

STEERING GROUP ON THE ECONOMIC ACTIVITIES OF PARAMILITARY ORGANISATIONS
NOTE OF A MEETING HELD IN STORMONT HOUSE ON THURSDAY 26 MAY 1977

Present:

Mr Pritchard (Chairman) : NIO
 Mr Kidd : Head of NICS
 Mr Blackburn : Dept of NI Assembly
 Mr Bloomfield : DOE(NI)
 Mr Slinger : Dept of Education
 Mr Scott : Dept of Commerce
 Mr Wightman : Dept of Finance
 Mr Palmer : Central Secretariat
 Mr Martin : Office of the Legislative Draftsman
 Mr Erskine : Office of the Legislative Draftsman
 Mr Walker : NIO
 Mr Neilson : NIO
 Mr Beels : NIO
 Mr Watkins (Secretary) : NIO
 Mr Sands : NIO
 DCC Hermon : HQRUC
 Mr Andrews : HQNI

Minutes of the Previous Meeting

1. The minutes of the previous meeting (SGP(8)77) were agreed: subject to the following amendments -

- (a) Para 3 b : Delete "Inadequate" and substitute "largely unsuccessful".
- (b) Para 4 : In line 11 delete "former" and substitute "latter".

Matters Arising from the Previous Meeting

2. Mr Kidd reported that a comprehensive review of the licencing law was due to be carried out. The exact format it should take was awaiting Ministerial guidance. It was hoped the review would be completed by the end of the year. The Steering Group agreed that it should be kept informed of developments.

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3. The Chairman said that the NIO had taken some initial soundings on how best to draw attention of the judiciary to the question of administering the licencing law in the Courts and would report progress in due course.

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General Review of Intimidation

4. The Chairman suggested that the meeting consider the wider question of intimidation covering the following:

- (a) The general survey of intimidation by the paramilitaries outlined in Mr Walker's paper circulated on 16 February.
- (b) The nature of intimidation during the UUAC strike and the lessons to be learned in consequence.
- (c) The possibility of amending the law dealing with intimidation.
- (d) The Report of the Sub-Group on intimidation in the Building Industry circulated on 20 May.

The intention would be to produce a comprehensive paper as a result of the discussion which would in due course form the basis of a submission to Ministers.

Mr Walker's Paper

5. Mr Walker mentioned that there had been some preliminary discussion of his paper at earlier meetings. Parts of the paper needed updating. He would discuss this with the Secretary who would be incorporating much of its thinking in the draft submission for Ministers.

Mr Walker
Secretary

The UUAC Strike - Extent and Nature of Intimidation

6. DCC Hermon considered that at the outset of the strike the main feature was apprehension on the part of the community, especially in the Protestant estates. People were waiting to see exactly what action the paramilitaries would take, the response of the Security Forces and their capacity to afford protection. Once the strike had begun people saw that the strength of the paramilitaries was not as great as expected and the Security Forces were deployed with determination and in sufficient numbers. The paramilitaries then concentrated on intimidatory telephone calls but these were eventually seen to be largely idle threats.

7. In discussion it was pointed out that some instances of telephone intimidation against DOE employees showed careful targetting and may have been based on inside information. A particularly difficult problem

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was "passive" intimidation such as the polite and seemingly innocuous request to shopkeepers to support the strike with the unstated threat that the UDA would enforce such demands. Concern was also expressed that many people did not bother to report cases of intimidation to the police.

UUAC Strike - Lessons Arising

8. DCC Hermon stressed the important role played by Government PR during the strike particularly in encouraging the effect of "normality" and giving factual evidence of the response by the Security Forces. Mr Neilson added that the importance of the media was underlined during the strike and this needed separate and detailed consideration. The importance of PR must not be neglected in dealing with the ongoing intimidation in Northern Ireland.

9. The Steering Group felt that large businesses were able to take a stronger line against intimidation than individuals or small shops who would naturally feel isolated. Mr Kidd mentioned that there had been instances of groups of small shops joining together to build up their resistance to intimidation. He suggested that consideration should be given to producing a booklet advising people and firms how to withstand intimidation and what useful action they could take eg by ensuring that relevant information was given to the police.

10. DCC Hermon said that on the tactical front the police had made great use of photography to monitor activities of strike supporters. Prosecutions could well result in due course. Suitable publicity would be given for these to encourage those who had withstood the strike. The police were also well aware of the danger of retrospective action by the paramilitaries against prominent opponents of the strike and were monitoring the situation closely. The RUC recognised that people were often afraid to give information and had tried to overcome this with the safeguard that they would not have to give evidence in court against their wishes; the message to get across was that every piece of information helped in building up a case against the intimidators. The UUAC were now analysing the mistakes they made and the Government and police must adopt the same approach.

11. The Steering Group recognised that although the loss of pay for those supporting the strike had a delayed effect in encouraging people

to go to work the DHSS had contributed by not announcing arrangements for paying emergency benefits. The DHSS was now scrutinising closely claims for benefit by people alleging that they could not go to work because of intimidation even though their firm remained open.

12. Mr Neilson reported that following an initiative by the Chief Constable indicating the need to take positive steps to stiffen community morale and cohesion against intimidation PUS had asked him to co-ordinate work on the Chief Constable's ideas. It had been agreed that the Dept of Commerce might co-operate with the RUC in the following areas: discussions with the larger chain stores on attitudes to intimidation and the need for group policy; similar discussions with organisations such as "Spar" servicing smaller shops; talks to chambers of trade, rotary clubs etc; and advice to firms including the need to keep the workforce informed and to use responsible telephonists to minimise the effect of intimidatory telephone calls. The Dept of Commerce were considering these proposals and would eventually forward a submission to Mr Concannon. Mr Neilson undertook to keep the Secretary informed of developments.

Mr Neilson

The UUAC Strike - Legal Aspects

13. The Chairman reported that Dr Quigley and Mr Bloomfield had suggested a tightening of the law to enable those involved in intimidation to prevent people going to work to be charged with an offence. The preliminary opinion of the Home Office legal advisers was, however, that such intimidation was already an offence under section 1 of the Protection of the Person and Property Act 1969 and conspiring to intimidate was equally illegal.

14. Mr Bloomfield emphasised that the very planning of the strike by politicians in conjunction with paramilitary leaders was intimidatory in nature. The Secretary said that whether intimidatory tactics succeeded was irrelevant to the crime of conspiring to commit them, but the charging of those responsible could in certain circumstances depend not only on the availability of evidence but on the political wisdom of taking such action. Mr Erskine added that a review and updating of the laws relating to sedition might be useful.

15. DCC Hermon commented that the police did not find the law inadequate in any material sense and had no reservations in this respect.

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16. Mr Martin said that the 1926 Emergency Powers Act covered the making of regulations to maintain the provision of essential services in the context of a trade dispute which the UUAC strike was not. Certain provisions in the Emergency Regulations following the proclamation of a state of emergency might have been of some minor assistance in dealing with the UUAC action; for example loitering in the vicinity of essential premises was an offence under these regulations. In general, however, he did not consider any of the draft emergency regulations need be incorporated in the body of other law and he argued that the 1969 Act covered the offence of intimidation.

17. Summing up the discussion, the Chairman said that the existing law particularly the 1969 Protection of the Person and Property Act appeared to cover all significant areas. There was no need to incorporate in statute law any of the powers in the Emergency Regulations. There was no evidence to suggest that the existing law needed to be strengthened. Instead attention should be concentrated on encouraging people to give evidence.

Report of the Sub-Committee on Intimidation in the Construction Industry

18. Mr Blackburn, introducing the report of the Sub-Committee, said that the original intention had been to limit the study to cases of intimidation known to Government departments but this had been broadened to include the employers and unions. The very nature of the construction industry with its itinerant workforce made it particularly vulnerable. Intimidation was widespread and the product of the emergency. It would only be solved in the overall context of restoring law and order. Given the present general situation, the Security Forces could do little to assist for the time being. However the Sub-Committee had recommended a number of measures which they considered might contribute to alleviating the problems.

19. In discussion of the recommendations A - F in the Sub-committee's report, the following points were made:

- (A) Making a positive statement expressing opposition to firms giving in to intimidation and agreeing to this statement being drawn to contractors attention at the tender stage for all public sector contracts.
- (i) The Chairman said that publicity by Government during the UUAC strike had already implemented much of recommendation A. However

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the Steering Group felt that there was merit in making contractors fully aware of the Government's concern about intimidation and of the need to report instances of intimidation without delay. The Steering Group agreed that the Department of Finance would consider with the Department of Environment how best to enforce such an obligation on contractors.

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- (B) Setting up machinery to ensure consultation with local elected representatives prior to the letting of contracts for projects of direct social benefit to the community.
- (ii) Mr Bloomfield said that local councils were informed at an early stage of the building plans of Government agencies. The Steering Group agreed that consultation with local representatives should be reinforced when work was ready to begin but that no special machinery needed to be established. There was no need to involve Ministers.
- (C) Cancelling such contracts where intimidation has occurred.
- (iii) On recommendation C the point was made that although extreme care had to be taken not to pay inflated prices for contracts, the social needs of deprived areas must not be neglected. This was often one of the causes of the flourishing of paramilitary groups which themselves indulged in intimidation. To this extent the problem was a circular one. Each case had to be considered on its merits balancing the threat of intimidation and the extra costs this caused against the social problems of the area. Mr Bloomfield said that legal advice on the question of withholding contracts from paramilitary linked firms had suggested this was inadvisable. The Chairman said that this was an area that might be looked at further. Could not the law be strengthened? It was agreed that DOE would take up this point. The Steering Group also agreed that it was not possible to lay down a strict rule as envisaged in the sub committees recommendation. The Group considered that ^{in respect of} intimidation where public amenity building schemes were concerned, PR could play an important role in highlighting the loss to the community through intimidation.
- (D) Affording sympathetic consideration to firms, within the terms of the contract, whenever they incur losses as a result of resisting intimidation.
- (iv) On recommendation D it was pointed out that ex-gratia payments

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could be made to cover extra costs incurred by the contractor as a result of intimidation, absenteeism, vandalism, etc. It would be possible to link such payments to the prompt and full reporting of any acts of intimidation. It was doubtful if such a condition could be contained in the contract itself. It was agreed that Dept of Finance and DOE would consider this together with the point made at paragraph 19(i.) above.

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- (E) Ensuring that public sector cost control systems are sufficiently tight
- (v) The Steering Group agreed that although cost controls mentioned in this recommendation were already tight, they should be kept under review.
- (F) Setting up machinery for continued liaison with the industry on the question of intimidation through, in the first instance, a series of meetings followed up by the appointment of a Government 'contact'.
- (vi) The Chairman said that Mr Dunn had recently met representatives of the industry and the unions; the Minister had emphasised the need for the industry to stand up to and report cases of intimidation and keep in touch with Government. The Steering Group considered that the Government ought to give a positive lead and exchange views regularly with the industry and unions perhaps through the forum of the Construction Council or other suitable machinery. It was agreed that the Department of Finance would pursue this suggestion further.

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20. In conclusion the Chairman thanked Mr Blackburn for the useful work done by his sub-committee. The relevant areas taking into account comments at the meeting would be included in the Secretary's Report.

Conclusion

21. It was agreed that the Secretary would produce a draft Report on the general problem of intimidation covering all the areas discussed. This would be circulated for comment to members of the Steering Group. A final submission by the Chairman on behalf of the Steering Group would be made in due course to the Secretary of State.

Secretary

Markus J Sands
for
B WATKINS
SECRETARY
2 June 1977