

E.R.

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1. PS/MR SCOTT (L&B)
2. PS/SECRETARY OF STATE (L&B)

cc PS/Ministers (L&B)
PS/PUS (L&B)
PS/Mr Bloomfield
Mr Burns
Mr Elliott
Mr Wood
Mr McConnell
Mr Bell
Mr S Hewitt
Mr G Hewitt

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UDA POLICY DOCUMENT

You have Mr Rickard's minute of 4 February which provided an analysis of "Common Sense" and recommended the cautious welcome which Ministers have now given. This minute provides some further advice, in the light of a query from Mr Scott's PS whether the Minister should meet the UDA and, if so, how he should respond to Mr McMichael's letter (undated) forwarding the document. (The same letter from Mr McMichael went to the Secretary of State).

Background

2. 'Common Sense', published on 29 January, advocates a form of power-sharing devolved administration for Northern Ireland, without an Irish dimension. Abandonment of the Agreement would be a pre-condition of this devolved administration.

3. The SDLP and Alliance have welcomed the proposals as a basis for discussion, the former with the caveat that the Anglo-Irish Agreement could not be abandoned. The Unionist parties have been generally dismissive.

4. The Government's initial reaction has been to welcome the document as a sign that some minds in NI are turning to the question of its future system of government; and to note that the devolution proposals are, with appropriate safeguards, consistent with the Government's own thinking. The Secretary of State said in answer to an Oral Question on 12 February that he

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welcomed constructive suggestions from whatever quarter and advocated talks. Lord Lyell, in response to questioning from Lord Fitt in a debate on 11 February, declined to commit the Government to meeting the UDA and indicated "passive interest" in their proposal.

Discussion

5. Although "Common Sense" was formally issued by the Ulster Political Research Group (UPRG), we know this Group to be part of the UDA and in fact the document is signed by all key members of the UDA

Following these attacks, a UDA spokesman made it clear that the political initiative would not deter the UDA from pursuing their paramilitary campaign either in the Republic or in the North. The UDA has publicly acknowledged that the UFF (a proscribed organisation) is part of their organisation. This pursuit of the joint political/military approach therefore parallels Sinn Fein's support for the actions of PIRA.

6. The proposals in "Common Sense" are a less than satisfactory basis for talks, since they seem designed to make nationalist participation in a devolved government difficult, if not impossible. Moreover, the proposals are designed to replace the Anglo-Irish Agreement; and the requirement for a two-thirds majority for constitutional change cannot be reconciled with Article 1.

7. There can be no case for the Government to take an active role in promoting the UDA proposals. But Ministers will wish to consider how to respond to requests for meetings and questions about whether the UDA proposals would be on the agenda of a round-table conference on devolution.

Meeting the UDA

8. Given the UDA's close association with sectarian violence, Ministers have always in the past refused to meet the UDA or its

CONFIDENTIAL

various political affiliates. A meeting now would be widely misinterpreted by the minority community and by moderates in the majority community as endorsing UDA activities. In the minority community there is no perceived difference between John McMichael and eg Gerry Adams. I recommend, therefore, that Ministers should not now offer to meet the UDA (or the Ulster Political Research Group).

9. It does not follow that the Government now needs to state in public a clear policy of not meeting the UDA. It has, of course, been stated that Ministers will not receive or correspond personally with Sinn Fein representatives. But the need to state a policy towards Sinn Fein springs from the fact that their elected representatives would otherwise normally have contact with Ministers. The UDA has no elected representatives and minimal electoral support. Requests for meetings from members of the UDA, if made, could be refused (as they have been in the past) on an ad hoc basis. Those seeking a meeting would be representing no-one but themselves and, like Sinn Fein, they have not forsworn violence..

Discussing the UDA's Proposals

10. The UDA's document is flawed in several fundamental ways, and this must limit our enthusiasm for commending it. Moreover, indications of positive Government blessing for the document would be likely to taint it further in the eyes of the Unionist parties. The Government would not, therefore, wish to suggest that the UDA proposals on their own might be the basis for a round-table conference on devolution. Nor would the UDA or its political affiliates be invited to attend such a conference. On the other hand, it would be open to the constitutional parties attending a conference, or to the Government, to place on the table any proposals that they considered might be a useful basis for discussion. I recommend therefore that, if asked, Ministers could indicate that it would be open to the constitutional parties attending any conference to table any proposals which seem to them a useful basis for discussion.

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Recommendations

11. In summary, I recommend that Ministers should:

- (i) continue to give a cautious welcome to the UDA's proposals as a contribution to debate;
- (ii) if asked, turn aside suggestions of a meeting with the UDA, arguing that constitutional proposals are for discussion between the Government and elected representatives of the constitutional political parties;
- (iii) if asked, indicate that the UDA proposals could be tabled for discussion at a round-table conference by any of the constitutional political parties attending who wished to do so.

12. I understand that Mr McMichael's letter (undated) has been acknowledged. He will since have noted what Ministers have said publicly about 'Common Sense'. I do not believe that a formal reply (from a Private Secretary) is now required, but, if a short letter is judged desirable, a draft can of course be provided.

(signed)

D C KIRK
Constitutional & Political Division

23 February 1987