

TP 42/110
PC 56/110
E.R.

COVERING

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NI 1/93/39

① ~~NYK~~ } To see: I don't think this
② ~~Mus~~ } is a good presentation, & have suggested a
different approach

Mr Brennan
PS/Sir E Bell
Mr Bloomfield
Mr Bourn
Mr Burns
Mr Carvill ✓
Mr Merifield
Mr Abbott
Mr Edis
Mr Lyon
Mr Reeve

③ PA-SF ple
110

①

F/Fat

Policy exclusion > diff

Depts ^{DR} _{DRIVE} near a meeting SF
councils, as it
+ promotes dialogue within units - can be a bit
inconsistent

② New/old: difficult
to distinguish straw man

LR law has been

- good progress?

POLITICAL DEVELOPMENTS GROUP: 4 October 1984

I attach CPL's paper of 1 October on Relations between
the Government and Sinn Fein for discussion under Item 4
of the agenda.

③ NA defer submission, but a different line!
make it clear that not a new
thing, & not a full review
after election results. If a delayed
reply, then: done.

Frances Elliott

MISS D F E ELLIOTT
CPL
2 October 1984

encl

④ The same policy - applied -
different & more difficult circumstances;
No change in this: officials have to adjust.
Now: officials up to approval level
- usually PO - old be Penn & E

Then: more need for contact
with officials - not make an issue in the
media, but in the past.
Officials will see (& visit & receive)
depts with SF members or spokesmen.
What is alternative: not at same level!
Can put it down!
Not difficult in principle, or indeed much
in practice: a standard policy/practice, but
that is all.

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re: policy arising from
constituting issues

We haven't had
any policy - we will have
more on the political production
that is all.

RELATIONS BETWEEN THE GOVERNMENT AND SINN FEIN

Introduction

1. In view of the likelihood of Sinn Fein winning sufficient seats at next year's district council elections to gain significant representation on some councils, this paper sets out the present guidelines for relationships between the Government and Sinn Fein and examines what, if any, modifications to that policy may be necessary to take account of the new situation.

Background

2. After the Harrod's bombing at the end of 1983 the Cabinet reconsidered the question of whether Sinn Fein should be proscribed in the light of public outrage at that party's reiteration of its support for the violence perpetrated by the Provisional IRA. Cabinet decided, however, that the balance of advantage lay in not proscribing Sinn Fein. Nevertheless, it was decided that Ministers should have no contact with Sinn Fein elected representatives or with any group of people claiming to speak for Sinn Fein so long as that party continues to support the use of violence. Briefly, in practice, this means that correspondence with elected representatives of Sinn Fein receives a curt, formal and short Private Secretary reply. Letters which raise constituents' problems are dealt with adequately in the interests of the constituent, although the replies, which also come from the Private Secretary, remain brief and formal without any appearance of friendliness. Any requests for meetings between a Sinn Fein elected representative and a Minister are refused and the enquirer asked to put his views in writing. Ministers are not advised at present to avoid visiting councils on their home territory simply because they include Sinn Fein councillors but, of course, at present there are only

three Sinn Fein councillors. Ministers in other Government Departments have been advised to respond similarly.

3. Officials have also been instructed in general to deal with Sinn Fein only by curt, formal correspondence. Local offices, however, have been instructed to deal with purely routine or constituency matters as normal. Care is taken overall to avoid giving grounds for allegations of maladministration or actions under Section 19 of the Northern Ireland Constitution Act 1973 which forbids discrimination on the grounds of political opinion.

... A copy of the detailed guidelines is attached at Annex A. In theory at present under these guidelines meetings between Sinn Fein representatives and officials could take place at any level appropriate to the issue being discussed. But since officials' discussions with Sinn Fein are limited to issues of administration (policy issues being dealt with only by correspondence) the appropriate level is seldom higher than Principal.

The Attitude of the Irish Government

4. The Irish Government has so far also decided that the balance of advantage lies in not proscribing Sinn Fein, and Government Ministers and officials have a policy of refusing to have any dealings with Sinn Fein, either as individual party members, collectively or as a part of multi-party groups. However, there are some difficulties when Sinn Fein hold elected office. Sinn Fein currently hold 28 seats on the Republic's 117 local authorities. There are 5 Town Commissioners, 12 Urban District Councillors and 11 County Councillors. The Irish Government refuse to meet local authority delegations which include Sinn Fein members, but two Ministers of State sit on the Galway County Council which has two Sinn Fein members; inevitably the two Ministers have to have some dealings with them in their capacity as County Councillors and have agreed to meet delegations including the two Sinn Fein Councillors at local level but not

in Dublin. Another dilemma has been caused by the recent election of a Sinn Fein Vice-President (Flynn) to the Executive Council of the Irish Congress of Trades Union. He is also General Secretary of the Local Government and Public Services Union. In both roles he will expect to be in contact with Ministers; the Irish Government has not yet decided its stance towards him.

5. Recent contacts with Irish officials have confirmed that, whatever the outcome of the May 1985 district council elections, the Irish Government will expect UK Ministers and officials to continue to refuse to meet or talk to members of Sinn Fein. However, it is clear that the Irish Government has some difficulties in maintaining a policy of complete non-contact when confronted with elected representatives, a point which can be exploited if the UK Government's policy is modified.

Difficulties arising from Sinn Fein success in 1985 Elections

6. After the district council elections in 1985 it is possible that Sinn Fein could become an important political party at district council level, particularly west of the Bann; they might well gain one or two Council Deputy Chairmanships and the Chairmanships of a number of Council Committees. They could be well represented in some Council Committees. In some councils Sinn Fein may hold the balance of power between nationalists and unionists, and the local SDLP councillors may be forced into a deal with Sinn Fein at local level to prevent a unionist minority from gaining control. Requests for site meetings, Ministerial and official visits to district councils and requests for meetings with Council Committees or deputations could lead to the prospect of the Government (Ministerially or officially) dealing face to face with Sinn Fein representatives.

Future Policy on contacts with Sinn Fein

7. In the aftermath of the 1985 district council elections and faced with the prospect of various district council bodies

including members of Sinn Fein, the Government has three fundamental options: it can seek to continue with the strict application of its present policy; it can disapply its policy in its dealings with district councils and treat Sinn Fein councillors in the same way as other councillors; or it can modify its present policy to take account of the special difficulties raised by Sinn Fein's presence in district councils.

Continuing Present Policy

8. There is at present considerable dialogue between district councils and Ministers (in particular with the Minister charged with oversight of the Department of the Environment) and officials, reflecting both the traditional way in which local affairs are dealt with in Northern Ireland and the application of direct rule to functions which in Great Britain would be devolved to local authorities. Some contacts are compulsory and some are optional. The former - statutory consultations - are by nature formal and are usually conducted by correspondence. These would have to continue whether or not councils had Sinn Fein members and provided they were invariably conducted by formal correspondence they need not be construed as dealing with Sinn Fein. Optional contacts, eg Ministers and senior officials paying calls on councils and receiving council deputations, raise greater difficulties, particularly with those councils that might have Sinn Fein members in prominent roles such as Chairmen or Deputy Chairmen of Council Committees. Strict application of the current policy would preclude such contacts. But if the Government continued its normal relations with councils other than those with Sinn Fein councillors it could risk actions for discrimination under section 19 of the NI Constitution Act 1973 and might cause disaffection among those local SDLP groups that might strike up pragmatic alliances with Sinn Fein at a local level to ensure nationalist control of councils. Thus the strict application of the current policy towards Sinn Fein might make the efficient conduct of local government more difficult and might allow Sinn Fein to present themselves in a constructive and positive light

Minimise,
but not preclude
+ para 12 - an
announcement -
will make news
lead.

as working for the interests of their constituents against an obstructive and discriminatory Government.

Disapplying present Policy to Local Government Matters

9. If the Government chose to disapply its present policy towards Sinn Fein in the case of local government matters and therefore continued to conduct Ministerial and official meetings with all councils, council committees and council deputations, Ministers and senior officials would undoubtedly risk coming face to face with most, if not all, of the senior Northern Ireland members of Sinn Fein, most of whom it can be assumed will stand in the 1985 elections. This would make a nonsense of the application of the present policy in other areas and would undoubtedly be presented by Sinn Fein as a recognition by HMG (albeit enforced) of the party as the legitimate representatives of the nationalist community. Such a move would outrage unionists and gravely damage the SDLP; it would cause serious difficulties with the Irish Government; and it would create political difficulties for the Government in Parliament and in the national media. The overall effect might be gravely destabilising.

Modifying the Present Policy

10. The current arrangements are designed to emphasise the Government's repudiation of Sinn Fein so long as that party supports the pursuit of political ends through terrorist violence. Short of outright proscription of Sinn Fein, the procedures set out in the present guidance to departments at Annex A go as far as practicable in effecting that approach. There should be no change in the underlying objective. However, in circumstances in which Sinn Fein enjoys significant representation at local government level, some modification would be required to allow the efficient conduct of business between the Government and local authorities to continue while at the same time not according to Sinn Fein the courtesies extended to the constitutional parties. There are self-evidently major difficulties in striking the right balance and defending it. It should be possible for Ministers and senior officials to continue to refuse to meet Sinn Fein representatives as individuals even when they are council office-holders (although this might cause some difficulties). Correspondence from Sinn Fein councillors addressed to Ministers might continue to receive curt, formal and short Private Secretary replies.

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or officials

The main problem would
/ arise in situations where Ministers might meet councils or
council committees that have Sinn Fein members or, worse, council
bodies where the spokesman is a Sinn Fein member. It is for
consideration that such bodies should not be invited to
Departmental headquarters or included in the invitations to
official functions attended by Ministers. As at present,
Ministers and senior officials might continue to be prepared to
visit councils or council bodies that include Sinn Fein members
but they would have to be fully briefed and care would have to
be taken to eliminate the risk of Sinn Fein making political
capital out of such events (eg photographers might be barred
from such occasions). To avoid criticism from the Irish
Government and unionists, it might be necessary for the Government
to consider announcing publicly that it would not meet council
bodies with Sinn Fein spokesmen and that, if councils chose to
appoint Sinn Fein office-holders, they must expect Government
dealings to be conducted with the office-holder (not the person)
by correspondence only from officials. But this policy might
make some local government functions unworkable in such councils.

*local
members*

or members

?

*Senior
officials
dealing with
councils*

11. It is for consideration that the present general rules
for correspondence and approaches to officials could stay in
their present form without causing any serious difficulties.
It might be necessary to supplement the advice already given to
Whitehall Departments by acquainting them with the modified NIO
rules and warning them against inviting Northern Ireland local
authority representatives to official seminars, receptions and
to participate in delegations before checking with the NIO to
see whether Sinn Fein members were included. Some precautions
might also be necessary with EC authorities to avoid Sinn Fein
councillors being invited to Strasbourg or Brussels as Northern
Ireland representatives on EC issues affecting their area.

Conclusions

12. The options of either continuing with the strict application
of the Government's present policy towards Sinn Fein or dis-

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applying it altogether, in the case of local authorities, after the May 1985 district council elections have major disadvantages and could pose serious difficulties for the Government. A modified version of the present policy along the lines set out above is recommended which would enable Ministers publicly to maintain their position of refusing to meet or deal with individual members of Sinn Fein but allow the conduct of business between the Government and district councils and their associated bodies to proceed despite the presence of Sinn Fein councillors. This policy would have risks but they should be containable. It would be advisable to discuss our likely policy towards Sinn Fein and the reasons for it with the Irish Government before the elections.

CPL DIVISION
1 October 1984

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E.P.

To: Private Office Staff

APPROACHES TO GOVERNMENT BY MEMBERS OF SINN FEIN

1. Mr Russell's note of 26 July 1983 gave advice (supplementary to Central Secretariat Circular 5/83) to Private Office staff on the handling of approaches from Sinn Fein MPs and Assembly Members. This note develops present policy on Government contact with Sinn Fein in the light of the Secretary of State's recent public announcements: it is NOT for general distribution. It does not affect the question of access by Sinn Fein members to prisons and prisoners where the policy is unchanged. This note supersedes Mr Russell's note of 26 July.

Meetings with Ministers

2. Any request for a meeting between a Northern Ireland Office Minister and a Sinn Fein MP, Assembly Member or Councillor, (even if part of a larger delegation with other parties) should be refused and the enquirer asked to put his views in writing. A request for a meeting from anyone else with links with Sinn Fein should be referred for advice to the Secretary of State's Office who would consult Central Secretariat as necessary. You should expect such a request to be refused and you should therefore give no indication that the request is likely to be granted: you should aim to steer the matter towards correspondence. Ministers should not be advised to avoid visiting councils on their home territory simply because they include Sinn Fein councillors. But where such a visit is in prospect, Ministers should be warned of any possibility that Sinn Fein councillors might be present, and the Secretary of State's Office should be consulted in advance. If the visit takes place the Minister should be fully briefed and care should be taken to eliminate the risk of Sinn Fein making political capital out of such an event, eg a photograph of the Minister shaking hands with the Sinn Fein councillor.

Letters to Ministers

3. Letters from Sinn Fein MPs, Assemblymen and councillors addressed to Ministers should not receive Ministerial replies but

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should receive curt, formal and short Private Secretary replies (as should a letter from unelected spokesmen and party officers). Letters to Ministers raising constituents' problems must be dealt with adequately in the interests of the constituent, but should be brief and formal, avoiding any appearances of friendliness (eg phrases such as "thank you" for your letter of ..., or "I regret" that I am unable to grant your request, should be avoided). You need not be reluctant to give a negative answer when a negative answer is justified. For some letters (eg a brief covering letter to a document which has been widely circulated or a particularly abusive letter) a one sentence acknowledgement by a Private Secretary would be appropriate. You should pay particular attention to the style, substance and possible political implications of the replies (especially with letters dealing with broad policy issues). If you have any doubt about the content or tone of a letter, you should consult Central Secretariat.

Approaches to Officials

4. The normal response to telephone enquiries to Private Offices from Sinn Fein Members (or those claiming to speak on their behalf) should be to ask them to put the point in writing. In exceptional cases when the request cannot reasonably be dealt with in correspondence, eg an urgent request for compassionate parole to see a dying relative, Private Offices should refer for advice to the Secretary of State's Private Secretary who will consult Central Secretariat as necessary.

5. Policy is unchanged on approaches from Sinn Fein members to local offices, etc, concerning purely constituency matters which do not appear to raise wider questions of policy. These will be dealt with at local level in the same way as similar approaches from other MPs or Assemblymen. Staff have been instructed that if these approaches go wider or if they have any doubts, they should refer them to their Minister's Private Office. You should in turn consult senior officials in your Department and Central Secretariat.

Whitehall Departments

6. United Kingdom Ministers outside the Northern Ireland Office may receive correspondence from members of Sinn Fein (whether an

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MP, Assembly Member, councillor or in any other capacity with explicit links with Sinn Fein). Where the Sinn Fein connection is apparent, the appropriate response should be a curt, formal and short Private Secretary reply as in the case of NIO Private Offices, and Ministers in charge of Whitehall Departments have been advised accordingly.



Central Secretariat

18 January 1984

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