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RCM:

P T DURBIN
CPL DIVISION
11 August 1992

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cc: Mr Bentley HOLAB
Mr Watkins
Mr D A Hill

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MR MAY
POLITICAL AFFAIRS DIVISION

o/v

MINISTERIAL CONTACTS WITH THE ULSTER DEMOCRATIC PARTY (UDP)

We spoke recently about what the Government's attitude to the UDP should be in the light of the proscription of the UDA. As we discussed, the obvious approach would be to treat the UDP in the same way as Sinn Fein, that is, broadly speaking, no Ministerial written or personal contact except where this is unavoidable and similar restrictions on contacts by officials with the UDP. This was of course the policy agreed when the Access to Government Circular was last revised in 1990 (published January 1991) but was subsequently watered down for largely pragmatic reasons in respect of the one UDP Councillor - Ken Kerr. Mr Kerr has been a member of Derry City Council delegations and, I believe, has also occasionally seen previous junior Ministers in his own right.

2. The proscription of the UDA raises a new awkwardness. If, as appears to be the case,

the UDP retains its links, financial and other, with the UDA, it is on the face of it scarcely defensible for Ministers to have personal contacts with Mr Kerr (or any other representative of the UDP). On the other hand, unlike Sinn Fein representatives, Mr Kerr has publicly denounced violence from whatever source it comes. This may be a fraud, but it does mean that it is not readily open to us to argue, as we do in the case of Sinn Fein representatives, that Ministers will not meet them because of their support for violence. Accordingly we are left with the one common element, namely that both the UDP and Sinn Fein are associated with proscribed organisations. We might plausibly argue that Sinn Fein is the political voice of the PIRA but I just wonder whether the UDP can plausibly be regarded as the political voice of the UDA. And even

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DE/CPL1/14117

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if it can are we in a position where logic dictates one thing and common-sense another? We could do the logical thing and treat the UDP like Sinn Fein and amend our formal policy or we could take the common-sense route and let sleeping dogs lie and continue to proceed on a pragmatic basis, advising Ministers against contacts with the UDP on political issues, but not making an issue of the attendance of Mr Kerr in delegations from Derry City Council on issue of local concern. This would be maintenance of present policy. But perhaps this is untenable on the basis that any ministerial dealings with a party associated with a recently proscribed organisation are beyond the Pale on account of that association alone. We have of course not run a consistent policy of no ministerial contacts with parties associated with proscribed organisations since Hugh Smyth of the PUP has had access to Ministers even though the PUP has (had?) links with the UVF.

3. All this is, I fear, thinking out loud but at this stage this is perhaps no bad thing. However to end (sort of) crisply, the key issue appears to be can we alter our approach to the UDP solely because the UDA is now a proscribed organisation without the risk of possible judicial review at the worst - which we might find difficult to deal with if evidence of continuing UDA/UDP links comes from sensitive sources - and, at best, allegations of overkill and inconsistency?

4. I would welcome comments from you and copy recipients.

SIGNED: Peter Durbin

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