

Ref. A083/3537

PRIME MINISTER

Cabinet: Northern Ireland: Possible Proscription of Sinn Fein

BACKGROUND

At your meeting on 20 December you instructed me to place this question on the Cabinet agenda for 22 December. You also instructed me to inform the Secretary of the Irish Government that the British Government would be very reluctant to take the step of proscribing Sinn Fein. You will recall that the consensus at your meeting was that there was no case for proscribing Sinn Fein here unless either the Irish Government decided to do so or further major acts of terrorism occurred in Great Britain or Northern Ireland which might make proscription politically desirable.

2. From Mr Nally's subsequent telephone conversation with me and from inquiries made by HM Ambassador at Dublin, it appears that the Irish Cabinet, at its meeting on 20 December, postponed a decision on whether to ban Provisional Sinn Fein. Instead, Irish Ministers decided to consider tightening existing Irish legislation on incitement to violence. Following the Irish Cabinet meeting it was announced in Dublin that the Irish Government had decided on a review of existing legislation against incitement to violence, to see if it could be made more effective in "prosecuting and convicting those promoting the activities of unscrupulous terrorists by incitement to violence or hatred". The review will also cover possible further measures against the "insidious actions of those promoting terrorist activities while claiming to be unassociated with them". Among those to be consulted in the course of the review are the Garda, the Irish Army, the Leader of the Opposition (Mr Charles Haughey) and "other bodies". The Irish press is interpreting "other bodies" to mean Her Majesty's Government.

3. For the moment, therefore, the Irish Government have decided not to proceed with proscription; indeed the Irish Foreign Minister, Mr Barry, has told Mr Prior that Irish Ministers were overwhelmingly against it.

HANDLING

4. You may wish to introduce the subject by drawing on the foregoing background and summarising the considerations which led to the consensus at your meeting that proscription by the United Kingdom would not be desirable. These were that it would not affect the fight against Irish terrorism in Great Britain; and that it could well lead to widespread civil disobedience in Northern Ireland (where Sinn Fein would be likely to flout the law and invite mass arrest of their members, making capital of the fact that they had won considerable support from the minority community in the general election). Proscription would also be unhelpful in terms of United States opinion; and the leader of the Social Democratic and Labour Party, Mr John Hume, was believed to be strongly opposed to proscription because of the likely consequences for law and order in Northern Ireland. The Secretary of State for Northern Ireland (who was unable to attend your meeting on 20 December) has sent a minute which agrees with the provisional conclusion not to prosecute; it is a full minute, but you will want to ask him if he has anything to add. The Home Secretary might be invited to say whether there is a case for tightening up our own laws against incitement to violence. The Foreign and Commonwealth Secretary and the Attorney General might also be asked to comment.

CONCLUSION

5. Subject to the discussion, you might guide the Cabinet to confirm the view that there is no case for proscribing Sinn Fein here unless the Irish Government should decide to do so; and that meanwhile the Foreign and Commonwealth Office and Northern Ireland Office should keep in touch with the Irish authorities about the progress of the Irish Government's review of legislation against incitement to violence.

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ROBERT ARMSTRONG

21 December 1983