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FROM: PS/SECRETARY OF STATE (B)
12 AUGUST 1992

- cc PS/SofS (B&L) - B
- PS/Mr Mates (DFP,B&L) - B
- PS/Mr Hanley (DENI,B&L) - B
- PS/PUS (B&L) - B
- PS/Mr Fell - B
- Mr Thomas - B
- Mr Bell - B
- Mr Ledlie - B
- Mr Alston - B
- Mr Steele - B
- Mr Wood (B&L) - B
- Mr Cooke - B
- Mr D J R Hill - B
- Mr D A Hill - B
- Mr Leach
- Mr Rickard - B
- Mr Petch - B
- Mr Archer, RID, FCO - B
- HMA Dublin - B
- Mr Caine - B

UNDER/ 26/8
 SEN
 13 AUG 1992
 CONFIT SEC

Mr Durbin, CPL - B

cc Mr Perkins

and by

PROSCRIPTION OF THE UDA

The Secretary of State, accompanied by Mr Mates, met with Dr Paisley, Mr Robinson and Mr McCrea in his room in Stormont Castle yesterday morning. Dr Paisley had requested the meeting at very short notice late yesterday afternoon. I was also present.

2. Dr Paisley led with expressions of concern about yesterday's announcement. He and his colleagues had no qualms about banning so-called Loyalist terrorists. Indeed, at various times in his political career he had been one of their prime targets. However, there were two aspects of the announcement which disturbed him. First, he recognised that the Secretary of State had taken an executive decision based on intelligence reports. But from his (Dr Paisley's) point of view, he could see no difference whatsoever between the UDA now and the UDA which had existed six months ago. In that case, why had the Secretary of State acted? Second, he

CONFIDENTIAL

SDS/SOFS/14948

CONFIDENTIAL

had been alarmed to read a Downing Street source quoted on the front page of this morning's Times about Sinn Fein activity and to hear the Secretary of State's own comment yesterday about the amount of electoral support for Sinn Fein in the Nationalist community. The UDA did not have any electoral support because Unionist politicians like himself had had the courage of their convictions and had consistently faced them down at the ballot box. It was fundamentally wrong that there should be an electoral test for proscription. Organisations and individuals should be answerable to the law for what they did and should not escape prosecution or proscription because they had support at the polls.

3. Continuing, Dr Paisley said that when PIRA were killing Loyalist people, Sinn Fein was not banned. But the reverse was not true in the case of the UDA. The Government only seemed to get uptight when Dublin got excited about something. In fact he had heard Mr Dick Spring only yesterday saying, almost in terms, that the Secretary of State was taking orders directly from Dublin. This was bad enough. But a much deeper worry was Dublin's keenness on eventually bringing Sinn Fein into the Talks process and dealing directly with HMG. If that were the real agenda, the Talks would end tomorrow. Local Unionist councillors were already having to sit down with members of Sinn Fein and there was nothing but hatred and contempt for them. The Protestant community would not rise up and defend the UDA; but there was a clear feeling that they were being discriminated against.

4. Mr Robinson said that in the area of east Belfast which he came from and represented there would not be a great deal of concern about the ban itself. But the decision would have passed off peacefully if it could have been shown to be even-handed. Instead, it dealt with only one part of the problem and came down only on one side. It led the Secretary of State open to the charge that he was simply trying to keep in with the SDLP. Sinn Fein were causing the greatest upheaval by their presence in local Councils and the Secretary of State had missed a golden opportunity to deal with them. They were clearly an integral part of PIRA, and had been for

CONFIDENTIAL

SDS/SOFS/14948

CONFIDENTIAL

some time. The only difference, which the Secretary of State had mentioned yesterday, was that Sinn Fein had electoral support; but this did not justify not banning them.

5. Mr McCrea said that the Government had done a good job of undermining Unionist politicians. The ordinary people throughout the length and breadth of the Province were saying that Nationalist politicians, Dublin and the Roman Catholic Church only had to squeal and they were listened to. If the UDA had been proscribed after the killings in the Ormeau Road, he could understand. But the Secretary of State had chosen to ban them in the midst of the political talks, when Unionist politicians were facing the full scrutiny of their own community. The Government had yielded to a key demand of the other side and the people would not be convinced that Dublin had not had a hand in the decision. Dublin had claimed to have made it clear on numerous occasions through the IGC that it had called for proscription of the UDA. He (Mr McCrea) said he had to take their word for it.

6. The Secretary of State interrupted at this point to ask why Mr McCrea was prepared to ignore his word in favour of the word of the Dublin Government. He had made clear yesterday in unequivocal terms that Dublin had had no part whatsoever in the decision, either through the IGC or during the review leading up to the announcement. Mr Spring could say whatever he liked. He was not a member of the Irish Government.

7. Continuing, Mr McCrea referred to provocation by Sinn Fein members of Council meetings, which included simulating firing a hand gun at individual Unionist Councillors across the Council Chamber. The RUC had said that Sinn Fein were the "godfathers of PIRA" and a former Chief Constable had called them "the murder executive". Did the Secretary of State need any further evidence? He agreed with Dr Paisley that the Loyalist paramilitaries were vicious. The problem on the Nationalist side was that the SDLP could not handle

CONFIDENTIAL

SDS/SOFS/14948

CONFIDENTIAL

Sinn Fein. More often than not they played along with them in Council business, having opposed them at elections. This was also true of the Alliance Party. The bottom line was that the Secretary of State's action yesterday had not strengthened Unionist politicians' hands with their community. On the contrary, it had considerably weakened it.

8. Responding, the Secretary of State said that he had already dealt with the point about Dublin involvement in the decision. He would deal similarly the claim that Sinn Fein had not been proscribed because HMG was waiting to sit down with them. It was palpable nonsense. He was acutely conscious that any such contact with Sinn Fein would undermine the will of the security forces to resist the scourge of terrorism, and damage the integrity of the Government and the whole democratic process. He firmly believed that the Irish Government were just as opposed to contact Sinn Fein.

9. As far as changes in the UDA over the past six months were concerned, Dr Mawhinney had in January 1991 set out the Government criterion for proscription, namely that an organisation was "primarily and actively engaged in criminal terrorist acts". This was not at all the same as the expression "in no way connected with" which Dr Paisley had been using. There was now evidence about the UDA which had led to his decision to proscribe, though he was not prepared to discuss that evidence. He did not believe that the decision was seriously being challenged. The UDA scarcely bothered to make the distinction between itself and the activities of the UFF. However, Sinn Fein did not satisfy the Government's published criterion, and if it were banned against that criterion there would be a judicial review. Either the criterion would have to be widened or the Secretary of State would have to continue to incur criticism for a decision properly made. On reflection, it would perhaps have been better not to have referred to the strength of the Sinn Fein vote in the Nationalist community. Votes did not confer immunity. The fact was, however, that Sinn Fein was different in character to the UDA.

CONFIDENTIAL

SDS/SOFS/14948

CONFIDENTIAL

10. In further discussion the Secretary of State acknowledged that Sinn Fein had been banned in the past, but that had been on the basis of the tighter statutory test. He would not of course dismiss out of hand the view in the Baker Report that there was a case for it being re-proscribed. But he had to act on the basis of current security advice, tested against the Government published criterion. He could not speak for previous Secretaries of State, nor did he wish to comment on the observations of a former Chief Constable. He could say only that he had taken the decision announced yesterday following consultations with the Chief Constable and after the most careful consideration. If he were given conclusive evidence that Sinn Fein was an organisation "primarily and actively engaged in criminal terrorist acts", then that would render it open to proscription too. For the moment, that evidence had not been put before him. He would, however, continue to keep the matter under review.

10. Responding, Dr Paisley said that it gave him a hollow feeling if the RUC were saying to the Secretary of State that Sinn Fein was "not actively engaged". Ordinary police officers whom he came into day to day contact with consistently said to him that PIRA and Sinn Fein were the same organisation. Mr Robinson added that he would wish to seek a meeting with the Chief Constable and ask why he was not acting on available intelligence.

11. Continuing, Dr Paisley repeated that he and his colleagues had not come to the meeting to defend the UDA. However, it was worth pointing out that there were no no-go areas in the Loyalist parts of the Province and that the police had regular access to good quality intelligence from local people on the activities of the paramilitaries. The evidence was there to see in the courts. The same could not be said of Republican areas. There was now a distinct possibility that members of the UDA would stand in the local government elections next May and ask the Unionist people to vote for them as a challenge to the Government. He and his colleagues had taken their political future in their hands during the Talks process and had expected some reciprocation, not undermining.

CONFIDENTIAL

SDS/SOFS/14948

CONFIDENTIAL

12. The Secretary of State acknowledged the latter point with a full tribute to Unionist politicians for the courage which they had shown. Like Dr Paisley, he had not expected a meeting of minds, and so it had proved. But he, too, was grateful for the opportunity for an open and frank exchange of views.

13. The meeting ended at this point, after some 45 minutes.

Signed

DAVID FERGUSON
PS/SECRETARY OF STATE
OAB EXTN:
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