

From: Clive Barbour  
Talks Admin  
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DESK IMMEDIATE

cc: PS/Michael Ancram (B&L) - B  
PS/Sir John Wheeler (B&L) - B  
PS/PUS (B&L) - B  
PS/Mr Fell - B  
Mr Legge - B  
Mr Thomas - B  
Mr Bell - B  
Mr Brooke - B  
Mr Daniell - B  
Mr Leach - B  
Mr Shannon - B  
Mr Steele - B  
Mr Watkins - B  
Mr Wood (B&L) - B  
Mr Brooker - B  
Mrs Brown - B  
Mr Dodds - B  
Mr Maccabe - B  
Mr Perry - B  
Mr Marsh - B  
Mr Stephens, SIL - B  
Mr Bramley - B  
Mr Beeton - B  
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Mr R Lyne, No 10 - Fax  
Mr P Lever, Cabinet Office - Fax  
HMA, Dublin - B  
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Mr Lamont, RID - B

LD 1061  
SEC 03 JAN 1995  
CENT SEC

*Mrs Dyer* LD 9/11

*a la Margetts*

PS/Secretary of State (B&L) - B

LXD: SUBMISSION BY THE ULSTER DEMOCRATIC PARTY - 23 DECEMBER 1994

I am attaching the text of the submission which has been put forward by the UDP at today's session of LXD.

2. The submission appears to be in two parts, the first addressing the question of north/south links and the UDP's inclusion in all-party talks, and the second dealing with the prisoners question.

Signed

CLIVE BARBOUR

DM/TALKS/154

## ULSTER DEMOCRATIC PARTY

Submission to exploratory discussions - 23 December 1994

The Government states a priority to 'establish locally accountable democratic institutions carrying widespread support and acceptance within a wider framework of harmonious relations based on consent'. We do not believe that consent exists for that wider framework of relations to encompass an institutionalised relationship with the Government of the Irish Republic. The comments made by Albert Reynolds alleging an acceptance by the Government that joint institutions and an all Ireland body will be included in a settlement, have undermined Loyalist confidence. The Government cannot predetermine the outcome of dialogue. Nor can any structure be imposed. We call for a reaffirmation of the Government's position. The Government must be open and honest about its intentions. The process itself must be transparent.

Neither community should feel excluded from the process. Both communities must play a full and equal role in cementing peace. The Ulster Democratic Party should not be denied its place at the negotiating table. An imbalance would promote instability and undermine confidence in the political process. We have played an important part in bringing about a cessation to violence, and have an important contribution to make in the search for a political settlement.

The Government speaks of the retention of weapons by Loyalists as a barrier to our involvement in normal political life. The UDP is a constitutional political party which rejects violence. We wish to see the gun taken out of politics. We should not be castigated for our efforts to end the violence. The UDP has no responsibility for weapons held in society. We have merely played a part in silencing them. We must create democratic institutions of Government in

Northern Ireland which command widespread cross community support. Only when both traditions feel entirely secure can we expect either community to relinquish its means of war.

Unnecessary obstacles should not be placed in the way of dialogue. There must be a realistic approach to these talks. The Government's position is constrictive to the political movement necessary to advance the process.

J.W. 21/12 1994

RESOLVING THE SITUATION

Inevitably since the IRA and Loyalist ceasefire, the plight of political paramilitary prisoners is a matter that needs to be resolved.

With the ending of political violence, public discussion and political agreements need to come to terms with how we handle a very sensitive issue such as our prisoners.

In order that we can contribute to normalising our society and eliminating any of the issues, which may create the conditions for Civil Unrest, the prisons issue needs to be addressed.

ACHIEVING STABILITY

We in the UDP are of the opinion that political, social and economic stability will be difficult to achieve if the Government fails to show some measure of goodwill, to all political prisoners who have been incarcerated because of the conflict that has taken place over a twenty-five year period.

There are bound to be critics who would oppose any moves to granting concessions. It is understandable that the victims of the conflict may react with anger and frustration.

It is our view that the victims of the conflict should not be forgotten and that every assistance be afforded them through Government and voluntary agencies.

If one accepts that the prison issue is a major factor towards permanent peace. [sic] We must at this stage, ensure that there will be no more victims and that prisoner issues will not be politically manipulated for party political gains, which would perpetuate a 'status quo' of the conflict we have witnessed for too many years.

There are many difficulties in formulating ways to release prisoners. But to do nothing is a recipe for disaster.

#### SUGGESTED SOLUTIONS

There are, among others, two solutions:

- i. a total amnesty; and
- ii. use the present system to speed up early releases.

The former would be a move that would not be accommodated because of political repercussions, and the insensitivity it would create among victims and their families.

However, after a period of prolonged and permanent peace, we feel that a phased release of all remaining prisoners should be undertaken.

In the interim, we feel that, the present system should be utilised immediately to release prisoners who have already served lengthy periods of imprisonment.

#### LIFE SENTENCE CRITERIA

One major criterion of the Life Sentence Review Board's assessment to recommend the release of a Life Sentence prisoner is the level of paramilitary activity and also the level of violence on the 'outside'.

With this criterion eliminated, there are many 'Lifers' who have served an appropriate tariff in incarceration who could be eligible for release.

Our proposed model to effectively contribute to resolving the prisons issue is achievable with already existing mechanisms within the prison service.

### REVIEW OF LIFE SENTENCE PRISONERS

As a sign of good faith on the part of Her Majesty's Government, we suggest they undertake to conduct an immediate review of Life Sentence prisoners. This would give a clear indication of the Government's willingness to cement the process of normalisation of our communities.

### REVIEW OF SENTENCING

During the previous war situation of the past 25 years the Judiciary implemented a 'harsh sentencing' policy, in which the most severe sentences were meted out as a deterrent to others. A deterrent to those who may have been contemplating carrying out 'further' acts of paramilitary violence.

We further content that the 'deterrence' policy is a failed one and there is no evidence to suggest otherwise. We suggest that a two tier system of  $\frac{2}{3}$  and  $\frac{1}{2}$  remission should be introduced.

### RESETTLEMENT OF PRISONERS

Welfare groups such as NIACRO and the Probation Service are rarely used by Loyalist paramilitary prisoners or for that matter, by their dependants.

They prefer their cases to be dealt with on a more local, personal basis and the emphasis is placed upon Loyalist Prisoners Aid and Loyalist Prisoners Welfare Association. They do not desire any change in this situation.

A comprehensive Resettlement Programme is required, including resettlement grants to help facilitate the reintegration of prisoners back into the community.