



PW 115/11

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PS/SoS (L&B) - B

cc PS/Ministers (L&B) - B+M

PS/PUS (L&B) - B

① PS/Sir K Bloomfield - B

Mr Murray - M

Mr Burns

Mr Wood (B&L) - B

Mr Chesterton

Mr Kirk

Mr J McConnell - B

Mrs Brown - M

Mr R E Templeton - B

Ms Jackson

Mr Rickard

Mr Margetts

Mr Nixon, DOE - M

② Mr. Spence 16/11

③ Mr. Wilson 23/11

Mr. Spence

to see a return pl

M1



ELECTED AUTHORITIES (NI) BILL - DECLARATION AGAINST TERRORISM

As promised at the Ministerial Conference I now attach an article which Mr Needham has prepared as background briefing on the Declaration against terrorism for the information of Ministerial colleagues, and Conservative backbenchers. An approach is now being made to the Daily Telegraph about its publication next week.

Ministers may like to bear in mind the arguments contained in the article for possible use if doorstepped by the media in the forthcoming weeks.

(SIGNED)

CATRIONE GARRETT
PS/Mr Needham

15 November 1988

TYP/J1308

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THE SHADOW OF THE GUN OVER THE COUNCIL CHAMBER

At the Sinn Fein Party Conference in 1981 Danny Morrison a former high ranking officer of the IRA Council, and now Sinn Fein's director of publicity, addressing cheering delegates said

"Who here really believes that we can win the war through the ballot box? But will anyone here object if, with a ballot paper in this hand, and an armalite in this hand we take power in Ireland?"

In 1985, Sinn Fein candidates stood in a local Government election for the first time since Northern Ireland's present troubles began. Of its 59 elected Councillors no less than 11 had previously served long prison sentences for terrorist crimes.

It is scarcely surprising that the arrival of such people in the council chambers caused widespread revulsion. The vast majority of councillors, like their electors, and whatever their political aspirations, totally reject violence.

The British Government wants to see progress towards a devolved government with all constitutional parties involved. No political settlement can work without local Government working and local Government cannot succeed if the supporters of violence are present in the Council Chambers.

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The operation of Northern Ireland's 26 district councils has been put seriously at risk by Sinn Fein's presence in 16 of them. It is understandable that many decent and moderate councillors have despaired and contemplated resignation.

Local Government depends upon attracting able people prepared to serve the community in a balanced, democratic and civilised manner. It also needs a sprinkling of able young men and women who start their political careers in the foothills of Council work. It is becoming increasingly difficult to attract such people into public service while the shadow of the gun hangs over the Council Chamber.

It was no option for the Government to ignore those problems. We consulted widely and last year we issued a discussion paper. This considered various options which included proscription, doing nothing, and introducing a declaration against violence.

Our paper made clear that we had no wish to prevent any political party standing in elections. Following further representations we reconsidered the options. First we were not convinced that proscription would solve the problems facing councils. Even with proscription there would still be a need to ask candidates to sign a declaration as they might easily stand under new and different guises. We rejected the arguments for doing nothing for what to us were obvious reasons. And we were reconfirmed in our view that

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while we have no intention of interfering with the legitimate expression of political views, we cannot possibly allow the supporters of violence to remain unchallenged. That is why we intend now to legislate to introduce a declaration against terrorism. The measure is not directed against any particular party. It will apply to all. We have listened to the criticism of the wording of our original declaration and we have amended it accordingly.

The declaration is not an 'oath'. It will simply amend the existing consent to nomination form for a council candidate. It will be enforced by civil procedure. A council, councillors or voters will be able to bring an action to determine whether a councillor has breached his declaration. If so, he will automatically be disqualified for council office for five years.

There will, of course, be argument that anyone bringing an action will be open to intimidation. But in Northern Ireland it is the intimidation of witnesses in cases rather than the promoters of cases which causes most concern.

All the councils' problems are not of course caused by Sinn Fein or loyalist extremists. Other improvements can be made to the workings of local government. We shall soon be consulting the councils about possible improvements in their procedures to provide greater stability, accountability and acceptability across the political spectrum.

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We also intend to strengthen the disqualification rules: people convicted of serious offences will in future be disqualified for council office for five years from the date of release from prison rather than five years from the date of conviction as at present.

The idea of a declaration against terrorism was supported by 84% of the people of Northern Ireland in a recent poll. But surprisingly, it has vociferous opponents, including the Labour Party, John Hume's SDLP and much fashionable "liberal" opinion. They claim that it will infringe democratic rights, will create martyrs, will be impossible to enforce and will annoy Irish Americans.

The Labour Party's Spokesman recently stated his ambition to be the last Secretary of State for Northern Ireland, since he hopes to achieve a united Ireland by consent. But how could Mr McNamara ever achieve the consent of the Unionists if the footsoldiers of violence are allowed to pursue their ambitions in the council chambers with the ballot paper in one hand and the Armalite in the other?

The history of the democracies in this century is littered with examples of the bodies of those who said 'no' to any attempts to curtail the men of violence. The SDLP in the past have accepted that anyone willing to continue to use the gun and the bomb with sufficient ruthlessness has a permanent veto over a political settlement.

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In the 1920's and 1930's the Governments of Italy and Germany believed that the fascist parties which fed off discrimination and poverty would, once they had achieved political power, abandon violence and join the Angels. They did not. The democracies believed that if Mussolini and Hitler were treated in a civilised and reasonable way they would respond in a civilised and reasonable way. They did not. *Must accept defeat*

Mr John Hume recently tried to persuade Gerry Adams to abandon violence. He did not succeed. Gerry Adams can muster scarcely more than 3% of the votes in all Ireland. No wonder he supports violence. It is his only political option. These are not people we can do deals with.

We cannot tolerate the continued exploitation of elective office by those who openly proclaim their support for terrorism without giving law abiding councillors the right to challenge that support. The declaration threatens the liberties of no-one except those who support terrorism.

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