passed to the parties at their request. Mr Hutchinson then read the PUP opening statement (attached at Annex B). This begins with a section on the constitutional position of Northern Ireland and the need for consent in any future arrangements; the release of political prisoners; the need for responsibility sharing in any devolved arrangement for Northern Ireland; inclusive dialogue; a full debate on policing; dealing with illegal arms (some way down the road); and economic regeneration. The UDP statement was read by Mr McMichael. It calls for an assembly to be set up as soon as possible; a Bill of Rights; equality of citizenship within the UK (Labour and Lib/Dem to organise in NI); consent resting with the people of Northern Ireland; a need for a referendum on any proposals; economic regeneration; policing; and the release of political prisoners. At this point, (11.30 am) the parties called for a 15 minute interval to examine the Government's statement - this extended to 30 minutes.

Arms and the Mandate

8. On returning, the atmosphere was visibly more antagonistic. Mr McMichael began by saying that, out of what was obviously a lengthy statement by HMG, the single most damaging thing which struck them was the implication that their involvement in the process was seen as strictly limited. However it was wrong to think of excluding parties such as the UDP, which, whatever their electoral support, had a "latent mandate" within the community. It was important also that the process continued and that no party

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should be excluded from a full and equal role as this would endanger the process itself. In terms of political realities, everyone had a responsibility and an input to building peace, not least the UDP/PUP, who had played such a significant role in establishing it.

9. Mr Ervine, for his part, suggested that, while the HMG document was for public consumption, there was an implied threat within it that the UDP/PUP were 'one issue' parties, ie arms. The document contained repeated references to mandate and arms and there was within it a veiled suggestion that the two loyalist parties would be cast aside by Government once their usefulness had been exhausted. If mandate was the issue, where was the mandate for the Downing Street Declaration, which had been kept alive in Northern Ireland by the silence of people represented on his side of the table. Paisley had condemned it before reading it while Molyneaux did not 'have the bottle' to do so. The CLMC had filled the vacuum at that stage. He and his colleagues were not paramilitaries, but they had created the atmosphere where peace could prevail. They were very disappointed at the continual references to the smallness of their mandate.

10. Mr Leach said that this was the first of a series of meetings which would be convened to discuss issues in all three opening statements. The fact that the Government was going to the lengths of holding exploratory dialogue with the loyalist parties, to give them the opportunity of playing a fuller role, showed how seriously we took them. The Government's statement certainly did not say that the UDP and PUP were one-issue parties, or synonymous with the CLMC. It was a commendation rather than a reproach that they had been involved in bringing the ceasefire about. Nonetheless, the clear perception was that the two parties had a substantial insight into and influence with the loyalist paramilitaries (and the CLMC statement itself gave some credence to this). While the paramilitaries retained the capability to resume their activities, the reality was that it would be difficult for Ministers and other political parties to treat them as equals.

11. Mr Ervine said that paragraph 25 of the Government's statement about the retention of arms constituting 'a barrier to the PUP and

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UDP playing as full a part in normal political life as is consistent with their political mandates', was at the heart of their anger. The arms issue would only be resolved when there was trust between the protagonists (loyalists and republicans) and until then there would be no resolution of the armed conflict. He quoted from what he said was an "internal party document" to the effect that loyalists were primarily a reactive force and would have to retain a capability, particularly while INLA and other groups had not called a ceasefire and there was talk of splinter groups of the IRA in the Republic. The building of that trust between nationalists and unionists was something that they had to work at with their own people. It could not be rushed. Mr English intervened to say that their relationship to the CLMC was as a conduit. They were able to advise and analyse for the CLMC if and when requested to do so. To exclude them from any table on the future of Northern Ireland would be both unfair and unjust. It was not their fault they had brokered the peace process.

12. Mr Leach said that there was clearly a relationship between the handling of loyalist and republican arms. Mr Steele pointed out that the Government's approach on arms was just the same with Sinn Fein as with the loyalists. The Government was not saying the arms had to be given up immediately but that as a first step we wanted to talk about the modalities of how and when this might happen. It was hoped that both parties would engage in that dialogue. Mr Maccabe pointed to paragraph 5 of the Government statement which set out the reasons for exploratory dialogue. Arms were important but one of a range of issues which needed to be discussed.

13. Still unconvinced, Mr Mahood said that the guns had been silenced with the help of the two parties in persuading the CLMC. Loyalist guns had not been used against the state but purely for defensive purposes. It was relevant that the official IRA had never handed in their weapons in 1972 or subsequently. Mr Steele firmly rejected the notion that loyalist weaponry was purely defensive. Decommissioning of arms was a critical issue which the Government

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side wished to address with the parties. When it might be achieved was something that might also be discussed and agreed in principle. Mr Ervine said that the resolution of the arms problem was some way down the road; what had to come first was good Government, a calm and reasonable atmosphere and the building of trust between the two communities. (He added jocularly that if the Official IRA were ever asked to give up their arms, they would have to knock down several housing estates in the Markets to get at them.)

14. Returning to the subject of exclusion from the process, both Mr McMichael and Mr Ervine said that there would not be confidence if they were excluded. They had condemned violence from their inception and wanted Ministers to be told just how sensitive they were on the subject of exclusion. Mr Ervine accepted that they would be prepared to discuss the modalities of decommissioning of arms with the Government, and Mr Leach said that the Government side would provide a paper as the basis for this discussion. Mr Hutchinson pointed out that peace did not come overnight; he agreed that arms had to disappear but the Government had to allow time to resolve this, and on both sides.

15. Mr McMichael said that they needed more time to analyse the Government's opening statement more fully. Concluding this discussion, Mr Leach said that progress on arms was an essential but not the only goal of the exploratory dialogue. An agenda of issues would arise. The Government's would include arms, and also the issue, to which the parties rightly attached importance, of how they would be involved in the wider political process once the arms issue had been resolved. The parties' would doubtless include prisoners and other things.

Prisoners

16. Mr Smyth then raised the subject of prisoners and what he saw as the essential need of Government to give some type of gesture to the communities in Northern Ireland. He looked for a "spirit of intent" by Government within prisons, which he defined as not

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meaning immediate release but, for instance, a more liberal parole system and early release of some prisoners. This would be tremendously helpful to cement the peace and facilitate a return to normality. He also mentioned the problems caused by the Hurd principles.

17. Mr White said that prisons were vitally important and in his view progress on the political front would be inhibited if there was no movement on prisoners. The reason for this was that prisoners had contributed to the peace process (and they also, for example, wanted to see progress on arms) but there was a growing feeling in prisons that they had now been forgotten about; for instance, some lifers had not been considered for Christmas parole this year. Mr Ervine said that the PUP statement was only 4 pages instead of 6 because he had spent most of the previous day "firefighting" in relation to the prison system. He then started to recount three particular cases where Christmas Home Leave had been offered, but then the offer withdrawn.

18. Mr Leach intervened to say that while we would be happy to take receipt of individual cases in the margins, he would prefer discussion in the meetings to stick to the broader issues. Mr Ervine accepted that and continued that the UDP and PUP were the parties dealing mainly with prisoners, not the other main unionist parties. He also accepted that this was an emotive issue, not just for prisoners and their families, but also for the relatives of victims. He said that the Government would find the parties (and probably Sinn Fein as well) extremely amenable to relatively small movements in the prison sphere and these would have a very helpful effect on the process. Mr White repeated that small goodwill gestures within prisons were expected and were very desirable. These, he thought, could be brought about without any change in policy. The Government had always said that it would respond imaginatively in the prisons sphere if there was peace in the communities. He cited official IRA prisoners who had been released after 6 years because they had given up violence. There was an air of disappointment within prisons that there had been no goodwill

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gesture in relation to them and he felt strongly that it was wrong to link the issue of prisoners to arms.

19. Mr Robb spoke for the first time. He contended that "political prisoners" were victims of their environment and the society in which they lived, therefore the Government's attitude should change in relation to them just as the situation on the ground had changed in recent months. Mr Ervine, calling for a spirit of intent from Government, accepted that nothing much could be done before Christmas. He made the point, however, that there should be liberalisation of bail conditions, claiming that it was only a matter of Ministers suggesting to the judiciary that they should grant bail in more cases! When challenged on the independence of the judiciary, he then said that it was something the police could do 'and they were under political control'. Mr Steele countered that they most certainly were not in this jurisdiction.

20. There was a short exchange on the situation in relation to excessive remands compared to other parts of the UK. Mr Steele pointed out that the Government's position was that too many prisoners got out on bail on serious charges. There was a separation of powers which it was impossible to get round. The length of time on remand was a matter of concern to Ministers and, while there had been some improvement, it was something that we were constantly monitoring. If this was one of the subjects on an agenda we could perhaps offer a paper on it. Summing up, Mr Leach said that this had been a useful discussion which would be pursued at future meetings. He wanted to make quite clear however that there were no political prisoners in Northern Ireland. Mr Hutchinson said that this was not the universal perception.

Hurd Principles

21. Mr Smyth for the PUP said that it would be helpful if there was some movement on the Hurd Principles, because his party's efforts to redirect people into community activity were seriously hampered by these principles. Mr Hutchinson agreed and asked how it was

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possible to reintegrate people into society if it was not possible to put them into community groups or political parties. Mrs Brown said that it was Government policy to encourage community based groups, and the Hurd principles were only applicable when there was evidence that payments from public funds to community groups could directly or indirectly further the aims of a paramilitary organisation. This only applied to proscribed paramilitary organisations until such times as they were no longer perceived as a threat to the community and the proscription was lifted. Each case was looked at on its merits and each could be appealed. Messrs Ervine and Smyth said that it was their belief that, rather than evidence of paramilitary involvement, decisions were often taken on the basis of whispering campaigns or by word of mouth from political rivals.

Agenda and Future Work Plan

22. Mr Leach said that this had been a valuable initial meeting. The Government side would send a draft agenda to both parties in preparation for the next meeting and would agree a final version with them. At this point, Mr McMichael, encouraged by Mr English, said that it was their wish to have separate meetings because they had to maintain their political identity and needed to have parity of esteem with Sinn Fein. The two parties complemented each other like Sinn Fein and the SDLP! It was also argued that the combined delegations were unwieldy. The PUP indicated that they took the same view (though it was clearly not such a high priority for them). The Government side urged the PUP and UDP to reconsider this request. They would inevitably carry more weight if they presented a coordinated single view to Ministers. Mr Leach said that he was not authorised to offer separate meetings, but was very willing to maximise flexibility within the overall framework to facilitate the parties in expressing their individual views. The parties had come a long way by working together - was it really in their interest now to give up a united front? He believed that they should at least come to the next meeting together to see how the joint arrangement continued to work out.

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23. The parties asked for a short recess to consider their position. Following this, Mr McMichael (with Mr Hutchinson concurring) said that they wished to maintain their request for separate meetings. They would, however, come together to the next meeting, on the understanding that the Government side would then respond to the request for separate discussions in future. This was agreed (and it was also agreed that this issue would not be mentioned to the media after the meeting). The date of the next meeting was set for Friday 23 December at 10.30 a.m.

24. The meeting concluded at 1.40 pm.

(Signed SJL)

p.p. W K LINDSAY

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