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Proscription of the UDA

The British Ambassador called to the Department at 11.10 am this morning. He had instructions to deliver the attached copy of a letter to the Minister from the Secretary of State (which issued this morning). In the absence of the Minister, the Minister of State and senior officials, he was received by the undersigned.

The terms of the letter are self-explanatory. The decision to proscribe the UDA will take effect from midnight tonight. The Ambassador added that, because news of the decision was beginning to leak in Belfast, the timing of its announcement had been brought forward to 12 noon today. He apologized for the short notice which was being given. He did not yet have the text of the proposed press release but it would be provided to us very shortly.

I suggested that the Government would respond positively to this development. We had signalled its desirability on a number of occasions, though we had done so in a manner which made clear that it was essentially a judgment which the relevant security authorities had to make.

I asked why news of this decision had not been conveyed to us through the Secretariat. The Ambassador said that the original of the Secretary of State's letter would be transmitted through the Secretariat. I said that we would expect to be briefed fully through the Secretariat on this important development. The Ambassador indicated that this would be done.

I enquired about the timing of the decision. The Ambassador said that the Secretary of State was "now convinced" that the UDA satisfied the criterion for proscription which had been referred to publicly in PQ replies and elsewhere, viz., that an organisation should be "actively and primarily engaged in the commission of criminal terrorist acts". Today's announcement was the product of a review which had been carried out in recent months. It would be made clear that the Secretary of State saw no difference between the UDA and the UFF (already banned). It would also be made clear that he did not consider that Sinn Fein met the published criterion for proscription, though this matter would be "kept under review" (the standard formulation used for bodies known to have links with terrorist organisations).

David Donoghue
David Donoghue
Anglo-Irish Division
() August 1992

cc Asm ✓
PSS
AP O'Leary (action)
Mr S Hughes, D/Justice
Tom Lee (action)
Amb Lon (action)
Mr P Hennessy (action)
Mr D Kelleher
Mr J Farrell

**TEXT OF A LETTER DATED 10 AUGUST
FROM THE RT HON SIR PATRICK MAYHEW QC MP,
SECRETARY OF STATE FOR NORTHERN IRELAND,
TO MR DAVID ANDREWS TD, MINISTER FOR FOREIGN AFFAIRS**

ULSTER DEFENCE ASSOCIATION (UDA)

I am writing to tell you that I have today made an Order under Section 28(3) of the Northern Ireland (Emergency Provisions) Act 1991 adding the UDA to the list of proscribed organisations for the purposes of that Act.

The Order comes into effect at midnight tonight. From then on, it will be unlawful to be a member of the UDA or to engage in a range of activities including recruitment and fund raising for it. The Order will need to be approved by both Houses of Parliament once the summer recess is over.

I have no doubt that there will be some hostile reaction from within the majority community and perhaps allegations that I have been pressured into this by the Irish Government, the SDLP and so on. If such allegations are made, I intend to make quite clear that the decision was that of the United Kingdom Government alone, as is the case, although I shall, if asked, say that I have notified you of the making of the Order.

Almost certainly this step will also lead to calls for the same action to be taken against Sinn Féin. I intend to resist on the basis that Sinn Féin, however abhorrent its stance on the use of violence may be, does not meet our published criterion for proscription. However, as we always do in the case of bodies known to have links with terrorist organisations, I shall explain that the question is being kept under review.



AN ROINN GNÓTHAI ÉACHTRACHA
DEPARTMENT OF FOREIGN AFFAIRS

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DUBLIN 2

PA on UDA file.

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Press Release
Proscription of the UDA

A spokesman for the Department of Foreign Affairs said that the Government had been informed by the Secretary of State for Northern Ireland of his decision to make an Order today which would have the effect of making the UDA a proscribed organisation.

The spokesman said that the Government shared the widespread concern which existed in Northern Ireland about the role and activities of the UDA. In recent months, these concerns had been accentuated by the significant upsurge in acts of violence perpetrated by Loyalist paramilitary organisations. The Government had taken the view that the threat which the UDA posed must be firmly confronted by the security forces and that it was a matter for judgment by the relevant security authorities whether proscription would be an effective counter-measure. The Government welcomed the clear recognition by the Secretary of State of the continuing and serious threat posed by the UDA in Northern Ireland.

10 August 1992