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FROM:

P T DURBIN
CPL DIVISION
15 SEPTEMBER 1992

UNDER/
SEC

599/9.

15 SEP 1992

CENT SEC

cc: Mr Bell
Mr Watkins
Mr Leach
Mr D J R Hill
Mr Cooke
Mr Rickard
Mr May PAB
Ms Bestwick
Mr Bentley HOLAB

h n c [unclear]

h n Lynn

*Gratified for coordinated
advice, etc.*

[Signature]

MR D A HILL

16.9

ASSY
SEC 7 SEP 1992
Jmcc
104/9
CENT SEC

RESTRICTIONS ON POLITICAL AND PARAMILITARY ORGANISATIONS

In your note to me of 21 August, not copied to all, you expressed concern about the Office possibly creating an overly complicated structure governing our relations with political organisations. You proposed that we look more closely at the various criteria we apply to justify restrictions on political/terrorist groups and suggested that, as a first step, it would be useful to draw up a list of the various restrictions which apply to such groups. I now attach such a list covering the areas mentioned in your note. The rest of this minute offers a commentary on that list and offers proposals for the future handling of relations with the UDP and PUP, the two political groups which seem to present the greatest difficulty.

The List

As you will see all the better known paramilitary organisations are proscribed with all that that implies. They also are specifically covered by the broadcasting restrictions and would of course not be knowingly dealt with by Ministers or officials. The restrictions on access to government finance in pursuit of the "Hurd statement" of June 1985 are not applicable since that statement is concerned with presenting government funds going to community groups which have "sufficiently close links with paramilitary organisations ...". Our policy on these organisations is therefore consistent and so the more readily defensible.

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Turning to the political organisations the situation is less satisfactory. Both Sinn Fein and Republican Sinn Fein (RSF) are covered by name in the broadcasting restrictions; the Ulster Democratic Party and the Progressive Unionist Party are not, albeit they have connections with the UDA and UVF respectively. This of course does not render UDP and PUP members immune from the restrictions which also apply to the broadcasting of statements by any person which support or invite support for proscribed organisations and any others named in the notice containing the restrictions.

Contact with Ministers (and officials) is another area of difference. There is specific guidance (annex to the Access to Government Circular - Cent Sec 1/91) about restrictions on contacts with Sinn Fein (and the UDP - who were to be treated similarly) but none covering the PUP. Further, in practice, Ministers have been prepared to meet delegations of the UDP (though not recently) and delegations from Derry City Council including Mr Ken Kerr the most prominent UDP councillor. Alderman Hugh Lynch of the PUP has also met Ministers in the past.

As regards treatment of political organisations under the terms of the "Hurd statement" of 1985, as you will be aware, a request by the UDP for a grant under the urban development programme has recently been refused citing the "Hurd statement". I am not aware that either the PUP or Sinn Fein has made any request for government finance and been turned down on that basis. I presume if Sinn Fein did, it would get similar treatment and arguably the same should apply to the PUP. (I am, on reflection, slightly surprised that a political party such as the UDP is regarded as falling within the scope of the "Hurd statement" which simply refers to community groups or persons prominent in their direction or management (I paraphrase): I would not have called a political party a community group, but doubtless my interpretation is too narrow.)

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issues to be addressed

As your note implies the fundamental issue is whether our policies in respect of political organisations are too complicated or indeed inconsistent. Why should Ken Kerr and Hugh Smyth be tolerable company for Ministers and officials when their parties have links with proscribed organisations - a fact we have explicitly acknowledged in the case of the recent grant refusal to the UDP - when Sinn Fein representatives are uniformly kept at arms length? Further if we refuse to give the UDP money under the "Hurd statement" why do we accept Mr Kerr in delegations to Ministers and if, as Mr Kerr said at the time of the proscription of the UDA, there are (? now were) UDA members in the UDP should not the broadcasting restrictions be specifically extended to the UDP? Conversely should Sinn Fein no longer now be named in the broadcasting restrictions since it is the only named organisation which is not proscribed - a point Sinn Fein have already made?

You have already argued in effect that the test for acceptability of contact should not be whether or not a party has links with a paramilitary organisation but whether or not those involved have publicly denounced violence. This is an attractive option and one which we currently operate in practice as regard Mr Kerr. He is acceptable on a personal basis as a member of delegations, although my understanding is that Ministers would be advised not to meet him and his party on political talks issues. This is fine as far as it goes but I recollect suggesting something similar in respect of Sinn Fein members on grounds of equity and receiving a very cool response indeed. This I can understand in so far as Sinn Fein has a vastly higher profile and its leadership has continued to refuse to condemn the violence of the PIRA, but it does bring us back to the point that currently we tolerate contacts with representatives of political parties with loyalist paramilitary connections (since Hugh Smyth also has had contact with government) in a way that we do not with representatives of parties with republican connections. This may be justified on the grounds either that Mr Kerr and Mr Smyth are personally acceptable (though why should they be any more acceptable

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...en their paramilitary connections than Sinn Fein
representatives?) or that the parties they represent are
insignificant or that Government's aim is to keep some, albeit
limited, contact with the widest possible range of political opinion
or it may be justified on any two or all three of them. Nonetheless
the policy is not very tidy and it "benefits" loyalist politicians
rather than nationalists.

The way ahead

It may well not be easy (or indeed felt desirable) to treat all
political parties with paramilitary links in precisely the same way
but there does seem merit in lumping Sinn Fein, the UDP and the PUP
back into the same category and advising that Ministers and
officials do not have personal dealings with any of these parties'
representatives unless the immediate needs of their constituents
require it. I offer this without elaboration at this stage and
invite reactions from you and copy recipients.

SIGNED Peter Durbin

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Constitutional and Political Division

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	A	B	C	D
ORGANISATION	PROSCRIBED	BROADCASTING RESTRICTIONS	RESTRICTIONS ON CONTACT WITH MINISTERS	RESTRICTIONS ON ACCESS TO GOVERNMENT FINANCE

i. REPUBLICAN

IRA	Y	Y	Y	N/A
INLA	Y	Y	Y	N/A
IPLO	Y	Y	Y	N/A
PIRA	Y	Y	Y	N/A
Sinn Fein	N	Y	Y	?
Cumann na mBan (Womens branch of IRA)	Y	Y	Y	N/A
Fianna na hEireann	Y	Y	Y	N/A
RSF	N	Y	Y	?

ii. LOYALIST

UFF	Y	Y	Y	N/A
UVF	Y	Y	Y	N/A
RHC	Y	Y	Y	N/A
UDA	Y	Y	Y	N/A
UDP	N	N	Y	Y
PUP	N	N	N	?

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