

Ref. A083/3517

PRIME MINISTER

c Sir Robert Armstrong

Possible Banning of Sinn Fein

You are having a Ministerial meeting at 11.45 am tomorrow, 20 December, to determine the Government's attitude to the possible proscription of Sinn Fein.

BACKGROUND

2. At an informal meeting of Ministers today the provisional and tentative view was reached that, if the Irish Cabinet decided to proscribe Sinn Fein in the Republic, it would be necessary for the British Government to take corresponding action. The Irish Cabinet is meeting to consider the question at 11.00 am on 20 December and is unlikely to reach a decision until the early afternoon. Irish officials have undertaken to inform us as soon as the decision has been taken. HM Embassy at Dublin believes that Irish Ministers will be considering four possible options:

- a. proscription;
- b. tightening up on incitement (which apparently means increasing the penalties for sedition under the Offences Against the State Act 1939);
- c. imposing a state of emergency under the Emergency Powers Act 1976 (which would permit suspected persons to be arrested and held without charge for seven days);
- d. remitting the question for further consideration, either by a committee appointed for the purpose or in consultations with the main opposition party, Fianna Fail.

Irish officials cannot predict the outcome, but think that the choice is most likely to lie between a. and b.

3. Northern Ireland Office officials do not know whether the Secretary of State for Northern Ireland will wish to minute his colleagues in advance of tomorrow's meeting or will prefer to give

his views orally at the meeting. The Home Secretary is circulating a note by officials summarising the legal powers to proscribe which are available in Great Britain and in Northern Ireland.

HANDLING

4. Since the Irish Government's decision will not be known when the meeting takes place, it will be necessary to tackle the question hypothetically. You might begin by confirming that the consensus is against proscription by the British Government in the event that the Irish Government decides not to proscribe. You might ask the Secretary of State for Northern Ireland and the Home Secretary whether there is any corresponding action to be taken here if the Irish limit themselves to strengthening the penalties against incitement. (The view of officials is that the Government already has sufficient powers to deal with incitement, and that no further action in this area would be either necessary or appropriate.)

5. The main question to be addressed is what to do if the Irish Government does decide on proscription. You will wish to ask the Secretary of State for Northern Ireland to give his views; the Home Secretary and other colleagues should then be invited to comment. The points to be covered in discussion include:

a. could there be any question of banning Sinn Fein in Northern Ireland but not in Great Britain? (This is legally practicable; but there would seem to be little sense in banning an organisation in Northern Ireland in consequence of a crime committed in Great Britain, especially since the effect could be to encourage Sinn Fein to leave Northern Ireland and establish itself on the mainland.)

b. what is likely to be the impact of failing to follow the Irish example (i) on domestic opinion (which will presumably expect the British Government to be at least as severe on Sinn Fein as the Irish Government); and (ii) on Anglo-Irish relations (where there might be accusations that the British were "soft" on Sinn Fein and still harboured hopes of doing a deal with them)?

c. what would be the positive advantages of banning Sinn Fein? Would the disruptive effects on its activities be significant? Within Northern Ireland, would it help the SDLP to strengthen its position with the minority at Sinn Fein's expense? Would it hamper Sinn Fein's efforts to attract financial and other support in the United States?

d. what would be the negative consequences of banning Sinn Fein? Would it be seen as our overreaction to a single - admittedly horrendous - incident for which there are not only precedents in Great Britain but more especially in Northern Ireland? As far as is known, there is no precedent for banning a party which has elected representation at Westminster. What would be Gerry Adams' legal position as an MP if his party were proscribed? If he chose to challenge the Government's decision, go to jail and embark on a hunger strike, what would be the political consequences in Northern Ireland and in the Republic? What would be the longer term consequences for a political settlement in the province of banning a party which has significant electoral support? Would the minority be even less inclined than at present to pursue its interests by constitutional, non-violent means?

e. what would be the practicalities of imposing a ban? (The Attorney General should advise on this.)

f. Timing. How soon after the Irish Government's decision became known should a British ban be imposed? Should there be further consultations with the Irish Government on this point?

g. Are there alternative measures which could be taken against Sinn Fein without going as far as proscription - eg exclusion orders against leading members which would keep them out of Great Britain?



CONCLUSION

6. This is primarily a question for political judgment. But you will wish, in the light of the discussion, to weigh the short term considerations (which may well be thought to favour following suit if the Irish decide to proscribe) against the long term consequences, which are much more uncertain and could well be negative.

h.

P.A. D S GOODALL

19 December 1983