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PS/SECRETARY OF STATE (L)

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PS/Ministers (L&B) *
PS/PUS (L&B) *
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* Receive Appendix I
(London offices only)

CONTACTS WITH SINN FEIN - POLICY AFTER MAY 1985

Introduction

1. This submission considers the implications for Government policy on Ministerial and official contacts with Sinn Fein of a significantly increased number of Sinn Fein councillors after the May 1985 district council elections. The review was commissioned by PUS on 19 September in the narrower context of the mistaken invitation of Mr Gerry Adams to an IDB reception. It takes account of the conclusions of an inter-departmental group endorsed by Mr Patten; the views of the Political Development Group, and consideration of the controversy surrounding Dr Boyson's meeting with the Belfast City Council Gas Committee on 5 November. The following advice thus reflects a consensus of opinion among NI Permanent Secretaries and the Northern Ireland Office, including Mr Bickham, although there are different emphases on the practicalities of implementing the policy. Given the complexity of the subject, the Secretary of State might find it helpful to discuss with Ministerial colleagues and officials.

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Policy Principles

2. The present policy on contacts with Sinn Fein stems from the principle that the Government rejects the use of violence as a means of furthering political ends. Accordingly, Ministers will have no personal dealings with Sinn Fein, unless and until Sinn Fein renounce support for the use of violence. This attitude signals support for parties who use the democratic process, and especially for the SDLP who compete for the nationalist vote. It falls short of proscription which, although desired by unionists, would be counter-productive. Thus Sinn Fein is a legal political party, and a substantial number of people elect its members to public offices. The Government has a duty to deal fairly with the interests of their constituents as individuals and through the efficient administration of local government. An effective relationship with the latter also benefits those who vote for the constitutional parties. Present guidelines on correspondence and meetings between Ministers or officials and Sinn Fein, against which specific cases are considered, flow from this general policy.

Possible Scenario after May

3. The likely increase in Sinn Fein representation after the elections and its impact on local government were analysed in the note attached to Mr Patten's minute of 15 October 1984 to ... the Secretary of State (copy attached as Appendix 1). The conclusion then was that the number of seats held by Sinn Fein would increase from 3 to 55-60. More recent assessments suggest that 45-50 seats is more likely. Nevertheless, on some councils west of the Bann, they might become the largest nationalist party. It is possible that two councils could have Sinn Fein chairmen. Some Sinn Fein councillors may well be elected council deputy chairmen or chairmen of committees. The larger number of Sinn Fein councillors is likely to disrupt what cross-community cooperation remains in local government: it will further antagonise unionists. But particular problems will be posed for the SDLP. Sinn Fein will almost certainly hold the balance of

power in many of the presently nationalist controlled councils. If so, the SDLP will be forced to choose between cooperation with Sinn Fein and handing power to unionist parties. The SDLP are already aware of this dilemma and are divided. Gerry Adams highlighted it in the wake of Mr Hume's abortive meeting with the Provisional IRA.

4. There will be problems for central government. Ministers and officials are likely to encounter Sinn Fein councillors, some of them as council office holders, during visits to councils, in council delegations and at site meetings. Although it has been relatively straightforward to apply the present policy to one MP, 5 Assembly Members and 3 district councillors, it will be more difficult to maintain consistency towards a much greater number. Sinn Fein and the SDLP will not be alone in paying close attention to the Government's stance. As Mr McCusker's present series of PQs show, the UUP and DUP will be watching for a change of position. They will point out that Ministers refuse to meet Sinn Fein but expect unionist councillors to work with them.

5. The choice between adhering to or relaxing the principles of the present policy cannot be avoided. We recommend that there should be no change. To do so because of changed electoral fortune would undermine the constitutional parties and boost Sinn Fein and the Provisional IRA. It would be perceived by unionists, and by some opinion at Westminster, as a weakening of the government's resolve to resist terrorism. But while the principles remain valid, their practical implementation may have to be modified to match the different circumstances after the elections. The rest of this submission considers what this might involve.

Ministerial Contacts

6. Ministerial visits to councils raise complex problems. In recent years Ministers, particularly those responsible for the Department of the Environment, have developed a practice of

regular visits to enable consultation with local representatives. They have not thought it necessary to avoid visiting councils simply because they include Sinn Fein councillors. But after May, Sinn Fein is likely to be represented on at least 13, and possibly 19, councils. If Ministers go to these councils, it would be very difficult to avoid some contact with Sinn Fein members, including for instance, answering questions on local matters. Particular difficulties could arise if a Minister were invited to meet a council or a council committee with a Sinn Fein chairman (or if a Sinn Fein vice-chairman were to deputise unexpectedly and at short notice for an SDLP chairman).

7. Ministers will not wish to be seen to fraternise with Sinn Fein Chairmen or office holders. While it might be argued that it is possible to draw a distinction between a representative office (mayor, chairman, or vice-chairman) and the office-holder, the subtlety of this distinction would be lost on most local observers. Sinn Fein would seek to make publicity out of encounters with Ministers, and public, especially unionist, reactions would be hostile. But the rejection of those elected by the majority of residents of an area would be liable to be exploited by Sinn Fein as a grievance both at home and abroad. And if Ministers were to refuse absolutely to visit Councils with Sinn Fein members or office holders, they would penalise other councillors and would be in danger of treating the council as a whole - and its electorate - less favourably than other councils. They would also limit the range of local opinion which they currently hear.

8. We therefore recommend that Ministers should continue to be prepared to visit District Councils with Sinn Fein members. If a council has a Sinn Fein chairman, visits might be kept to a minimum. But each visit would have to be carefully considered in current circumstances, and it would be desirable for Ministers to consult the Secretary of State before finalising arrangements. During visits, Ministers will wish to ensure that any contact with Sinn Fein members is kept to the minimum and does not stray outside Council responsibilities. Public presentation will be very important, and guidance, based on careful reconnaissance, will need to be produced on, for example, advance identification

of Sinn Fein councillors, the handling of photocalls and the stage-managing of visits generally. As to individual courtesies, such as handshakes, we think that this must be left to the Minister's (or official's) discretion. Personal snubs are usually counter-productive. Moreover, however careful the preparation, it may not in practice be possible for Ministers always to know whether they are talking to a Sinn Fein member.

9. Sinn Fein Councillors may be present at events, eg the opening of new buildings organised by the council, to which Ministers are invited. As district council representatives, they may appear at events organised by Area Boards or other bodies. If Ministers were to adopt a blanket policy of refusing to attend such occasions, this would in effect give Sinn Fein a power of veto over Ministerial activity which they would undoubtedly exploit. We recommend that as a general rule Ministers should be prepared to accept invitations to such events irrespective of whether Sinn Fein councillors will be present, but that they should not attend if the principal host were expected to be a Sinn Fein representative.

10. At present, Ministers decline requests for meetings with Sinn Fein elected representatives, whether on their own or as part of a larger delegation with other parties. Considerable publicity was given to Dr Boyson's refusal to meet the Sinn Fein members of Belfast City Council Gas Committee. In its wake, the SDLP leadership refused to support Sinn Fein's claims to meet Ministers and denied that there would be any alignment with Sinn Fein in district councils. If Ministers changed their policy then this position, which is already under considerable pressure within the party, (and that of the Irish Government) would be undermined. In addition, there would be adverse reaction among unionists and opinion in Great Britain.

11. Correspondence from elected representatives of Sinn Fein does not receive a Ministerial reply, but a curt, formal and short Private Secretary letter. Where genuine problems are raised,

these are dealt with fairly and adequately in the interests of the constituent. There is no reason to alter this practice, even where a Sinn Fein councillor holds an official council position.

Official Contacts

12. At present personal contact between officials and Sinn Fein elected representatives is avoided, except where direct approaches are made on constituency matters. These are dealt with at local level in the same way as for other MPs or Assembly members. Officials are instructed that in the case of any approaches that go beyond constituency business, they should seek advice from Private Office. The aim is to restrict policy issues to correspondence. The UUP have begun to criticise such contacts as part of its campaign to force the Government to proscribe Sinn Fein but it would be wrong, and all the more impracticable post-May, to be more restrictive. There would be practical difficulties in requiring local offices, some of which are in sensitive areas, to adopt a strict "no contact" approach. More importantly, the Government would be vulnerable to legal claims that they were discriminating against Sinn Fein elected representatives' constituents on political grounds (see para. 14).

13. However, if Sinn Fein councillors were to hold committee chairmanships, then the thin line between constituency matters and wider policy issues could become blurred. Indeed, already on 6 occasions when DOE officials have met Omagh Council or its Planning Committee, a Sinn Fein councillor has been present. The indications are that Sinn Fein would try to become more influential and would take a high profile. A Sinn Fein chairman of a council recreation committee, for instance, would expect to discuss with senior officials a major project within his area. To refuse all such contact would risk undermining the conduct of good government and lay officials open to accusations of discrimination and of less favourable treatment of some councils than of others. Such contacts at official level are therefore unavoidable, particularly where - as in DOE - some services are administered on a decentralised basis and officials of up to

Assistant Secretary level and equivalent may be involved in routine meetings with District Councils. We recommend that the general rule should be that:

(a) officials who are locally based should continue as at present to have freedom to liaise with district councils and individual councillors on matters within the council's direct responsibilities and on any constituency matters which councillors may raise. This would apply irrespective of the political complexion of the council;

(b) senior headquarter officials (Assistant Secretary and above) would not receive deputations which included Sinn Fein councillors, save in the very exceptional circumstances where such contact was essential for fair administration. Nor would they pay site visits to councils where it was known that a Sinn Fein councillor would be the main spokesman (eg as chairman of a recreation committee) unless

(i) the subject matter was within the specific responsibilities of the council or council committee concerned, and

(ii) the interests of fair government and of the equitable treatment of the council and the area as a whole required personal contact rather than correspondence.

Ministers authority would be sought for proposed meetings of this sort.

Legal Position

14. In addition to the political sensitivities, there are legal pitfalls. Care should be taken not to draw a false distinction between Ministers and officials - legally officials act in the name of Ministers. Care is also required to give no grounds for a complaint of maladministration to the Parliamentary Commissioner of Administration; or a claim of discrimination on the grounds of

political affiliation under section 19 of the Northern Ireland Constitution Act 1973. This is why genuine constituency complaints continue to receive a fair and adequate reply. It is also important to emphasise that the Government's policy is determined, not by Sinn Fein's political aims, but by its support for violence.

Presentation

15. This issue will attract attention in the run-up to and especially following the May elections. The Government will have to tread a clear path between taking a firm line against Sinn Fein as an advocate of violence, which should help the SDLP, and creating a situation after the election in which Sinn Fein can too easily disrupt the relationship between central and local government. The Irish Government will be alert. They do not have the same difficulties, since there are relatively few Sinn Fein local councillors in the Republic. But they would be very critical if they felt that we were softening our approach in advance of the elections. After then, much will depend on how the SDLP behave with Sinn Fein in the councils. There might be a case for the Secretary of State talking privately to Mr Hume about probable SDLP tactics.

16. It is for decision whether the Government's approach should be announced in advance of the May elections, perhaps through an arranged Written PQ along the lines of Appendix II. But, however carefully we try to devise sustainable arrangements now, it is scarcely possible to foresee all eventualities. This suggests that while the Government should be robust when questioned, as it surely will be, there is little to be said for an unsolicited announcement. Moreover, to go on the offensive in that way would appear, paradoxically, too defensive, and might be seen as exposing concern at Sinn Fein's likely tally in May. To make a public high-key declaration of our intentions would risk handing Sinn Fein an election issue and perhaps make more difficulties for the SDLP leadership in their efforts to avoid their party being caught up in compacts with Sinn Fein. I suggest

that Ministers keep the material in the attached draft PQ to hand for use when questioned. As May approaches, it makes sense to tell the Irish Government, probably through diplomatic channels, what line we propose to take.

Conclusion

17. The present policy will remain valid after May 1985. But it will be more difficult to implement. Ministers will be more likely to meet Sinn Fein councillors on visits and more meetings may be necessary between senior officials and council delegations which includes Sinn Fein representatives. Individual cases will need to be considered by Ministers against the Government's overall policy. Careful consideration will have to be given to presentation of that policy and practice.

18. If the approach in this note and its conclusions are agreed, officials will examine the effect of increased Sinn Fein membership on district councils' relations with Area Boards, the Housing Executive and other non-Departmental public bodies; and on district councils' powers of patronage. Particular difficulty may arise with appointments to Area Health and Education Boards, where there are statutory provisions for District Council representation. Nominations to the Education Boards are made direct from individual District Councils. As Ministers have no discretion, the appointment of a Sinn Fein nominee cannot be ruled out. Nominations to the Health Boards are also made by councils, but a greater degree of discretion in making the appointment is a theoretical possibility. Detailed guidance for Northern Ireland Departments will also be prepared; and Whitehall Departments will also need to be brought up to date.

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8 March 1985

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