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Does the end justify the means?  
Examining the relationship between  
the Ulster Defence Association and  
the British Government

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Abstract:

Since the late 1980s, claims were made about possible collusion between Loyalist paramilitaries and the Security Forces in Northern Ireland during the Troubles. The largest loyalist paramilitary organization was the Ulster Defence Organization (UDA). A remarkable fact is that the British Government waited to proscribe the UDA as a terrorist organization until 1992. Must this be seen as a corroboration of the claims of collusion? Did the British Government go too far in the Northern Ireland conflict, losing sight of their democratic principles? What were their motives for possibly treating the UDA differently as the IRA? In this thesis, answers will be sought to these questions. Several types of documents will be analysed to examine the relationship between the UDA and the British Government. These documents will include literature about the UDA and the Troubles, parliamentary debates between the outset of the Troubles and the moment of proscription of the UDA in 1992 and unclassified British policy documents from the British National Archives that are made available about proscription of the UDA.

Index:

<b>Introduction</b>	p. 5
<b>Chapter 1: Theoretical Framework</b>	
1.1 What is a “terrorist group”?	p. 11
1.2. What is state-sponsored terrorism?	p. 13
1.3. State sponsored terrorism in practice	p. 14
<b>Chapter 2: Historical context</b>	
2.1 Introduction to the Troubles	p. 16
2.2 The Troubles	p. 18
2.3 Theoretical perspectives on the root causes of the conflict	p. 20
<b>Chapter 3: The UDA and the British Government</b>	
3.1 The UDA	p. 22
3.2 The British Government relationship with the UDA	p. 25
3.3. Inquiries and investigations	p. 27
<b>Chapter 4: Parliamentary debates about the UDA</b>	
4.1 The early years of the Troubles	p. 33
4.2 The Thatcher Years	p. 38
4.3 The last phase of the Troubles	p. 40
<b>Chapter 5: Unclassified British policy documents 1976 – 1987</b>	
5.1 The UDA and proscription	p. 44
5.2. Criticism about non-proscription of the UDA	p. 47
<b>Conclusion</b>	p. 52
<b>Bibliography</b>	p. 57

List of Abbreviations:

FCO	Foreign and Commonwealth Office
FRU	Force Research Unit
INLA	Irish National Liberation Army
IRA	Irish Republican Army
NIO	Northern Ireland Office
PIRA	Provisional Irish Republican Army
RUC	Royal Ulster Constabulary
SDLP	Social Democratic and Labour Party (of Northern Ireland)
UDA	Ulster Defence Association
UDR	Ulster Defence Regiment
UFF	Ulster Freedom Fighters
UPRG	Ulster Political Research Group
UVF	Ulster Volunteer Force

## Introduction:

The conflict in Northern Ireland is often described as “The Troubles.” The Troubles consisted of three decades of violence and unrest in Northern Ireland. More than 3.500 people lost their lives<sup>1</sup> and around 50.000 people were wounded.<sup>2</sup> Most of the victims, around 2000, were innocent civilians.<sup>3</sup> In total only 1,5 million people lived in Northern Ireland, meaning that almost every citizen knew a family member, neighbour or friend who lost their life or got injured during these violence years. There are many stories of children who lost their parents and parents who lost their children. For example, here’s the story of Sarah MacFadden’s grandfather: He was killed in his family home in Belfast on 27 July 1977. He was only 38 years old, married and father of 5 children. Gunmen shot him through the front door while his wife and two of his children were present. Sarah MacFadden’s mother was only 15 years old and remembered her father as a loyal and loving family man. Her father was a postmen and at the day of this death he just came home from doing his early post round when he was brutally murdered.<sup>4</sup> Another story is of a mother, Margaret Delaney, who lost her 13-year-old son, Sean O’Riordian on 23 March 1972. He was shot by British soldiers because there had been riots in their neighbourhood. There was never evidence that Sean O’Riordian was involved in any violence but he was just in the wrong place at the wrong time.<sup>5</sup>

Why were all these people killed? In other words, what was the conflict in Northern Ireland about? The dominant theory explains the conflict as an ethno-national conflict. Around two-thirds of the population was Protestants. The majority of the Protestants were Unionists, felt more related to the British and wanted to remain part of Great Britain. One-third of the population was made up of Catholics. The greater part of the Catholics were Nationalists and they considered themselves not as British but as Irish and wanted a united Ireland.<sup>6</sup> With opposite goals, the

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<sup>1</sup> Jonathan Tonge, *Northern Ireland*, New York: Routledge (2013), p. 42

<sup>2</sup> Seamus Kelters, Violence in the Troubles, [http://www.bbc.co.uk/history/topics/troubles\\_violence](http://www.bbc.co.uk/history/topics/troubles_violence), accessed on 4 March 2018

<sup>3</sup> Ibidem

<sup>4</sup> Sarah MacFadden, Stories From Silence, <http://storiesfromsilence.com/sarah-macfadden/>, accessed on 4 March 2018

<sup>5</sup> Margaret Delaney, Stories From Silence, <http://storiesfromsilence.com/margaret-delaney/>, accessed on 4 March 2018

<sup>6</sup> David McKittrick and David McVeu, *Making Sense of the Troubles: The Story of the Conflict in Northern Ireland*, Amsterdam: New Amsterdam Books (2002) p. 2

Unionists and Nationalists clashed, leading up to the outset of the Troubles in 1969. When the security situation deteriorated, the British Government send their troops to Northern Ireland and eventually installed direct rule in 1972 to restore peace and order. Direct rule meant that the Northern Irish parliament in Stormont was suspended and that the Westminster government took over. The Troubles lasted till the Good Friday Agreement of 1998, where all parties eventually reached an agreement about the future of Northern Ireland.

On both the Unionist and Nationalist side, paramilitary groups were fighting to achieve their goals through the use of violence. On the Nationalist side, these were Republican paramilitary groups. The most well-known paramilitary group is the IRA. The IRA believed that the British Government was responsible for the conflict and wanted self-determination for all Irish People. The IRA was responsible for most deaths during the Troubles.<sup>7</sup> Most of the research about the Troubles is focused on the Nationalist side, mainly on the IRA. Not only academics but also politicians and even the Security Forces were more focused on the IRA and considered them to be the most lethal and important terrorist group in Northern Ireland.<sup>8</sup>

Yet on the side of the Unionist, there were also so-called Loyalist paramilitaries fighting to achieve their goals, to remain part of Great Britain. These Loyalist paramilitaries are much less discussed in the literature and in a way “the Loyalist groups are the forgotten children of the Troubles.”<sup>9</sup> Who were these Loyalist paramilitaries? The largest Loyalist group was the Ulster Defence Association (UDA) and this group will be central to this thesis.

Since the late 1980s, claims were made about possible collusion between Loyalist paramilitaries and the Security Forces in Northern Ireland; investigations and inquiries followed. One remarkable fact is that the British Government waited to proscribe the UDA as a terrorist organization until 1992. Must this be seen as a corroboration of the claims of collusion? Did the British Government go too far in the Northern Ireland conflict, losing sight of their democratic principles? What were their motives for possibly treating the UDA differently as the IRA? In this thesis, answers will be sought to these questions.

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<sup>7</sup> Joanne McEvoy, *The Politics of Northern Ireland*, Edinburgh: Edinburgh University Press (2008), p. 63

<sup>8</sup> Andrew Silke, In Defence of the Real: Financing Loyalist Terrorism in Northern Ireland – Part One: Extortion and Blackmail, *Studies in Conflict & Terrorism*, nr. 4 (1998), p. 31

<sup>9</sup> Jeffrey Sluka, *Death Squad: The Anthropology of State Terror*, Philadelphia: University of Pennsylvania Press (2000), p. 331

Several academics have so far written about collusion between the UDA and the British Government. In *A State in Denial*, Margaret Urwin, an Irish historian, argues that throughout the early years of the Troubles, British officials showed Loyalist paramilitaries toleration, and at times even encouraged them in their actions. According to Urwin, the British Government, the RUC and the British army “were living in a state of denial about the true extent of the assassination campaign and who was carrying out these assassinations.”<sup>10</sup> Collusion with Loyalist paramilitaries existed on a much bigger scale than the British Government explicitly admitted. Two other academics, Jeffrey Sluka, an American political anthropologist, and Bill Rolston, an Irish Social scientist, argue that Loyalist paramilitaries were acting as death squads attacking the Catholic-Nationalist minority. Death squads are more often associated with authoritarian than with democratic regimes. The underlying belief therefore is that “democracy precludes terror and democracy is the ultimate protection against abuse of power in general and terror in particular.”<sup>11</sup> However, both Jeffrey Sluka and Bill Rolston argue that death squads can arise in democracies as well, with Northern Ireland as “a prime example of a situation in which the rule of law, albeit distorted, went hand-in-hand with a dirty war of dubious legality.”<sup>12</sup>

According to Jeffrey Sluka, there were two campaigns of violence in Northern Ireland. The war of the Republicans, aimed at the British state and Security Forces, on the hand and the war of the Security Forces’ and Loyalist paramilitaries aimed directly at the Catholic population, on the other.<sup>13</sup> Governments, politicians, academics and the media were merely focussed on the war of the Republicans and forgot almost the war of the Security Forces’ and Loyalist paramilitaries. The war of the Security Forces’ and Loyalist paramilitaries consisted of sectarian assassinations against Catholics in Northern Ireland carried out by the UDA and their associated death squads. Their campaign of violence caused the death of almost seven hundred innocent Catholics and even more Catholics witnessed attempted murder attacks.<sup>14</sup> The British Government has admitted that Loyalist terror against Catholics existed,

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<sup>10</sup> Margaret Urwin, *A State in Denial: British Collaboration with Loyalist Paramilitaries*, Dublin: Mercier Press (2016), p. 8

<sup>11</sup> Bill Rolston, ‘An effective mask for terror’: Democracy, death squads and Northern Ireland, *Crime, Law & Social Change*, nr. 44 (2005) P. 184

<sup>12</sup> *Ibidem*, p. 198

<sup>13</sup> Jeffrey Sluka, *Death Squad: The Anthropology of State Terror*, Philadelphia: University of Pennsylvania Press (2000), p. 133

<sup>14</sup> *Ibidem*, p. 134

but they have not acknowledged wide-scale collusion between the Loyalists and the British Government. In the cases where collusion did occur, the governments maintain, individuals were responsible; it was not part of the official policy. Jeffrey Sluka, however, argues that Loyalist violence is a direct result of the policy of the British Government and “the aim is to terrorise as many Catholics as possible make all perceived opponents of Unionism feel that they could be the next victim.”<sup>15</sup> Bill Rolston argues that through collusion the UDA acted as a death squad. In his definition, death squads are “clandestine and usually irregular organizations, often paramilitary in nature, which carry out extrajudicial executions and other violent acts. Death squads operate with the overt support, complicity, or acquiescence of government.”<sup>16</sup> Bill Rolston believed that the UDA acted as a death squad for the British Government because they both had the same enemy. The Loyalist paramilitaries saw themselves as an extension of the Security Forces and the Security Forces saw them (in comparison with the IRA) as the good guys. Nevertheless, by colluding with the Loyalist paramilitaries, the British state was involved in terror.<sup>17</sup>

Does the UDA fit within the definition of a death squad? The Oxford Dictionary provides the following definition of a death squad: “An armed paramilitary group formed to kill political opponents.”<sup>18</sup> Both Bill Rolston and Jeffrey Sluka tend to forget this aspect. Also comparing other death squads in history, these death squads all had in common that they mostly are engaged in selective killings, often opponents of the regime of the country that they are operating in.<sup>19</sup> The UDA waged a campaign not entirely focussed on killing opponents of the British regime, they mostly killed random Catholics as retaliation against the IRA. Therefore, the UDA is not perfectly placed within the definition of a death squad. Though, how can the relationship between the UDA and the British Government best be described? Is there relationship a form of state-sponsored terrorism? Is collusion a form of state-sponsored terrorism? Did the British Government go too far in their relationship with the UDA, losing sight of their democratic principles? Another question that these academics also leave

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<sup>15</sup>Ibidem, p. 135

<sup>16</sup>Bill Rolston, ‘An effective mask for terror’: Democracy, death squads and Northern Ireland, *Crime, Law & Social Change*, nr. 44 (2005) p. 185

<sup>17</sup>Ibidem, p. 199

<sup>18</sup> Author unknown, Death Squad, [https://en.oxforddictionaries.com/definition/death\\_squad](https://en.oxforddictionaries.com/definition/death_squad), accessed on 14 March 2018.

<sup>19</sup> Bruce Campbell, *Death Squads: Definition, Problems and Historical Context*, In: Campbell B.B., Brenner A.D. (eds) *Death Squads in Global Perspective*. Palgrave Macmillan, New York (2002), p. 2



unsolved, is how the British Government internally explained and perhaps even justified their relationship with the UDA?

### **Research Question and Approach:**

The abovementioned questions lead up to the following research question: *To what extent can the relationship between the British Government and the UDA be described as state-sponsored terrorism and how did the British Government justify their relationship with the UDA during the Troubles?*

Answering this question is relevant because it provides further insight in the relationship between the UDA and the British Government. How far are states willing to go in their fight against terror? After 9/11, during his State of the Union speech in 2002, President George W. Bush declared the ‘War on Terror’ with the following words: “Either you are with us, or you are with the terrorists.”<sup>20</sup> Can this rhetoric also be applied to the relationship between the UDA and the British Government? Did the fact that they had the same enemy contribute to a “special” relationship? And what was this special relationship exactly was this a form of state-sponsored terrorism?

In this thesis, qualitative research will be conducted. Several types of documents will be analysed to examine the relationship between the UDA and the British Government. These documents will include literature about the UDA and the Troubles, to create a better understanding of the UDA as an organization and the historical context of the period they were operating in. Besides parliamentary debates from 1969 till 1992 will be analysed. This period is chosen because it covers the outset of the Troubles until the moment the UDA was described. In these parliamentary debates the focus will be on questions of MP’s about the status of the UDA and the reactions of the Government (Ministers and Secretary’s). Additionally, unclassified British policy documents from the British National Archives will be analysed from the period 1976 till 1987. These documents are chosen because they all cover the same topic: the proscription of the UDA. The unclassified documents will provide a better insight in how the British Government internally described their relationship with the UDA and how they perceived proscription of the UDA.

To answer the research question, this thesis will be divided in five chapters. In the first chapter, a theoretical framework will be provided to establish the definition

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<sup>20</sup> George Bush. State of the Union address, <https://www.theguardian.com/world/2001/sep/21/september11.usa13> , accessed on 4 March 2018

“terrorist group” and “state-sponsored terrorism”. This is necessary in order to determine later on if the UDA fits the definition of a terrorist group and their relationship with the British Government is a form of state-sponsored terrorism.

The second chapter will provide some historical background of the years leading up to the Troubles and the period of the Troubles itself. Furthermore, it will briefly touch upon several theoretical perspectives on the root causes of the conflict.

The third chapter will discuss the UDA as an organization and the role of the British Government during the Troubles. The inquiries will be examined about alleged collusion between the UDA and the British Government.

In the fourth chapter, parliamentary debates between the outset of the Troubles in 1969 until the moment the UDA was proscribed in 1992, will be analysed in order to see how the British Government described and justified their relationship with the UDA in both Houses.

The fifth chapter will examine how the British Government internally described their relationship with the UDA. This will be examined by analysing declassified British documents in the period from 1976 till the late 1980s from the British National Archives.

## Chapter 1: Theoretical Framework

In this chapter a theoretical framework will be provided to determine if the UDA was a terrorist group and if their relationship with the British Government was a form of state-sponsored terrorism.

### 1.1. What is a 'terrorist group'?

In order to determine to what extent the relationship between the UDA and the British Government can be described as a form of state-sponsored terrorism, first must be established whether the UDA was a terrorist organisation. Yet what is a terrorist organization?

Brian Philips, an American political scientists whose work is focused on the organizational dynamics of terrorism, analysed the term 'terrorist group' and how the term is used in the academic literature. He started by defining 'terrorism' and 'group'. In the literature, widely accepted definitions of terrorism include: "a) intentional violence; b) that the violence is used to spread fear in a wider audience; and c) political motivation."<sup>21</sup> Furthermore, he used "group" and "organization" synonymously. He defined this as: "formal (entity with a definable membership and group name), voluntary associations."<sup>22</sup>

The notion of 'terrorist group' is widely studied, though there are a lot of definitional inconsistencies. According to Philips: "Most studies of terrorist organizations have tended to either avoid defining the concept or offer a definition without justification or discussion."<sup>23</sup> He selected the following studies from recent decades and categorized them into four different definitions of terrorist groups:<sup>24</sup>

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<sup>21</sup> Brian Philips, "What is a Terrorist Group? Conceptual Issues and Empirical Implications", *Terrorism and Political Violence*, nr. 2 (2015), p. 227

<sup>22</sup> Ibidem, p. 228

<sup>23</sup> Ibidem, p. 228

<sup>24</sup> Ibidem, p. 229

**Table 1.** Selected studies, by approach to definition of “terrorist group”

Approach	Citation
No definition offered	Rapoport 2001, Karmon 2005, Cronin 2006, Jordan 2009
Terrorism is a tactic, so no group is inherently a terrorist group	Merari 1993, Tilly 2004, Jackson et al. 2005, Findley and Young 2012
Inclusive definition	Explicitly: Weinberg 1991, Jones and Libicki 2008, Young and Dugan 2010, Asal in Asal et al. 2012, Carter 2012, Price 2012, Phillips forthcoming, 2014; Implicitly: e.g., Asal and Rethemeyer 2008, Enders and Sandler 2012
Exclusive definition	Crenshaw 1991, Della Porta 1995, Cronin 2009, Sánchez-Cuenca and de la Calle 2009, de la Calle and Sánchez-Cuenca 2011, Shapiro and Siegel 2012

The first category offered no definition at all. The understanding of terrorism as “one knows it when one sees it” leads obviously to problems. If there is no conceptualization of a term it is difficult to reproduce, compare or use the research in other studies. In a way, the research becomes void. The second category, defined terrorism as a tactic and therefore no group is inherently a terrorist group. The third category used inclusive definitions, whereas the action – of using terrorism – is central to the definition. Philips summarized this as “a) groups must be subnational, b) groups must be political and, C) groups must use terrorism.”<sup>25</sup> He referred to Weinberg’s example: “Terrorist groups are organizations that rely, partially or exclusively on terrorism to achieve their political ends.” The last category made a distinction between action- and actor-based exclusive definitions. The exclusive definition included the three abovementioned elements of an inclusive definition but adds an extra element. This extra element can be action- or actor based. Action-based requires that terrorism is the primary use of the group in order to distinguish them from ordinary criminals. Actor-based requires that the terrorist group holds a territory.<sup>26</sup>

In this thesis, there will be built on Philips inclusive definition and a terrorist group is defined as followed: *A terrorist group is a) formal, voluntary association; b) subnational; c) political; and d) uses intentional violence to spread fear in a wider audience.* Throughout this thesis, group and organization will be used synonymously. The inclusive definition of Philips is chosen for practical reasons: Governments make no distinction between groups that use a lot or little terrorism; or whether the terrorist

<sup>25</sup> Ibidem, p. 231

<sup>26</sup> Ibidem, p. 232

groups holds territory. They consider the use of violence for political aims as most important in defining a terrorist group.

### 1.2. What is 'state-sponsored terrorism'?

The following question is: What means 'state-sponsored terrorism?' In the literature, once again there is no settled definition of state-sponsorship. Bruce Hoffman, an American political scientist, who has been studying terrorism for four decades, describes state-sponsored terrorism as "the active and often clandestine support, encouragement as assistance provided by a foreign government to a terrorist group."<sup>27</sup> According to him, since the 1980s "some governments have come to embrace terrorism as a deliberate instrument of their foreign policy: a cost-effective means of waging war covertly, through the use of surrogate warriors or "guns for hire" – terrorists."<sup>28</sup> However, the definition provided by Bruce Hoffman is very broad and the extent of assistance to terrorist groups is not specified. Stephen Collins, an American political scientist specialized in American foreign policy, made an attempt in his definition of state-sponsorship to define the extent of assistance. Stephen Collins formulated state sponsorship as "a sovereign state's sustained and significant financial, military, territorial, or logistical assistance to a terrorist organization".<sup>29</sup> This clarifies the types of support and requires that a firm and enduring relationship must be established between a state and a terrorist organization. This definition does not include passive support of states while passive support can be as lethal as active support. A scholar, who extensively studied the link between states and international terrorism, is the American professor Daniel Byman. In his book, *Inside Terrorism*, he made a distinction between active and passive state support. He describes active state sponsorship as "a government's intentional assistance to a terrorism group to help it use violence, bolster its political activities, or sustain the organization. Hereby the focus is on the intentionality of states. Passive sponsorship is "knowingly allowing a terrorist group to raise money, enjoying sanctuary, recruit, or otherwise flourish without interference from a regime that does not directly aid the group itself."<sup>30</sup> Passive sponsorship can therefore simply occur when governments turn a blind-eye.

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<sup>27</sup> Bruce Hoffman, *Inside Terrorism*, New York: Columbia University Press (2006).p. 36

<sup>28</sup> Ibidem,p. 305

<sup>29</sup> Stephan Collins, "State-Sponsored Terrorism: In Decline, Yet Still a Potent Threat," *Politics & Policy*, nr. 1 (2014), p. 135

<sup>30</sup> Daniel Byman, *Deadly Connections: States that Sponsor Terrorism*, Cambridge: Cambridge University Press (2005), p. 222

He recognized that there is a broad spectrum of state sponsorship and distinguished several types:

- Strong support: A state is highly committed to the terrorist group and has the resources to support the group.
- Weak support: A state is committed to the terrorist group but has fewer resources to support the group.
- Lukewarm support: A state is committed to the cause of the terrorist group but does little to interact with the group.
- Antagonistic support: A state supports the terrorist group but at the same time it is seeking to control it or weaken its cause.
- Passive support: A state turns a blind-eye to a terrorist group and their activities.
- Unwilling host: A state is too weak to stop terrorists within their borders.<sup>31</sup>

In this thesis, Daniel Byman's definition of state-sponsored terrorism will be used, acknowledging the importance of also recognizing passive sponsorship. As mentioned previously, doing nothing can be as lethal as actively supporting a terrorist group. Additionally, Daniel Byman's spectrum of state-sponsorship will be used in this thesis to determine what kind of support the British Government provided to the UDA.

## 1.2. State sponsorship in practice

In what ways can states sponsor terrorist groups? In his study about the link between states and international terrorism, Daniel Byman distinguished six different categories of support that states can offer to terrorist groups. Those different categories are presented below:

- Training and operations: States can offer training to terrorist groups. This can be very basic training, teaching them how to use their weapons, till more advanced training and teaching them how to design explosives. States can also offer operational aid and share intelligence with terrorist groups. Terrorist groups can use this intelligence to make their attacks more lethal.
- Arms and money: In the past, providing terrorist groups with arms was an important form of state-sponsorship. Nowadays, weapons are much easier

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<sup>31</sup> Daniel Byman, *Deadly Connections: States that Sponsor Terrorism*, Cambridge: Cambridge University Press (2005), p. 15

accessible through the international weapon market and money became a more important form of aid. Terrorist groups need money to buy weapons, to plan attacks and to remain vital.

- Diplomatic support: States can offer support to terrorist group by legitimizing them and engage diplomatic relations with them. However, diplomatic support is often carried out more subtle, by offering support to the political wing of a terrorist group.
- Organizational assistance: States can provide terrorist groups with advice, skilled professionals and assistance with the recruitment process. The focus in this category is more on expertise instead on money.
- Ideological direction: States can support terrorist groups by offering them an ideological direction, its objectives and ideals. The ideology of the state can function as an inspiration for terrorist groups.
- Sanctuary: States can create a safe haven for a terrorist group. In this safe haven, terrorist groups can develop themselves, recruit, plot attacks and expand.<sup>32</sup>

The abovementioned categories by Daniel Byman will be used in this thesis to examine what kind of support the British Government provided to the UDA. Taking into account that British support does not have to be confined to one category but can be a mix of several categories.

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<sup>32</sup> Daniel Byman, *Deadly Connections: States that Sponsor Terrorism*, Cambridge: Cambridge University Press (2005), p. 59 - 66

## **Chapter 2: Historical context of the Troubles**

To have a better understanding of the relationship between the UDA and the British Government, a short historical context will be provided. Furthermore, the UDA as an organization will be described and different theoretical perspectives on the root causes of the Northern Ireland conflict will be provided.

### 2.1 Introduction to the Troubles

The period between 1969 and 1998 is more commonly known as the Troubles. Yet the relationship between Britain and Ireland has been troubled for over 800 years. It all started with the Anglo-Norman invasion of Ireland in 1169. This was the first encounter between the Irish and the English. The English made an attempt to intermingle with the Irish population. However, they did not succeed and as a result of the Anglo-Norman invasion two disparate populations inhabited the island of Ireland.<sup>33</sup>

In the sixteenth century the conquest of Ireland by the English led to the plantation of Ulster in the seventeenth century. The plantation of Ulster involved organized colonisation; forcing the native Gaelic Irish, to hand over their lands to English and Scottish settlers. At the end of the seventeenth century, almost all land was transferred from Catholics (native Irish) to Protestants (English and Scottish settlers). As a result, a large Protestant community was created in Ireland, a land that originally was inhabited by Irish Catholics.<sup>34</sup>

In 1688, during the Glorious Revolution, the Dutch Prince William of Orange and his wife Mary Stuart, became king and queen of England, Scotland and Ireland. King James II of England, Mary Stuart's father, was repudiated and after the Battle of Boyne on 11 July 1690, he was for once and all defeated by William of Orange. After the defeat of King James II, Catholic Ireland remained loyal to him. Life for the Catholic Irish became harsher, land confiscation continued and 'penal laws' were introduced. These penal laws deprived the Irish Catholics from their rights; they were not allowed to own land; to hold public office or serve in the Army; to vote; Catholic schools were made illegal; and inter-marriage with Catholics was banned.<sup>35</sup>

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<sup>33</sup> Joanne McEvoy, *The Politics of Northern Ireland*, Edinburgh: Edinburgh University Press (2008), p. 22

<sup>34</sup> *Ibidem*, p. 23

<sup>35</sup> *Ibidem*, p. 23



In response to this, the Society of United Irishmen was founded in 1791. This Republican revolutionary group was influenced by the American and French revolution and their aim was to establish Irish independency and restore religious equality for the Catholic community. In the beginning of 1798, they planned a rebellion against British Rule in Ireland. The rebellion was crushed and resulted three years later in the Act of Union; a legislative union between Ireland and England. From this moment, the Irish Parliament was formally integrated into the parliament of Great Britain and Ireland.<sup>36</sup>

By the end of the nineteenth century, the Irish Home Rule movement called for self-government of Ireland. In 1886, the British Prime Minister William Gladstone introduced the first Home Rule Bill. The Bill created home rule for part of the United Kingdom of Great Britain and Ireland but was defeated in the House of Commons. A second and third Home Rule Bill followed; yet again there was resistance within the British Parliament. In 1920, the Fourth Home Rule Bill resulted in the Government of Ireland Act. This created two parliaments, one in Belfast and one in Dublin, both under British jurisdiction. The parliament in Dublin (Southern Ireland) had control over 26 counties, and the parliament in Belfast (Northern Ireland) over 6 counties. However, the Government of Ireland was never realized, already during that time the Irish War of Independence was fought. This ended with the Anglo-Irish Treaty and the Irish Free State “creating certain autonomous powers for Southern Ireland while staying a dominion within the British Empire.”<sup>37</sup> Northern Ireland remained part of the United Kingdom, where the biggest part of the Protestant community was concentrated. In a way, the creation of Northern Ireland was as a “least-worst option to give the majority of Ireland their independence while allowing Unionists in the north to remain within the United Kingdom.”<sup>38</sup>

Under the Anglo-Irish Treaty, Northern Ireland was given its own parliament at Stormont from 1921 till 1971. It is described as “neither a nation nor a full state, its created was the joint by product of British and Iris state-and nation-building failures.”<sup>39</sup> The Stormont Parliament was designed to grant the Unionist majority a certain amount of autonomy while staying dependent of Westminster. In 1922, the electoral system of proportional representation was abolished. The new electoral

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<sup>36</sup> Ibidem, p. 26 - 36.

<sup>37</sup> Ibidem, p. 35

<sup>38</sup> John Benyon, ed, *Central Debates in British Politics*, Harlow: Pearson Education (2002), p. 49

<sup>39</sup> Ibidem, p. 50

system was characterized by the practice of gerrymandering, whereby the electoral boundaries were in the advantage of the Unionists.<sup>40</sup>

Catholics were not only discriminated within the electoral system, they also faced discrimination in employment and housing. Most of the industry was located in the East of Northern Ireland, where the population was mainly Protestants. As a consequence, unemployment rates among Catholics were much higher than among Protestants. Moreover, Catholics were excluded in the public sector. Due to the sectarian nature of the security services, they were discouraged to join. The civil service also had little Catholics in high positions and the local councils almost never appointed Catholics for public jobs. The housing situation was worse for Catholics than Protestant. Only 50.000 new houses were built between the World Wars and most of those houses were allotted to Protestants.<sup>41</sup>

In light of the discrimination of the Catholic population for decades, in the 1960s civil rights movements emerged in Northern Ireland. They first tried to reach their goals, to establish equal rights, by peaceful means. After a while, they began to focus more on the action of the Security Forces and the state and tensions increased in Northern Ireland.<sup>42</sup>

## 2.2 The Troubles

In 1969, the security situation in Northern Ireland had deteriorated and the British Government decided to send troops to Northern Ireland. This moment is considered as the beginning of the Troubles. Despite the presence of British troops, sectarian violence continued and in 1972 the British Government installed direct rule in Northern Ireland. The British Government felt that they had to take direct responsibility for the situation in Northern Ireland. The Unionist government was replaced by the direct rule of the Westminster government. A Northern Ireland Office was created to oversee administration and the Secretary of State for Northern Ireland took over the powers from the former Prime Minister.<sup>43</sup> Direct rule could be best described as “a semi-colonial form of administration”.<sup>44</sup> The Secretary of State for Northern Ireland acted as a Governor-General and could make decisions without the

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<sup>40</sup> Jonathan Tonge, *Northern Ireland*, New York: Routledge (2013), p. 42

<sup>41</sup> *Ibidem*, p. 43

<sup>42</sup> Joanne McEvoy, *The Politics of Northern Ireland*, Edinburgh: Edinburgh University Press (2008), p. 34

<sup>43</sup> *Ibidem*, p. 75

<sup>44</sup> *Ibidem*, p. 106

consent of the local political parties.<sup>45</sup>

During the Troubles, paramilitary groups existed on both sides of the conflict. The main Republican paramilitary group was the IRA, their aim was a united Ireland. The IRA came into existence in 1916 during the Irish War of Independence. Over the years the IRA has split into many different fractions. In 1969, there was an split because the 'old IRA' decided to recognize the Irish parliament in Dublin and the 'new IRA' considered this as treason. The 'new IRA' called themselves the Provisional IRA. The 'new' and 'old' IRA will both be referred to as IRA in this thesis. On the other side, there were Loyalists paramilitary groups fighting to remain part of Great Britain. The oldest Loyalist paramilitary organisation was the UVF and the largest was the UDA, both will be discussed later in this thesis.

The Royal Ulster Constabulary (RUC) was the police corps during the Troubles. They replaced the Ulster Special Constabulary, whereby police members were exclusively Protestants. However, the RUC also remained exclusively Protestants: throughout their existence more than 90 percent of RUC members were Protestant.<sup>46</sup> Another important security force was the Ulster Defence Regiment (UDR), an infantry regiment of the British Army. It was established to assist in securing peace and order in Northern Ireland. The UDR consisted until 1976 mainly of part-time volunteers.<sup>47</sup>

From the early 1970s attempts were made to resolve the conflict and to bring the Nationalists and Unionists to an agreement. Till the 1990s, none of these attempts satisfied both communities. However, this would change in the 1990s because this was the decade of the Northern Ireland peace process which would finally lead to Good Friday Agreement of 1998. With the Good Friday Agreement consensus was reached between the British and Irish government and the majority of the Northern Ireland political parties. Northern Ireland returned to a devolved system of government with a form of cross-community voting, requiring the support of both the Unionists and Nationalist community.<sup>48</sup>

### 2.3 Theoretical perspectives on root causes of the conflict

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<sup>45</sup> Ibidem, p. 106

<sup>46</sup> David McKittrick and David McVeu, *Making Sense of the Troubles: The Story of the Conflict in Northern Ireland*, Amsterdam: New Amsterdam Books (2002) p. 11

<sup>47</sup> Ibidem, p. 11

<sup>48</sup> Joanne McEvoy, *The Politics of Northern Ireland*, Edinburgh: Edinburgh University Press (2008), p. 236

In the literature, there are different theoretical perspectives on the Northern Ireland conflict. For the scope of this thesis, it is only necessary to discuss those briefly. The dominant theory explains the conflict as an ethno-national conflict. The nature of the conflict is not about religion but about national identity. The Nationalists, overwhelmingly Catholics, aspire a United Ireland and see the Republic of Ireland as their allegiance. The Unionists, mainly Protestants, wish to remain part of Great Britain and feel related to the British community. Religion plays a role in a way that the religious divide converged with the ethno-national divide. Besides religion, political and economic differences also contribute to the ethno-national divide. Walker Connor, an American political scientist researched ethno-nationalism. He concluded that “what matters in ethnic conflict is the divergence of basic identity which manifests itself in a ‘us-versus-them’ syndrome.”<sup>49</sup> The ‘us-versus-them’ syndrome manifested itself as Unionist versus Nationalists in the Northern Ireland conflict.<sup>50</sup>

Another theory that seeks an explanation for the nature of the conflict derives from Marxist accounts. According to the Marxist theory, British imperialism and capitalism are the root causes of the conflict. To end the conflict, Britain must withdraw from Northern Ireland and a united socialist Ireland would resolve from this. Unionists and Protestants would then unite and sectarian violence would come to an end. This theory does not take into account the desire from the Unionists to remain part of Great Britain. Furthermore, it would have been very unlikely that the British Government would withdraw from Northern Ireland while the majority wants to remain part of them. Therefore, this theory is no longer a dominant theoretical perspective on the conflict.<sup>51</sup>

The colonial theory explains the conflict as a direct consequence of the colonisation of Ireland by Britain. Jonathan Tonge, a British professor specialized in British politics, devolution and Northern Ireland, explains it as follows: “The war in the North against British rule, was justified as unfinished business – a struggle for national liberation against a foreign occupying force.”<sup>52</sup> According to this theory, the violence was an inevitable reaction to British presence in Ireland and would

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<sup>49</sup> Ibidem, p. 10

<sup>50</sup> Ibidem, p. 8 - 10

<sup>51</sup> Ibidem, p. 14 - 15

<sup>52</sup> As quoted in: Ibidem, p. 16

eventually lead to British withdrawal. However, as with the Marxist theory, this does not take into account the wish from the Unionists to remain part of Great Britain.<sup>53</sup>

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<sup>53</sup> Ibidem, p. 15-16

### **Chapter 3: The UDA and their relationship with the British Government**

In this chapter the UDA as an organization will be discussed, to determine later in this thesis if the UDA could be defined as a terrorist group. Furthermore, the relationship between the UDA and the British Government will be examined by analysing British Policy towards Northern Ireland. Several inquiries and investigations have been conducted about alleged collusion between Loyalist paramilitaries and the British Government, these will be elaborated.

#### 3.1 The UDA

In September 1971, the UDA was formed and developed itself as the largest Loyalist paramilitary organization in Northern Ireland. Political developments in Northern Ireland at the beginning of the Troubles contributed to the emergence of the UDA. By the end of June 1970, the provisional IRA carried out over 40 bombings. A year later, the IRA had again increased their campaign of terror. When an IRA bomb exploded in a Shankhill Road pub, two Protestants were killed and 30 other were injured. Later that month, the UDA was formed to “unify the disparate Protestant Defence Associations.”<sup>54</sup> In the beginning the UDA was not heavily armed, they only had a few pistols and guns in their possession. However, in the upcoming years the organization grew and at its peak in 1974, the UDA had an estimated membership of 50.000 men and women.<sup>55</sup> Colin Crawford, who extensively studied the UDA in his book *Inside the UDA* described the organization as “ a Protestant Army with a remit of defending the British and Protestant community, and Northern Ireland more generally.”<sup>56</sup> They felt unprotected against the IRA and wanted to protect the Protestant community against the IRA, they fulfilled the security vacuum.

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<sup>54</sup> Colin Crawford, *Inside the UDA*, London: Pluto Press (2003), p. 20

<sup>55</sup> Margaret Urwin, *A State in Denial: British Collaboration with Loyalist Paramilitaries*, Dublin: Mercier Press (2016), p. 17

<sup>56</sup> Colin Crawford, *Inside the UDA*, London: Pluto Press (2003), p. 22

In 1973, the UDA formed a separate military wing: the Ulster Freedom Fighters. The UFF's main objective was to maintain the balance of terror. The UDA claimed the UFF emerged as a militant fraction within the UDA around 1973. "By

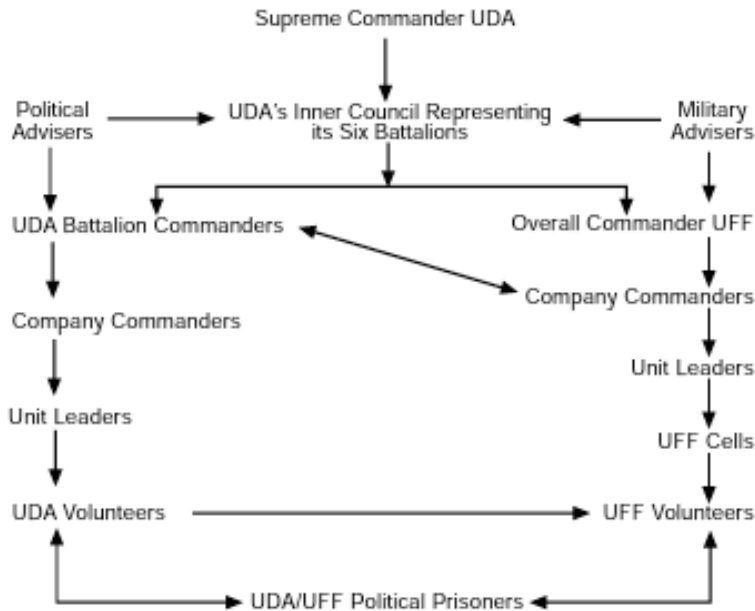


Figure 1 UDA/UFF Command Structure

taking on the form and tile of a new and distinct group it was hoped that the UDA would not be blamed for the assassinations.”<sup>57</sup> The UFF has often been viewed as a “nom de guerre, or flag of convenience for the UDA.”<sup>58</sup> Ian Wood, an English historian, claimed that when the UFF was founded and that “it emerged as the new cutting edge of UDA counter-terror.”<sup>59</sup>

The structure of the UFF was streamlined but it was located within the UDA. The figure above illustrates the UDA/UFF command structure.<sup>60</sup> As the figure shows, the UDA and UFF are closely linked. The Supreme Commander of the UDA has the UDA wing and UFF under his command.

In the early 1970s, the UDA had two strategies. The first strategy was aimed to kill selected members of the IRA/Sinn Fein, the second one was aimed to kill random Catholics. This random killing was meant to remind the Catholics that supporting the IRA came with a price. The overall objective of both strategies was to maintain a balance of terror between the Catholic and Protestant community. In 1972,

<sup>57</sup> Ibidem, p. 35

<sup>58</sup> Ibidem, p. 35

<sup>59</sup> Ian Wood, *Crimes of Loyalty: A History of the UDA*, Edinburgh: Edinburgh University press (2006), p. 20

<sup>60</sup> Colin Crawford, *Inside the UDA*, London: Pluto Press (2003), p 26

there was an increase in attacks from both sides. In July 1972, sectarian violence was at its zenith. In total, 402 people were killed, for 71 people the UDA/UFF claimed responsibility.<sup>61</sup> From within the UDA, there was also resistance against this second strategy of random killing. It would not lead to the desirable effects. In the late 1980s, the targets became more selective and were merely aimed at representatives of the IRA/Sinn Fein.<sup>62</sup>

From March 1975, the UDA began policing 'their own areas' in uniform and often while wearing masks. The British Government even allowed the UDA to patrol while carrying arms and joint patrolling with British troops.<sup>63</sup>

In 1987 an UDA training camp was established for both UDA as UFF volunteers. During the mid-1980, the training became more professional. Andy Tyrrie, who was at time Supreme Commander of the UDA, created a professional trainings programme provided by former British Army personnel. Crawford argues that due to the security infiltration within the UDA, the British Security Forces were aware of this training camp and did not make attempts to intervene.<sup>64</sup> The result of the training camp was that by the end of the 1980s the UDA/UFF had trained soldiers to take on the IRA.

At the end of 1980, due mainly to the Stevens Inquiry, most of the UDA leaders were arrested and the leadership was replaced. The new leaders were much younger, free from corruption and their main objective was: "taking the war to the IRA."<sup>65</sup> Cells were reorganized, secrecy became paramount and the killings continued until the ceasefire in 1994.

### The Ulster Volunteer Force

The UDA is the largest paramilitary organization although not the oldest. The UVF is the oldest and their roots trace back to 1912. The UVF was formed in 1912 to resist Irish Home Rule. The UVF was a much smaller organization than the UDA. The command of the UVF was in Belfast. The UVF had the same goal as the UDA, to remain part of Great Britain at all costs. During the Troubles, the UVF was

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<sup>61</sup> Ibidem, p. 34

<sup>62</sup> Ibidem, p. 127

<sup>63</sup> Margaret Urwin, *A State in Denial: British Collaboration with Loyalist Paramilitaries*, Dublin: Mercier Press (2016), p. 98

<sup>64</sup> Ibidem, p. 29

<sup>65</sup> Ibidem, p. 37



responsible for the deaths of more than 500 people.<sup>66</sup> The UVF was proscribed in 1966. The proscription was lifted in 1974 in the hope to include the UVF in the peace process. Yet the UVF continued their path of violence and were outlawed again by the British Government in 1975.

### 3.2 The British Government and the UDA

When the British Government deployed troops to Northern Ireland and installed direct rule 1972, they considered this to be a short-term measurement to restore peace and order. The British Government was aimed at keeping British involvement at a minimum. At that time, they believed that the existing system in Northern Ireland could easily be transformed in a way that both the Unionist and Nationalists community would be satisfied with.<sup>67</sup> However, the British Government noticed already in that same year that this would not go as easy as they expected. In 1972, there were over 10.000 shootings and nearly 2.000 bombings.<sup>68</sup> The British Government shifted their policy to more actively facilitating agreement between both communities. A military solution was unacceptable and the role of the Security Forces was to “buy time for a political settlement in achieving an acceptable level of violence.”<sup>69</sup> The British Government perceived themselves as a neutral player in the conflict. Nevertheless, there are several examples of how the British Government treated Republicans differently from Loyalists.

The first example was already introduced in 1971 but continued under British direct rule: the policy of internment. Internment meant that individuals could be imprisoned without a trial. To realize internment, the Northern Ireland Prime Minister needed the support of the British Army and therefore the backing of the British Prime Minister. The practice of internment was almost entirely focussed on the Republican paramilitaries and not on Loyalist paramilitaries. When in December 1975 internment ended, a total of 1981 persons had been held in custody of which only 107 were

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<sup>66</sup> Author unknown, Who are the UVF? <http://www.bbc.com/news/uk-northern-ireland-11313364> , accessed on 4 march 2018

<sup>67</sup> Peter Neumann and Arthur Aughey, *Britain's Long War: British Strategy in the Northern Ireland Conflict 1969-98*, London: Plagrave Macmilian Limited (2003), p. 79

<sup>68</sup> Maurice Punch, *State Violence, Collusion and Troubles*, London: Pluto Press (2012), p. 14

<sup>69</sup> Peter Neumann and Arthur Aughey, *Britain's Long War: British Strategy in the Northern Ireland Conflict 1969-98*, London: Plagrave Macmilian Limited (2003), p. 181

Loyalists.<sup>70</sup> A declassified document showed that a decision was taken to adopt as official policy the exclusion of Loyalist paramilitaries from detention. The Ministry of Defence issued a Memo to instruct the army in Northern Ireland. This Memo, ‘Arrest Policy for Protestants’, was based on instructions the Ministry of Defence received from the Northern Ireland Office. The memo existed of different categories of persons who could be detained. Members of the IRA would be automatically detained, while Loyalists would only be detained if there was evidence against them of perpetrating criminal acts. As a consequence, this created inequality before the law.<sup>71</sup>

The second example, is the British policy of ‘Ulsterisation’ and ‘Normalization.’ Ulsterisation shifted the responsibility of security matters from the British military to the RUC and the UDR. Normalization was aimed to keep the situation in Northern Ireland as normal as possible for the population. The UDR was formally part of the British Army, members of the UDR were locally recruited in Northern Ireland. The majority of the UDR were protests and some were even members of the UDA. Through the UDR these UDA members received training, intelligence and were granted access to weapons, all paid by the British State. In a way, the British Government applied the same approach as the Americans during the Vietnam War: they appointed the ‘natives’ to do the fighting.<sup>72</sup> The British Government also applied this approach in their colonial campaigns since the Second World War. In these counter-insurgency operations, soldiers were placed undercover and the use of supporting forces were encouraged. British Army Brigadier, Sir Frank Katson was posted in Northern Ireland 1970 and started to introduce the same methods as in other colonial campaigns such as Malaysia and Kenya. He even wrote two books about this strategy: *Gangs and Counter-Gangs* (1960) and *Low Intensity Operations* (1971). The UDA and the UVF were in the eyes of the British the main ‘friendly and supporting forces’ and could be used for British interests.<sup>73</sup>

Thirdly, the police in Northern Ireland was more focussed on the Republicans than on the Loyalists. This was not evidently part of British policy but the British Government also did nothing to change this. The Special Branch of the police ran

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<sup>70</sup> Margaret Urwin, *A State in Denial: British Collaboration with Loyalist Paramilitaries*, Dublin: Mercier Press (2016), p. 23

<sup>71</sup> Ibidem, p. 24

<sup>72</sup> Tim Pat Coogan, *The Troubles: Ireland's Ordeal and the Search for Peace*, London: Arrow Books (1996), p. 262

<sup>73</sup> Margaret Urwin, *A State in Denial: British Collaboration with Loyalist Paramilitaries*, Dublin: Mercier Press (2016), Ibidem, p. 12

their own agents and they could decide autonomously whether to act on information the agents provided. In practice this meant that covert operations from the policy merely focused at Republicans than at Loyalists. The Special Branch also had to grant their permission if other police officers wanted to arrest political suspects, because in this way no agents of the Special Branch could be compromised.<sup>74</sup>

### 3.3 Inquiries and Investigations

Since the late 1980s, accusations were made of collusion between Loyalist groups and the Security Forces. It all started with the murder of Pat Finucane. Pat Finucane was brutally murdered on Sunday 12 February 1989 while he was having dinner with his wife and three children in his home in Belfast. He was shot fourteen times by two masked gunmen. The next day, the UDA/UFF claimed responsibility for the attack. They claimed he was murdered because he was a member of the IRA. Pat Finucane was a lawyer and had defendant high-profile Republicans but was not a member of IRA himself.<sup>75</sup> From the beginning, his family and human rights activists made allegations about collusion in his death between the Security Forces and Loyalist paramilitaries.<sup>76</sup> It became evident that the murder on Pat Finucane was carried out by Brian Nelson. Brian Nelson was a double agent: On behalf of the British Army counter-terrorist unit (FRU), he was infiltrated in the UDA. The FRU provided Brian Nelson with information to make their targeting more effective. The guns that killed Pat Finucane, were provided by UDA's quartermaster William Stobbie. He was as well a double agent: he infiltrated the UDA while working for the RUC.<sup>77</sup>

On 25 August 1989, another assassination was carried out. The 28-year-old Catholic Loughlin Maginn was murdered in his home. The UDA/UFF claimed responsibility for the attack and justified the attack by claiming that Loughlin Maginn was a member of the IRA. His family protested and said that Loughlin Maginn never was a member of the IRA. After the attack, the UDA granted a BBC journalist access to intelligence material proving Maginn's membership of the IRA, which they claimed they had received from the Security Forces. In the aftermath, the UDA continued to reveal intelligence material they received from the Security Forces. This

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<sup>74</sup> Bill Rolston, 'An effective mask for terror': Democracy, death squads and Northern Ireland, *Crime, Law & Social Change*, nr. 44 (2005), p. 195

<sup>75</sup> Bill Rolston, 'An effective mask for terror': Democracy, death squads and Northern Ireland, *Crime, Law & Social Change*, nr. 44 (2005), p. 181

<sup>76</sup> *Ibidem*, p. 181

<sup>77</sup> *Ibidem*, p. 181 - 182

caused a lot of controversy in the media and provoked a response of the British Government.<sup>78</sup>

### Stevens Inquiry

As a result, the Chief Constable of the RUC appointed Sir John Stevens, a British policeman, to start an investigation into the murder of Loughlin Marginn. It became something much bigger and in the end there were three Stevens Inquiries covering the period between 1989 and 2003 into allegations about collusion between Loyalist paramilitaries and the Security Forces. It turned out to be the largest investigation undertaken in the United Kingdom. In total “9.256 statements have been taken, 10.391 documents recorded (totalling over 1 million pages) and 16.194 exhibits seized in.”<sup>79</sup> During his investigations, Sir John Stevens arrested 210 Loyalists, of which only 3 had no double role as agent or informant from the state.<sup>80</sup>

Only Steven’s third Inquiry was made public in April 2003. The previous Inquiries have been withheld from the public because of potential prosecutions in the future. Sir John Stevens introduced his Report with the following statement: “My Enquiries have highlighted collusion, the wilful failure to keep records the absence of accountability, the withholding of intelligence and evidence, and the extreme of agents being involved in murder. These serious acts and omissions have meant that people have been killed or seriously injured.”<sup>81</sup> He believed that the murders of Patrick Finucane and Brian Lambert could have been prevented.

Sir John Stevens felt that throughout his three Enquiries he was obstructed. He described the obstruction as “cultural in its nature and widespread within parts of the Army and the RUC.”<sup>82</sup> During his first Inquiry, the room Sir John Stevens and his team used was set on fire and everything was destroyed. The RUC concluded later that it was an accident. Although due to the circumstances, it is highly unlikely that this was simply an accident.

In the Stevens 1 Report, sir John Stevens concluded “the passing of information to paramilitaries by members of the Security Forces is restricted to a

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<sup>78</sup> Colin Crawford, *Inside the UDA*, London: Pluto Press (2003), p. 37 - 38

<sup>79</sup> Stevens Inquiry, Overview & Recommendations, 17 April 2003, p. 15

<sup>80</sup> M. Urwin, *A State in Denial: British Collaboration with Loyalist Paramilitaries*, Dublin: Mercier Press (2016), p. 164

<sup>81</sup> Stevens Inquiry, Overview & Recommendations, 17 April 2003, p. 3

<sup>82</sup> *Ibidem*, p. 13

small number of individuals and is neither widespread nor institutionalised.”<sup>83</sup> In his third Report, he withdraws this previous statement and concluded that the collusion was at a level way beyond his previous view.<sup>84</sup>

### Cory Collusion Inquiry Report

The next report investigating accusations of collusion was the Cory Collusion Inquiry Report. This was the result of the Western Park Talks, one of talks in the peace process. At Weston Park in 2001, the British and Irish government agreed to appoint an international judge who would investigate deaths during the Troubles and if he found evidence of collusion, public inquiries would be recommended.

In 2004, the retired Canadian judge Peter Cory was asked by the British and Irish government to investigate allegations of collusion by members of the Security Forces. Two of the reports, about the killing of RUC officers and a Northern Ireland Lord Justice and his wife, were submitted to the Irish government. With regard to the other four cases, the deaths of Patrick Finucane, Robert Hamill, Rosemary Nelson and Billy Wright, his reports were submitted to the British Government. In his Reports judge Cory described collusion as also including to ignore or turning a blind eye to wrongful acts. He explained that because of the high trust the public has in the government and their agencies the definition of collusion must be broad. In two cases – Billy Wright and Patrick Finunace - he believed that there was strong evidence that collusive acts were committed by the Security Forces and recommended that the British Government hold Public inquiries.<sup>85</sup>

### De Silva Report

Sir Desmond de Silva, a British Lawyer, was appointed on 12 October 2011 by the Secretary of State for Northern Ireland (Mr. Owen Paterson) to conduct an independent investigation into state involvement in the murder of Patrick Finucane as a result of the outcome of the Cory Collusion Inquiry. The Prime Minister made the following comment about the De Silva Report:

I profoundly believe that the right thing for the Finucane family, for Northern Ireland, and for everyone in the United Kingdom is for the British Government to do the really important thing,

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<sup>83</sup> Ibidem, p. 3

<sup>84</sup> Ibidem, p. 3

<sup>85</sup> Cory Collusion Inquiry Report, Billy Wright, p. 94; Cory Collusion Inquiry Report, Pat Finucane, p. 109

which is to open up and tell the truth about what happened 22 years ago. Frank acknowledgment of what went wrong, an apology for what happened – that is what required.<sup>86</sup>

De Silva drew upon previous investigations from Lord Stevens and Judge Peter Cory but did not feel bound by earlier findings in these investigations. Almost one year later, on 12 December 2012 he offered his report to the House of Commons. In his report, he presented several conclusions. Firstly, he concluded that due to the lack of effective guidance or a proper framework it was not clear for the Security Forces how far their agents could engage in criminality in order to not lose their cover. It took till 2000, with the Regulation of Investigatory, to establish a proper legal framework for the handling of agents. However, for Patrick Finucane this came too late and De Silva concluded that previous governments have failed in providing a legal framework, which is necessary for the handling of agents.

Secondly, he concluded that the actions of Brian Nelson as a double agent “increased the targeting capacity of the UDA and thereby furthered their murderous objectives.”<sup>87</sup>

Thirdly, De Silva agreed with Judge Cory that there is no concrete evidence that the Security Forces engaged in collusive acts relating to the Nelson case. They did fail in their advisory and coordinating role relating to the Nelson case and the FRU.<sup>88</sup>

Fourthly, De Silva concluded that during the late 1980s “it was clear that there were extensive leaks of security force information to the UDA and other Loyalist paramilitary groups.”<sup>89</sup> Some individuals from the RUC and UDR provided valuable information to Loyalists’ paramilitaries because they shared a common desire to see Republican paramilitaries killed. These information leaks were neither institutional nor systemic; De Silva described them “as widespread and in 1985 the Security Services estimated that 85 % of the UDA ‘intelligence’ was received from sources within the Security Services.”<sup>90</sup> This remained unchanged, till the death of Patrick Finucane in February 1989. De Silva examined the period from 1987 till 1989 and concluded that there 270 separate cases of leaks from the Security Forces to members of the UDA.<sup>91</sup> Many of the attacks the UDA carried out were made possible because

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<sup>86</sup> De Silva Report, The Report of the Patrick Finucane, Volume 1, p. 3

<sup>87</sup> Ibidem, p. 8

<sup>88</sup> Ibidem, p. 15

<sup>89</sup> Ibidem, p. 11

<sup>90</sup> Ibidem, p. 17

<sup>91</sup> Ibidem, p. 252

of the information they received from the Security Forces and therefore could have been prevented.

Relating to culpability of the British Government, De Silva had mixed feelings. He did believe the government was aware of the lack of a proper legal framework for the handling of agents. However, ministers were not briefed on intelligence-related matters such as the intelligence leaks. The one aspect of the British Government security policy that De Silva did believe was utterly concerning, is the fact that the UDA was not proscribed until 1992. He remarked throughout his Report that the alleged distinction the UDA and the UFF was fiction. “The UDA in the late 1980s were to all intents and purposes a terrorist group, though that it is not to say that all of the members were actively engaged in acts of terrorism.”<sup>92</sup> However, in light of the fact that Sinn Fein was never proscribed, De Silva believed the Government cannot be criticized for not proscribing the UDA until 1992. He believed that the Government was cautious with proscription because they believed it would only strengthen militaristic elements within paramilitary organizations.<sup>93</sup> The British Government was applying their policy of ‘Normalization’. They wanted to keep the situation in Northern Ireland as normal as possible and proscription of any organisation would endanger this.

### Conclusion

The British Government perceived themselves as a neutral player in the conflict. Nevertheless, there are several examples of how the British Government treated Republicans differently from Loyalists. This can be seen as a form of state-sponsored terrorism and on Byman’s spectrum it can be placed somewhere between antagonistic and passive support. The use of the UDA, in the light of British colonial history, as a counterinsurgency, can be described as antagonistic support. The British Government was committed to the same cause as the UDA. When Brigadier Kitson arrived in Northern Ireland, he applied the same counterinsurgency tactics as the British did overseas. Undercover agents were placed within the UDA and the use of this “supporting force” was encouraged. The British Government applied their policy of ‘Ulsterisation’ and let the ‘natives’ do the fighting. Passive support occurred because the British Government turned a blind eye towards the UDA, they were treated

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<sup>92</sup> Ibidem, p. 496

<sup>93</sup> Ibidem, p. 500

differently than their Catholics counterparts. The internment policy was almost entirely focussed on Catholics, with in a total of 1981 arrests only 7 being Loyalists. The British Government even had a special memo designed for this: 'Arrest policy for Protestants.' This memo gave instructions about the internment policy; making it possible to directly arrest Catholics while for Protestants there first must be proof that they committed a crime. The British Government also allowed the UDA to wear masks, to patrol their own areas and even allowed dual membership of the UDA and UDR. Through this dual membership, UDA members received training, intelligence and were granted access to weapons. They could use all this as part of the UDR but as well as a member of the UDA.

Due to allegations of collusion, the British Government eventually felt obliged to hold Public Inquiries and investigations. The Stevens Inquiries, Cory Collusion Report and Da Silva Report all concluded that there had been collusion between the Security Forces and the Loyalist paramilitaries. The Stevens Inquiries, caused the arrest of 210 Loyalists, of whom 207 were at the same time British state agents. Remarkably, Lord Stevens felt that he was obstructed by both the Army and RUC throughout his Inquiries. His investigation room was even set on fire. In the Cory Collusion Report, judge Cory defined collusion as also turning a blind eye. He gave collusion the same meaning as the definition of Byman's passive state-sponsored terrorism. He argued that because of the high trust the public has in the Government and their agencies doing nothing is unacceptable. In the De Silva report, De Silva concluded that in the late 1980s, 85 percent of the intelligence of the UDA was received from the Security Forces. This increased the lethality of the UDA and made it possible for them to carry out more attacks. The Security Forces were actively contributing to the lethality of the UDA. This cannot be placed on the spectrum of state sponsorship as passive but almost as an active form of state-sponsored terrorism.



#### **Chapter 4: Parliamentary debates about the UDA during the Troubles**

On August 10, 1992, Sir Patrick Mayhew, who was at that time the Secretary of State for Northern Ireland, announced that the UDA would be added to the list of proscribed organisations. Under Section 28(3) of the Northern Ireland (Emergency Provisions) Act 1991, it is possible for the Secretary of State for Northern Ireland to “proscribe any organisation that appears to him to be concerned in terrorism or in promoting or encouraging it.”<sup>94</sup> In his statement he said that there now was enough evidence that the UDA was actively and primarily engaged in terrorism.<sup>95</sup> Sir Patrick Mayhew did not go into detail about this sudden policy change from the British Government. For more than 20 years, the British Government refused to proscribe the UDA, so why did they reconsider their position?

The official point of view of the British Government about the UDA was that only the UFF, the military wing of the UDA, was involved in terrorism. The UFF was proscribed in 1973. They admitted that the defining lines between both organisations were blurred, but that until 1992 there was no concrete evidence that the majority of UDA members were engaged in sectarian violence.<sup>96</sup>

In this chapter will be examined through analysing parliamentary debates why the British Government waited until 1992 to proscribe the UDA and how they described and explained their relationship with the UDA in both Houses.

#### **Early years of the Troubles (1970-1979)**

After the British Government deployed their troops to Northern Ireland, hopes were that they would only have to stay there for a short period of time to restore peace and order. This is well illustrated by the following statement of Philip Goodhart, a Conservative MP for Beckenham, on 12 March 1970 in the House of Commons: “I am sure everyone in this House hopes that the Army troops will not become a semi-permanent feature of the Belfast scene.”<sup>97</sup> The Under-Secretary of Defence (Mr. Ivor Richard) responded by saying that the British Government also hoped that the military intervention would only be temporary.<sup>98</sup> The British Government had their reasons for not wanting their troops permanently in Northern Ireland. The deployment

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<sup>94</sup> Section 28 (3) Northern Ireland (Emergency Provisions) Act 1991

<sup>95</sup> Hansard, HL Deb 09 November 1992 vol 540 cc36-9

<sup>96</sup> Colin Crawford, *Inside the UDA*, London: Pluto Press (2003), p 50

<sup>97</sup> Hansard, HC Deb 12 March 1970 vol 797 cc1576-695

<sup>98</sup> *Ibidem*

of troops imposed a grave strain on the Army's manpower and made it difficult for Great Britain to fulfill their NATO obligations.<sup>99</sup> In order to reduce their strain on the Army's manpower, the British Government introduced the policy of Ulsterisation. The UDR, an infantry regiment of the British Army with local recruits, was created to reduce the strain's on the British Army's manpower. During the debate about the Ulster Defence Regiment Bill, the Under-Secretary of Defence (Mr. Ivor Richard), said that the UDR should be representative of the whole population of Northern Ireland. The first time the Bill was debated again, the Minister of State for Defence (Lord Balniel) remarked that the British Government attached much importance to realizing a good balance within the UDR.<sup>100</sup> The British Government believed that they had reached this, because the UDR consisted of 20 percent of Catholics.<sup>101</sup> In 1971, the percentage of Catholics in the UDR dropped even lower and in November 1971 only 8 percent of the UDR consisted of Catholics.<sup>102</sup> This figures showed that the Britis Government did not reach a good balance of Catholics and Protestants in the UDR and that the UDR mostly consisted of Protestants.

In the House of Commons, questions were raised about the character of the UDR and if it was not acting as a vacuum between the Army and the police, or even as an paramilitary force.<sup>103</sup> The Minister of State for Defence (Lord Balniel) assured that the UDR was not acting outside the control of the Secretary of State for Defence as a paramilitary force.<sup>104</sup> Yet members of the UDA could also be member of the Ulster Defense Regiment. In a debate within the House of Commons, on 13 November 1972, a paper entitled "The Future of Northern Ireland" was debated. Bernadette Devlin, a Member of Parliament for Mid Ulster expressed her dissatisfaction about the UDR. Bernadette Devlin was the youngest women ever elected to the British Parliament and became a prominent leader of the Irish Civil Rights Movement. She called upon the Secretary of State for Northern Ireland (Mr. William Whitelaw) to abolish the Ulster Defense Regiment because of collusion with the UDA. She expressed her dissatisfaction about the fact that members of the UDA can be part of the UDR and therefore was part of the UDA assassin squads. She even provided the Secretary of State for Northern Ireland with names of members of the

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<sup>99</sup> Hansard, HC Deb 11 March 1971 vol 813 cc671-742

<sup>100</sup> Ibidem

<sup>101</sup> Hansard, HC Deb 12 March 1970 vol 797 cc1576-695

<sup>102</sup> Hansard, HC Deb 25 November 1971 vol 826 cc1571-678

<sup>103</sup> Hansard, HC Deb 25 November 1971 vol 826 cc1571-678

<sup>104</sup> Hansard, HC Deb 08 June 1971 vol 818 cc882-1000

UDR, who are also member of the UDA. The Minister of State for Northern Ireland (Mr. van Straubensee) commented that the government is watching dual membership very closely: If a member of the UDR is failing his duties, due to UDA activities or for other reasons, he receives a warning. When he continues to misbehave, he will be dismissed from the UDR. He did not explicitly stated that membership of the UDA was incompatible with the UDR and responded “that the best way for members of the UDR to contribute to the safety of the community was to give their undivided support to the Security Forces.”<sup>105</sup> On 16 November 1972 Willie Hamilton, a Labour Member of Parliament for Fife (Scotland), asked the Secretary of State for Northern Ireland (Mr. William Whitelaw) if he already had taken steps to stop membership of the UDR and the UDA at the same time. The Minister of State for Northern Ireland (Mr. David Howell) responded that every situation whereby membership of the UDR and the UDA is questionable is investigated carefully.<sup>106</sup> MP Bernadette Devlin also asked the Secretary of State for Northern Ireland (Mr. William Whitelaw) extensively about numbers of dual membership of the UDR and UDA. The Secretary of State for Northern Ireland only responded with a private letter, written by one his one colleagues. He was asked to answer publicly, so that the numbers would be made available for the whole public but this did not occur.<sup>107</sup> It seemed that the British Government was avoiding questions about dual membership of the UDR and UDA. They were not directly answering the questions of several MPs about this topic. Due to the fact that the UDA was not a proscribed organization during that time, the British Government was not legally obliged to forbid dual membership. The British Army needed to reduce their manpower in Northern Ireland and the British Government applied the policy of Ulsterisation. The need for local recruits for the UDR, implies that the British Government was more willingly to turn a blind-eye about dual membership of the UDA and UDR.

Within the House of Commons, several questions were asked about the impartiality of the British Army. A Member of Parliament for Belfast-West and leader of the Social Democratic and Labour Party (SDLP), Gerard Fitt, referred to the taking down of barricades by the Army in Northern Ireland. He was wondering why the British Army took all the barricades down except those of the UDA. He even

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<sup>105</sup> Hansard, HC Deb 13 November 1972 vol 846 cc43-160

<sup>106</sup> Hansard, HC Deb 16 November 1972 vol 846 cc583-4

<sup>107</sup> Ibidem

wondered “why was it that the Army and the UDA men in uniform seemed to be acting with a great deal of camaraderie?”<sup>108</sup> The Secretary of State for Northern Ireland (Mr. William Whitelaw) did not directly responded to this and only mentioned that the solution for the conflict in Northern Ireland must be a political one. A Labour Member of Parliament for St Pancras North, Jock Stallard, talked about different approaches towards two different communities, the Catholic and Protestant community. He said pictures are circulating of the Army jointly patrolling with members of the UDA, which gives a sign of a different approach. In that same debate, Stan Orme, a Labour Member of Parliament for Salford East, also called upon the Army to act impartially. The Secretary of State for Northern Ireland (Mr. William Whitelaw) did not respond to MP Jock Stallard and MP Stan Orme.<sup>109</sup> This is noteworthy, because once again the Secretary of State for Northern Ireland was avoiding questions about the UDA. Mr. Paul Rose, a Labour member of Parliament for Manchester Blackley, described the UDA as “virtually the mirror image of the IRA.”<sup>110</sup> He reminded the House that only an approach, handling all perpetrators of violence, will be effective. In a debate, in the House, on 8 February 1973 MP Paul Rose asked the Secretary of State for Northern Ireland (Mr. William Whitelaw) whether he would proscribe the UDA, in light of the sectarian killings in Northern Ireland.<sup>111</sup> The Secretary of State for Northern Ireland responded that “no man, in no position, can be above the law”<sup>112</sup> and did not go into further detail about MP Paul Rose’s statement.

Another issue that raised concerns among MPs was the wearing of uniforms and masks by members of the UDA. MP Stan Orme asked the Secretary of State for Northern Ireland (Mr. William Whitelaw) for his word that the masked UDA men would be banned from the streets and to “see an end to the murder squads.”<sup>113</sup> The Secretary of State did not go into detail about the masked members of the UDA. In his statement, he did not go any further than the reality at the moment and the only thing he said about it was: “The troops are there.”<sup>114</sup> In a debate on 23 November 1972, MP Bernadette Devlin referred to the Public Order (Amendment Act). This law states:

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<sup>108</sup> Ibidem

<sup>109</sup> Ibidem

<sup>110</sup> Hansard, HC Deb 08 February 1973 vol 850 cc636-8

<sup>111</sup> Hansard, HC Deb 08 February 1973 vol 850 cc636-8

<sup>112</sup> Ibidem

<sup>113</sup> Ibidem

<sup>114</sup> Ibidem,

“Subject as hereinafter provided any person who in any public place or any public meeting place or in any public meeting wears uniform signifying his association with any political organization or with the promotion of any political object shall be guilty of an offence.”<sup>115</sup> She is wondering why members of the UDA are still allowed to march in the streets with their uniforms, sometimes even wearing masks. None of the UDA men have been prosecuted for this, while according to the law it is an offence. The Secretary of State for Northern Ireland (Mr. William Whitelaw) did not respond to Bernadette Devlin’s statement. In December that year, John Mendelson, a Labour Member of Parliament for Penistone, asked the Secretary of State for Northern Ireland (Mr. William Whitelaw) if he would take action against the illegal wearing of uniforms of the UDA in public. The Secretary of State for Northern Ireland assured the House that he would take action against this.<sup>116</sup> Though, this never happened and in March 1975 the UDA even began policing their own areas in Northern Ireland while continuing to wear their uniforms and masks.<sup>117</sup> One of the main principles of Great Britain’s constitution is the rule of law: the law is applicable to everyone in the same way. Impartially of the Army, the illegal wearing of UDA uniforms is not consistent with the principle of the rule of law. The UDA was treated differently by the British Government and therefore they violated one of the main principles of Britain’s democracy.

In 1974 the British Government introduced a new Bill (Prevention of) Act 1974. This Bill provided additional powers to the police to counter terrorism in Northern Ireland. MP Gerard Fitt was against this Bill. The Bill granted the Secretary of State for Northern Ireland additional powers to proscribe organizations engaged in terrorism, or in promoting and/or encouraging of it. In the debates about this Bill, the Secretary of State for Northern Ireland (Mr. Merlyn Rees) said the Bill was specially meant to proscribe the IRA. MP Gerard Fitt, reminded the Secretary of State for Northern Ireland that there were also other extremist organizations engaged in terrorism. UDA members have been convicted of violent and terrorist offences. MP Gerard Fitt asked if all organization engaged in violence would be proscribed – including the UDA and introduced an amendment to the Bill. The majority in the House voted against his amendment. In May 1975, MP Gerard Fitt brought again the

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<sup>115</sup> Public Order (Amendment Act)

<sup>116</sup> Hansard, HC Deb 07 December 1972 vol 847 cc1666-70

<sup>117</sup> Margaret Urwin, *A State in Denial: British Collaboration with Loyalist Paramilitaries*, Dublin: Mercier Press (2016), p 99

subject up in the House. He reminded the House that if people are condemned engaging in terrorist activities, all of them should be condemned and no organizations should be excluded from this.<sup>118</sup> Still, the British Government was not willing to proscribe the UDA.

### **The Thatcher years (1979-1990)**

Margaret Thatcher led a Conservative government from 1979 until 1990. Her government had as their highest priority to defeat the IRA. Margaret Thatcher had declared that here “instincts were profoundly Unionists”<sup>119</sup> and her government also had chosen not to proscribe the UDA.

In the beginning of the 1980s, the overall level of terrorist violence had declined in Northern Ireland. According to the Secretary of State for Northern Ireland (Mr. Humphrey Atkins) this was due to the efforts of the Security Forces MP Fitt reminded the Secretary of State for Northern Ireland once again that there were types of bloody campaign in Northern Ireland, one of the IRA and one of the UDA and other Loyalist paramilitaries. He asked the Secretary of State for Northern Ireland if he could ensure that “the law and enforcement of the law are seen to be even handed against all potential murderers, no matter what they claim they represent?”<sup>120</sup> The Secretary of State for Northern Ireland responded that the RUC was successful in acting against all forms of terrorism.<sup>121</sup> Yet was this truly the case? Was the RUC acting in the same way against all terrorists?

On 18 March 1981, the Prevention of Terrorism Act was discussed in the House of Commons. MP Fitt reminded the House that he was against this legislation from the beginning. He said that “if we are to have this type of legislation to ban organizations engaged in Irish terrorism, we must be seen to be impartial. We cannot be seen to have this legislation in operation against one section of the community in Northern Ireland.”<sup>122</sup> The UDA and UVF have been guilty of serious crimes in Northern Ireland and even admitted this. MP Fitt was wondering why these organizations still not have been proscribed.<sup>123</sup> The Secretary of State for the Home

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<sup>118</sup> Hansard, HC Deb 19 May 1975 vol 892 cc1145-62

<sup>119</sup> Jonathan Tonge, *Northern Ireland*, New York: Routledge (2013), p. 159

<sup>120</sup> Hansard, HC Deb 27 November 1980 vol 994 cc553-6

<sup>121</sup> *Ibidem*

<sup>122</sup> Hansard, HC Deb 18 March 1981 vol 1 cc375-95

<sup>123</sup> *Ibidem*

Department (Mr. William Whitelaw) said that if members of any organization commit terrorist crimes, they will be convicted.<sup>124</sup>

In a debate within the House of Lords, on 11 February 1987 the UDA document “Common Sense” was discussed. Lord Fitt, after his time as an MP he became a Member of the House of Lords in 1983, asked the Minister and the Government if they were prepared to discuss this document with members of the UDA. He expressed his concerns about this. Lord Lyell, the Parliamentary Under-Secretary of State, Northern Ireland office, assured him that the Government only has a passive interest in the document. He said that it is “government policy to seek a form of devolved government in Northern Ireland which will be widely acceptable in the sense of being acceptable to both communities.”<sup>125</sup> He acknowledged that the UDA document was in line with British policy and welcomed this but still was not willing to meet with representatives of the UDA.<sup>126</sup> Why did the British Government did not want to meet with members of UDA? The fact that the British government was not willing to proscribe the UDA but at the same time not willing to meet with representatives from this legal organization is conflicting.

Besides not wanting to meet with UDA representatives, the British Government also denied UDA members access to the media. On 19 October 1988, the Secretary of State for the Home Department (Mr. Douglas Hurd) made a statement about access to the media by certain organizations in Northern Ireland:

The Government has decided that the time has come to deny this easy platform to those who use it to propagate terrorism. Accordingly, I have today issued to the chairmen of the BBC and the IBA a notice, under the licence and agreement and under the Broadcasting Act 1987 respectively, requiring them to refrain from broadcasting direct statements by representatives of organizations proscribed in Northern Ireland and Great Britain and by representatives of Sinn Fein, Republican Sinn Fein and the Ulster Defence Association. The notices will also prohibit the broadcasting of statements by any person which support or invite support for these organizations.<sup>127</sup>

With this statement not only UDA members but also representatives of Sinn Fein and Republican Sinn Fein were denied access to the media. The British Government

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<sup>124</sup> Ibidem

<sup>125</sup> Hansard, HL Deb 11 February 1987 vol 484 cc716-36

<sup>126</sup> Ibidem

<sup>127</sup> Hansard, HC Deb 19 October 1988 vol 138 cc893-903

denied legal organizations the freedom of speech. Several MPs warned the Secretary of State for the Home Department that this would create a dangerous precedent by using the Broadcasting Act in this specific way.<sup>128</sup> Yet again the British Government was acting in a conflicting way, they were still not willing to proscribe the UDA as an organization but they were denied access to the media because the UDA used the media to propagate terrorism. This is remarkable, the British government considers on the one hand, that the UDA is not primarily engaged in terrorism and on the other hand, they are propagating terrorism in the media. These two statements are conflicting.

### **The last phase of the Troubles (1990s)**

In the late 1980s and early 1990s, a shift came in British policy. The British Government applied a more inclusive approach, including Sinn Fein into the peace process and facilitating the Loyalist transformation from violence to politics.<sup>129</sup>

In a debate on 12 May 1992, Mr. Seamus Allon, Deputy leader of the SDLP and Member of Parliament for Newry and Armagh, remarked that the UDA is responsible for many killings in Northern Ireland. The UFF and the UVF are both elementary of the UDA. He called them “one of the most horrific murder machines to be found anywhere.”<sup>130</sup> Furthermore, he referred to ‘This Week’, a BBC TV programme, where the current Minister of State, Northern Ireland office (Mr. Michael Mates) was asked why the UDA is not banned: “It is from a part of the community that believe they are under threat, and if they believe that they are under threat, within the law they may protest about this: they may associate. That's not to say that there aren't some rowdy, hooligan, and possible criminal elements.”<sup>131</sup> Mr. Allon was stunned by this statement and wondered how the Minister of State could describe one of the most horrific murder machines as an association with some rowdy, hooligan and criminal elements.

On 18 June 1992, MP Joe Hendron, successor of MP Fitt and member of the SDLP) called the UDA/UFF, the main Loyalist paramilitary organizations. They are responsible for the hundreds of killings, often innocent Catholics. He named one of

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<sup>128</sup> Ibidem

<sup>129</sup> Joanne McEvoy, *The Politics of Northern Ireland*, Edinburgh: Edinburgh University Press (2008), p 112

<sup>130</sup> Hansard, HC Deb 12 May 1992 vol 207 cc500-92

<sup>131</sup> Ibidem



the latest victim, Mrs. Philomena Hanna, a mother of two. She was killed walking to her workplace. Hitherto the Government refuses to proscribe the UDA. He demands the Government to take action and to proscribe the UDA, especially in the aftermath of the Brian Nelson case. The Minister or the Secretary of State did not respond to MP Joe Hendron .

In a debate in the House of Lords, on 9 November 1992, after the UDA finally was proscribed, arguments about proscription were presented. The main argument for proscription was that the UDA was “actively and primarily engaged in the commission of criminal terrorist acts. Also there was concluded that the UFF, provided a cover for the UDA. Through the UFF, the UDA organized and carried out attacks. Membership, financing and recruiting for the UDA all became offences. Proscription would make life much harder for the UDA. Furthermore, with proscription the Government made a clear statement that the UDA is engaged in terrorism and this cannot be justified because they believe they are defending their community. The Government gives the following message to those who are part of the UDA: “You are involved with an organization which is a conspiracy to perpetrate acts which are repugnant to society. You put yourselves beyond the law by having anything to do with it. You must take the consequences if you do not break with it.”<sup>132</sup> The Lord Gwilym Prys-Davies, a Labour politician, commented that for the last 18 months, before proscription, press reports and pictures from Northern Ireland showed the true nature of the UDA. According to him, this was enough evidence for the government to proscribe the UDA. He acknowledged that with proscription there is risk that the UDA will go underground and there is no certainty that proscription will decrease their terrorist activities.<sup>133</sup> Lord Gwilym Prys-Davies referred to reports and pictures and pictures from the last 18 months. Still in all these years before, MPs have presented the Government with facts, pictures, and questions as well about the true nature of the UDA. What changed in these 18 months that the British Government decided to change their policy?

### **Conclusion:**

After the British Government installed direct rule in Northern Ireland, they were hoping not to deploy their troops for a long period. The British Government needed

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<sup>132</sup> Hansard, HL Deb 09 November 1992 vol 540 cc36-9

<sup>133</sup> Ibidem

their troops overseas and the troops in Northern Ireland imposed a grave strain on the Army's manpower. The British Government sought for another solution to reduce their Army's manpower and introduced the policy of 'Ulsterization.' The UDR, as an infantry regiment of the British Army, took over most of the security powers. The British Government also applied the policy of 'Normalization and wanted the UDR to represent the whole population of Northern Ireland. In practice, this did not occur and the majority of the UDR was Protestants. Their policy of 'Normalization' was in this way not successful. Due to the fact that the UDA was not a proscribed organization, members of the UDA could also join the UDR. Therefore, the British State paid for training for members of the UDA and provided them with intelligence and weapons. Several MPs raised questions about dual membership of the UDA and UDR and most of the time the British Government avoided these questions. The reason that they avoided these questions is that the British Government needed local recruits for the UDR, and that thus they were more likely to turn a blind-eye about dual membership of the UDA and UDR.

Another issue that raised concerns in Parliament was about the impartiality of the British Army and the wearing of uniforms and masks' by members of the UDA. The British Army took down all barricades except those of the UDA in Northern Ireland. Furthermore, the members of UDA were wearing masks and their uniforms and the British Army did not stop it. According to Public Order (Amendment Act) the wearing of uniforms signifying his association with any political organization is an offence. Therefore, it seems that the UDA was treated differently. One of the main principles of the British democracy is the rule of law. In these situations the law was not applied to everyone in the same way.

During the Thatcher years, the British Government was not willing to meet with UDA representatives. When the UDA published a document 'Common Sense', the British Government acknowledged that it was in line with British policy but that they were still not willing to meet with the UDA. In a way this is contradictory: The British Government is not willing to meet with representatives of a legal organization. The British Government was again conflicting when they announced that members of the UDA were denied access to the media. Yet again this is remarkable, the British government considers on the one hand, that the UDA is not primarily engaged in terrorism and on the other hand, they are propagating terrorism in the media. These two statements are conflicting.

What changed in 1992 that the British Government decided to proscribe the UDA? The British Government claimed that the UDA was now primarily engaged in terrorism but was this not already the case all along? Since the outset of the Troubles they were asked about the true nature of the UDA and MPs called for proscription. It is remarkable that most questions were asked by MPs from Northern Ireland and MPs from the Labour Party. The Government did not give truly satisfying answers to all these questions. The British Government did not justify or explain their relationship with the UDA, they mostly simply ignored the questions. Though non-proscription of the UDA endangered the impartiality of the British Government.

## Chapter 5: Unclassified British policy documents 1976 – 1987

In order to see how the British Government internally described their relationship with the UDA and why they waited till 1992 to proscribe the UDA, unclassified British policy documents from the period 1976 till 1987 are analyzed. The unclassified documents are from the British National Archives in London. British policy documents after 1987 are still classified and could therefore not been analyzed in this thesis.

### 5.1 The UDA and proscription

The British official stand was that the UDA was “a loose, unstructured organization without proper leadership. Uncontrolled lone gunmen were responsible for the sectarian violence, not members of the UDA.”<sup>134</sup> Unclassified documents show that British officials were well aware that the UDA was responsible for sectarian violence and “that the UDA and the UFF were one and the same organization and the relationship between them was not in the least similar to the relationship Sinn Fein and the IRA.”<sup>135</sup> In an internal British briefing paper ‘A Guide to Paramilitary and Associated Organizations’, from 2 September 1976, the UDA was described as follows:

The UDA is the largest and best organized of the Loyalist paramilitary organizations. It tries to maintain a respectable front and, to this end, either denies responsibility for the sectarian murders and terrorist bombings or claims them in the name of the Ulster Freedom Fighters, a proscribed and essentially fictitious organization which is widely known to be a *nom de guerre* for the UDA.<sup>136</sup>

This shows that the British officials were aware that the UFF was closely linked with the UDA, even naming it a fictitious organization. This was confirmed in another internal British paper about Loyalist paramilitaries in 1979. In the original draft the Ulster Freedom Fighters were described as an undercover organization of the UDA.<sup>137</sup> In the official paper, they changed this and mentioned the UFF as separate

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<sup>134</sup> Margaret Urwin, *A State in Denial: British Collaboration with Loyalist Paramilitaries*, Dublin: Mercier Press (2016), p. 67

<sup>135</sup> *Ibidem*, p.151

<sup>136</sup> *Ibidem*, p. 121

<sup>137</sup> Letter from Cowling to Hill, Paper on the Loyalist Paramilitaries, 30 July 1979, British National Archives, callnumber CJ4/3963

organization solely responsible for the sectarian violence.<sup>138</sup> Both internal documents illustrate that British officials knew that the UDA and the UFF were in fact the same organization.

When Andy Tyrie, UDA's Supreme Commander publicly announced that the UDA was engaged in terrorism on 1 February 1981, the Secretary of State for Northern Ireland (Mr. Humphrey Atkins) was still not willing to proscribe the UDA. Andy Tyrie said on the BBC: "The only way we will get peace here is to terrorize the terrorists. We are a counter-terrorist organization."<sup>139</sup> The Secretary of State for Northern Ireland responded with the following statement: "He had decided it would not be appropriate at the present time to proscribe the UDA."<sup>140</sup> The Secretary of State for Northern Ireland did not give further explanation. This is remarkable because UDA's Supreme Commander explicitly mentioned that the UDA was engaged in terrorism and this was not reason enough for proscription.

After the headquarters of the UDA was searched and weapons were found, the Secretary of State for Northern Ireland (Mr. Humphrey Atkins) was again still not willing to proscribe the UDA. In a report, written to advise the Secretary of State on 3 June 1981, arguments are outlined in favor and against proscription. These arguments show the internal consideration about proscription. Arguments in favor were that leaders from the UDA recently have 'come close to acknowledging direct involvement in terrorism'. As an example was referred to an article in the "Washington Star" whereby Tyrie defended assassinations and took responsibility for actions of the UFF. The arms which were founded at the headquarters of the UDA made the terrorist nature of the UDA more credible and inaction by the British Government could lead to losing its credibility. Furthermore, proscription would satisfy the Iris/American community in the United States, who have been sceptic for years and the Catholic community itself in Northern Ireland. Arguments against proscription were that Andy Tyrie has helped with stabilizing Loyalist opinion and this would might be compromised after proscription. Besides, with proscription a second front would be created for the Security Forces to operate on, when they are already fully stretched on the main front, fighting the IRA. The report stated as well that "attrition against UDA wrong-doers would be more uphill, given the general

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<sup>138</sup> Ibidem

<sup>139</sup> BBC Programme "The World This Weekend, 1 February 1981

<sup>140</sup> Letter from Davenport to the Secretary for State, 8 February 1981, British National Archives, callnumber CJ4/6930

disaffection and drying up of intelligence sources.’<sup>141</sup> Andy Tyrie was also planning to create a new political movement for the UDA, the New Ulster Political Research Group. Proscription might discourage this. Also further disturbances in Protestant areas and alienation of the Protestant community could be expected.<sup>142</sup> The arguments against proscription were more decisive for the Secretary of State for Northern Ireland. Attached to this paper, was a paper received from the Chief Constable with a note and statistics on attrition on Loyalists. Statistics show that in the period between 1977 and 1981, 1169 Protestants were charged with terrorist offences. There was no further sub division according to paramilitary organization. However, the Chief Constable wrote in his report that “it is likely that about three-quarters of those persons charged would have belonged to the UDA/UFF.”<sup>143</sup> This meant that in a period of 4 years almost 800 members of the UDA/UFF were charged with terrorist offences. Was this not reason enough to proscribe the UDA and add it to the list of terrorist organizations?

On 20 October 1981, the new Secretary of State for Northern Ireland (Mr. James Prior) asked for a note on why the UDA is not proscribed. This note was drafted by C. Davenport, who worked for the Law and Order Division at Stormont House. In this notes he outlined security and political arguments against proscription. The security arguments were that there would be little practical security benefits from proscription the UDA. The Security Forces already have an extensive range of powers in place to deal with those in UDA, or other organizations, who are engaged in terrorism. Proscription would even be less effective because it hard to prove. The police considered that proscription would be more likely to cause the additional problem than that it would solve. The list with political arguments against proscription was even longer. There was a great risk that Loyalist attacks would intensify after proscription. Furthermore, a large counter reaction from the Loyalist side would be expected. The Loyalist would also demand comparable action against Republican organizations, in particular Sinn Fein. Yet of Provisional Sinn Fein was described as undesirable and this would be disadvantageous for reconciliation between the Catholic and Protestant communities. Moreover, there is also the wider

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<sup>141</sup> Letter to the Secretary of State from Buxton about proscription of the UDA, 3 June 1981, British National Archives, callnumber CJ4/4195

<sup>142</sup> Ibidem

<sup>143</sup> Note and statistics on attrition on Loyalists from the Chief Constable, 3 June 1981, British National Archives, callnumber CJ4/4195

question of normality in Northern Ireland. Proscription of any organization would not contribute to the stability of Northern Ireland and affects the right of association and free speech. In. The Secretary of State was advised at that time not to proscribe the UDA.<sup>144</sup>

Although the UDA was not a proscribed organization, official British policy was not to engage with members of UDA. In an internal memo, dated from 21 October 1981, establishing contact with non-terrorists in the UDA is discussed. C. Davenport, from the Law and Order Division, expressed his concerns because the problem would be deciding whom to talk to in the UDA. He said that “there is no simple dividing line between terrorists and non-terrorists”<sup>145</sup> This meant that the British government knew that members of the UDA were engaged in terrorism. British officials did meet with members of Sinn Fein in certain circumstances. The difference between Sinn Fein and the UDA is that Sinn Fein had elected representatives and therefore contact was legitimized. However, both organizations expressed their support of violence. After the UDA published their policy document “Common Sense”, it still was recommended not to meet with the UDA or the Ulster Political Research Group, who formally issued the document. The UDA had during that time publicly acknowledged that the UFF is part of their organization and therefore closely associated with sectarian violence. British officials were aware of this.<sup>146</sup> They would only agree to meet the UDA or ULDP, if they were convinced that those organizations were merely on a political and not a paramilitary path. As the British Government also remarked in parliamentary debates, it is conflicting that they were not willing meet with representatives of a legal organization.

## 5.2 Criticism about non-proscription from the UDA

Criticism about non-proscription came from MPs, political parties and Congress Members of the United States. Besides, several judges in the United Kingdom expressed their views in Court about proscription of the UDA.

The Alliance Party and the SDLP, both Northern Ireland political parties, were critical about not-proscription UDA. On 5 November 1980, John Cousins, Alliance

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<sup>144</sup> Letter to the Secretary of State from Davenport about possible proscription of the UDA, 20 October 1981, British National Archives, callnumber CJ4/4195

<sup>145</sup> Letter from Davenport to Wyatt, 21 October 1981, British National Archives, callnumber CJ4/3963

<sup>146</sup> Letter from Kirk to the Secretary of State about the UDA Policy Document, 27 February 1987, British National Archives, callnumber CJ4/7083

Party Security Spokesman, wrote a letter to the Secretary of State for Northern Ireland (Mr. Humphrey Akins). In this letter he mentioned that he already had petitioned the Secretary of State many times requesting the proscription the UDA. Recent statements by the UDA and several assassinations by the UFF raised great concern to the Alliance Party and they requested proscription of the UDA. John Cousins had decided to petition the European Court of Human Rights (ECHR) because he believed that the situation and the favored status of the UDA is unfair and partial application of the law. He was willingly to withdraw his petition from the ECHR if the Secretary of State would ensure that all terrorist organizations would be proscribed in the future.<sup>147</sup> John Cousins submitted a letter to ECHR, to express his intention to bring the case regarding the UDA to court and mentioned that he will make a more formal application in due course.<sup>148</sup> He received an answer from the Secretary of State for Northern Ireland. In this letter, the choice of non-proscription of the UDA is explained: “The Secretary of State is fully prepared to proscribe any organization at any time where its proscription would be likely to result in the reduction of the level of violence, or otherwise facilitate the police in their work and that the status of the UDA is kept under close review.”<sup>149</sup> Beforehand, the Secretary of State was assured that Mr. Cousins could not petition the ECHR himself, only the Commission or a Member State can do this. The Court is likely to refer his application to the Commission, but it is unlikely that the Commission will pursue his petition.<sup>150</sup> The British Government was accused of violating the rule of law principle but because they were assured that Mr. Cousins could not petition the ECHR himself, they probably not felt the need to add the UDA already to the list of proscribed organizations.

The SDLP also wanted to ban the UDA. At a party conference on 7 November 1980, a motion was passed about this. Party members criticized inaction of the British Government and said that if the Government would not take action it was “incapable

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<sup>147</sup> Letter from John Cousins to Secretary of State, 5 November, 1980, British National Archives, callnumber CJ4/6930

<sup>148</sup> Letter from John Cousins to the European Court of Human Rights, 4 November 1980, British National Archives, callnumber CJ4/6930

<sup>149</sup> Letter from the Private Secretary to John Cousins, 5 December 1980, British National Archives, callnumber CJ4/6930

<sup>150</sup> Letter from Davenport to Secretary of State about Alliance Party demand for proscription of the UDA, 11 December 1980, British National Archives, callnumber CJ 4/3107



of discharging its sovereign responsibilities”.<sup>151</sup> On 18 January 1981, SDLP spokesman Mr. Canavan requested a meeting with the Secretary of State to discuss proscription of the UDA. The Secretary of State was advised to accept his request. He could then tell that in the last month 27 Protestants have already been charged with terrorist offences and that this sort of action is more effective than proscription of the UDA.<sup>152</sup> Although Protestants have been charged with terrorist offences, still could be argued that they were applying the law not in the same way to everyone.

From the United States there was also pressure to ban the UDA. Senators Dodd, Moynihan and Kennedy, all Irish-Americans, issued a resolution in the US Congress about the proscription of the UDA. Nigel Sheinwald, from the Washington Embassy, contacted the Northern Ireland Office for a note with arguments against proscription. In the first draft to answer Nigel Sheinwald, a distinction was made between “active terrorism” and an “ultimate defence association”. This distinction was criticized because it was noted that the UDA not always was defensive. Especially in the early 70’s Loyalist terrorism was often active. It was suggested to add that the UDA, like Sinn Fein, was an umbrella organization which could and should not be banned.<sup>153</sup> In the final note sent to the Embassy in Washington, containing of what could said publicly, UDA is described as not primarily a terrorist organization.<sup>154</sup> The internal notes showed that the British Government knew that the UDA and UFF were closely linked but that they were not willing to portray this image to the outside world.

Judges also started to make statements about the UDA in their verdicts. They started to express their views about the true nature of the UDA and (implicitly) expressing that the UDA was engaged in terrorism. The first judge who started with this was Mr. Justice Murray who convicted the killer of Alexander Reid. On 3 January 1980, Alexander Reid was randomly killed by an UDA gang when he was waiting for a taxi standing before a Loyalist club. One of his killers, Stanley Millar Smith, was convicted in 1981 by judge, Mr. Justice Murray. In his judgement he said:

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<sup>151</sup> Minutes from SLDP Party Conference, 7 November 1980, British National Archives, callnumber CJ4/6930

<sup>152</sup> Letter from C. Davenport to Secretary of State regarding the letter from Mr Canavan (SLDP) requesting a meeting with the Secretary of State to discuss proscription of the UDA, 30 January 1981, British National Archives, callnumber CJ4/6930

<sup>153</sup> Letter from Hill about proscription of the UDA, 22 March 1985, British National Archives, callnumber CJ4/6689

<sup>154</sup> Letter from Hill about proscription of the UDA, 22 March 1985, British National Archives, callnumber CJ4/6689

“There is much talk nowadays of counter-terrorism and retaliation for IRA atrocities. Such talk in my view is dangerous in the extreme since it leads to the sort of vicious sectarian murder of an innocent young man which is before the court today. It is not for me to enter into the question of whether the UDA should be added to the list of proscribed organizations. But I record the fact that the papers in this case show that the plot to carry out a retaliation was hatched in an UDA club on the night Mr. Reid was murdered”<sup>155</sup> He implicitly said that the UDA was engaged in terrorism.

In the case *Regina v. Samuel Hinton & Others*, judge Justice Nicholson sentenced a member of the UDA (Samuel Hinton) to 12 years imprisonment. Samuel Hinton had killed a fourteen year old child and raped his mother. The mother mentioned in Court that Hinton had UDA tattooed on his hands. Judge, Mr. Justice Nicolson said that the although not proscribed, the UDA was a terrorist organization.

In another case, Judge McConigal, sentenced 12 men in connection with the murder of a police officer. The judge described the UDA as a vicious and brutal organization, who have taken the law into their own hands by their own courts, intimidation and terrorist methods. He sought assurance that the authorities would investigate UDA clubs and directed that his remarks should be brought to the attention of the Chief Constable.<sup>156</sup>

### Conclusion:

Unclassified documents from the British National Archives show that internally British officials were well aware of how closely linked the UDA and UFF were. So why did they wait so long to proscribe the UDA? They were under pressure from political parties, congress members of the United States and even judges in the United Kingdom who expressed their views about the terrorist nature of the UDA.

Internal memos and letters give an insight in the reason why the British Government waited so long to proscribe the UDA; They could not effort to fight at two fronts, their military was already fully stretched on the main front fighting the IRA. They could not win two battles. They needed the UDA for their intelligence and were afraid that when they proscribed the UDA this was not possible anymore. Hence, they hoped that the UDA would develop itself as a more political

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<sup>155</sup> Author unknown, “Jugde attacks talk of counter-terrorism”, *British Telegraph*, 4 February 1981

<sup>156</sup> ‘Romper Room’ Trial Judge Condemns the UDA, *Irish Times*, 7 February 1975, British National Archives, callnumber CJ4/4815

organization. One of the UDA leaders, Tyrie already used his political influence: he wrote articles, talked to other politicians, and was part of the Belfast political scene. They did not want to jeopardize this and needed Tyrie's help to stabilize Loyalist opinion. The British Government was also afraid that proscription would create pressure to also proscribe Sinn Fein. They could not let this happen because they needed Sinn Fein in the reconciliation process. In the overall progress towards normality in Northern Ireland, proscription would endanger freedom of speech and affect the right of association.

## **Conclusion**

The research question in this thesis was: *To what extent can the relationship between the British Government and the UDA be described as state-sponsored terrorism and how did the British Government justify their relationship with the UDA during the Troubles?* To answer this question, firstly, it must be established whether the UDA was a terrorist organization before it was proscribed as an terrorist organization. A terrorist organization was defined in this thesis as: *A terrorist organization is a) a formal, voluntary association; b) subnational; c) political; and d) uses intentional violence to spread fear in a wider audience.*

The UDA was the largest Loyalist paramilitary group in Northern Ireland. It had a political and military wing. The military wing was the UFF, which was proscribed in 1973. The UDA and UFF were closely linked and the UDA used the UFF as an cover to carry out assassinations. The Supreme Commander of the UDA also held the command over the UFF. The UDA was a formal association, it had a name, members and was a voluntarily association. Besides, it was subnational, relating to the Protestants and Loyalist community in Northern Ireland. They were political as well, they felt British and strived to stay part of the United Kingdom. The UDA used violence to spread fear in a wider audience, they randomly killed Catholics as retaliation when the IRA had carried out attacks. This campaign of randomly killing Catholics created fear among a big audience, never knowing who would be next. They spread a message with this campaign, that in a way no Catholic was safe. Taking all this into consideration, the UDA can be described in the, timeframe before proscription, as a terrorist organization.

The following question is: Did the British Government sponsor this terrorist organization in any way? Byman's definition of state-sponsorship was used throughout this thesis. He described active state sponsorship as "a government's intentional assistance to a terrorism group to help it use violence, bolster its political activities, or sustain the organization. Hereby the focus is on the intentionality of states. Passive sponsorship is "knowingly allowing a terrorist group to raise money, enjoying sanctuary, recruit, or otherwise flourish without interference from a regime

that does not directly aid the group itself.”<sup>157</sup> He acknowledged that there was a broad spectrum between active and passive state-sponsorship.

In practice, what kind of sponsorship did the British Government provide the UDA? They offered training to the UDA by allowing them to be also members of the UDR. They shared intelligence with them, as concluded in De Silva report. This increased the lethality of the UDA. They offered diplomatic support, by not proscription the UDA they legitimized them and their actions. Hence, in a way they offered them a sanctuary. They allowed them to develop themselves as a terrorist organization and to carry out attacks. But their biggest contribution to the existence of the UDA was that they turned a blind eye: they did not intervene with the UDA. The UDA was almost entirely excluded from the British internment policy; they were allowed to wear masks and uniforms on the streets of Northern Ireland; they were allowed to police their own areas; they were allowed to be member of the UDA and the UDR at the same time. Nothing was done against their trainings camp, where members of the UDA and UFF were trained to take on the IRA. In a way, the UDA was treated differently and the British Government violated one of their main democratic principles: the rule of law.

On the spectrum of state-sponsored terrorism the British Government can be best placed as providing strong support: The fact that 85 percent of UDA’s intelligence in the late 1980s came from the Security Forces is a sign of this. The Security Forces contributed to the lethality of the UDA and made it possible for them to carry out more attacks. As concluded in both the Stevens Inquiries and the De Silva Report, murders could have been prevented. Also they provided antagonistic support: the placing of double agents within the UDA. There were no adequate guidelines or legal framework in place for the handling of these agents. And mostly they offered the UDA passive support: the UDA was treated differently than Republican paramilitaries, the British Government turned a blind-eye towards the activities of the UDA and their true nature.

So why did the British Government fight terror with terror? Did they believe that the end justified the means? That there was no other way to defeat the IRA and to bring the conflict in Northern Ireland to a peaceful end. How did they explain and justify their relationship with the UDA in both Houses? Parliamentary debates show

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<sup>157</sup> Daniel Byman, *Deadly Connections: States that Sponsor Terrorism*, Cambridge: Cambridge University Press (2005), p. 222

that the situation in Northern Ireland imposed a grave strain on the Army's manpower. Initially, the British Government intended that the troops would only stay there for a short period of time. The British Government looked for alternative solutions and found this in the UDR. They created the UDR as an infantry regiment of the British Army, whereas they let the 'natives' do the fighting. The British Government wanted that the UDR to be representative for the whole population of Northern Ireland. Yet this was never realized and the majority of the UDR was Protestants and even members of the UDA could join. The Secretary of State was not willing to provide the House of Commons with numbers of dual membership of the UDR and UDA. He also refused to explicitly forbid dual membership but kept on mentioning that dual membership was watched very closely.

Members of the UDA were wearing mask and uniforms on the streets in Northern Ireland. Under the Public Order Act this is prohibited: "any person who in any public place or any public meeting place wears uniform signifying his association with any political organization shall be guilty of an offence."<sup>158</sup> Within Parliament, several questions were asked about this situation and the Secretary of State reassured that he would take action against it. This never happened and in March 1975 the UDA even began to policing their own areas. When the British Government introduced the Prevention of Terrorism Act, this act was merely aimed at the IRA. The Secretary of State made this very clear. The Bill provided additional powers to the police to counter terrorism in Northern Ireland. Although, MPs reminded the Secretary of State that there were also other extremist terrorist groups the Bill's focus was on the IRA.

The British Government was not willing to meet with representatives of the UDA and in 1992, along with Sinn Fein, they were denied access to the media. It gives a conflicting message that on the one hand, the British Government was not willing to proscribe the UDA and perceiving them as a legal organization but on the other hand, was not willing to meet with them and denying them the freedom of speech.

Until 1992, the official point of view of the British Government about the UDA was that only the UFF, the military wing of the UDA, was involved in terrorism. They admitted that the defining lines between both organisations were blurred, but that until 1992 there was no concrete evidence that the majority of UDA

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<sup>158</sup> Public Order (Amendment Act)

members were engaged in sectarian violence. Several MPs raised questions about this statement in parliamentary debates. They accused the British Government of being impartial and that they were losing credibility of not taking the UDA seriously. The British Government kept on claiming that they would keep the situation continually under review but felt that there was not enough evidence that the UDA was engaged in terrorism.

In 1992, the British Government changed their policy by proscribing the UDA after all. Did the British Government see the UDA really as a loose, unstructured organization that was not engaged in terrorism before 1992? Declassified British policy documents show that British officials were well aware of the true nature of the UDA and their affiliation with the UFF. The British Government hoped that the UDA would eventually transform into a solely political organization, which could participate in the peace process. Besides, if they proscribed the UDA there would pressure to also proscribe Sinn Fein. This would be disastrous for the reconciliation process. Furthermore, proscription would not contribute to the British policy of “normalization.” Proscription of any other organization would create an even more distorted landscape for Northern Ireland. The most important argument that they provided for not proscribing the UDA was that they could not effort to fight at two fronts. The British Government could not win two battles. Parliamentary debates and declassified documents show that the British Government turned a blind-eye towards the UDA. They engaged in an merely active form of state-sponsored terrorism because they were well aware about the true nature of the UDA.

Therefore, the last question to answer is why did they turned a blind eye? As already mentioned in the introduction, did they applied Bush’ rhetoric with “Either you are with us, or you are with the Terrorists.”<sup>159</sup> Did the fact that the UDA had the same enemy as the British Government contributed to the fact that they turned a blind eye? Or perhaps as, John Tayler, a Unionist MP stated: “The Loyalist paramilitaries achieved something which perhaps the Security Forces could never have achieved. The Loyalist killing convinced the Provos that they could not win.”<sup>160</sup> The most obvious explanation is that the British Government was just being pragmatic. They knew they could not afford a war on both sides. Hence, they already had experience

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<sup>159</sup> George Bush. State of the Union address, <https://www.theguardian.com/world/2001/sep/21/september11.usa13> , accessed on 4 March 2018

<sup>160</sup> Colin Crawford, *Inside the UDA*, London: Pluto Press (2003), p. 48

with counter-insurgencies operations in their colonial campaigns. They applied this as well in Northern Ireland and let the 'natives' do the fighting. However, while their presence in Northern Ireland was aimed at restoring law and order, the British Government lost sight of their own democratic principles. They fought terror with terror and violated their own democratic principle, the rule of law, by not applying the law in the same way.

### **Future Research Suggestions**

In this thesis answers were sought about the relationship between the UDA and the British Government. Besides literature, parliamentary debates during the Troubles were analysed to see how the British government justified their relationship with the UDA. Although the UDA was much debated in both Houses, when MPs asked questions why the UDA was not proscribed most of the times Ministers and Secretary's avoided to answer these questions. The common answer was that they kept the situation under review but they did not believe the UDA was engaged in terrorism. Because they mostly avoid the questions about the true nature of the UDA, it is difficult to truly establish how they justified their relationship with the UDA. They did not explicitly mention this in the debates and therefore it would be important to do further research about their justification of the British relationship with the UDA. This can be done by examining speeches, media performances and other public statements of Ministers and Secretary's during the Troubles. This will provide a better understanding of their justification of their relationship with the UDA.

The question why the British Government waited till 1992 to proscribe the UDA also leaves suggestions for further research. The unclassified documents from the British Government till 1987 show their consideration in the choice of the British Government why not to proscribe the UDA. The questions that still remains is what changed in 1992? Why did the British Government believe that in this year the UDA finally became primarily engaged in terrorism? When British policy documents from the 1990s will become declassified, they could be examined to create a better understanding of this British policy shift.



## Bibliography:

- Augley A. and C. McIlhenny, The Ulster Defence Association: Paramilitaries and Politics, *The Journal of Conflict Studies*, nr. 2 (1981), p. 32 - 45
- Benyon J. ed, *Central Debates in British Politics*, Harlow: Pearson Education (2002)
- Bruce S., "Terrorism and Politics: The Case of Northern Ireland's Loyalist Paramilitaries", *Terrorism and Political Violence*, nr. 2 (2010), pp. 27 – 48.
- Bruce S., *The Red Hand: Protestant Paramilitaries in Northern Ireland*, London: Oxford Paperbacks (1992).
- Bush, G., State of the Union address, <https://www.theguardian.com/world/2001/sep/21/september11.usa13> , accessed on 4 March 2018.
- Byman, D., *Deadly Connections: States that Sponsor Terrorism*, Cambridge: Cambridge University Press (2005).
- Collins, S., "State-Sponsored Terrorism: In Decline, Yet Still a Potent Threat", *Politics & Policy*, nr. 1 (2014), pp. 131 – 159.
- Coogan T.P., *The Troubles: Ireland's Ordeal and the Search for Peace*, London: Arrow Books (1996)
- Crawford, C., *Inside the UDA: Volunteers and Violence*, London: Pluto Press (2003).
- Cusack J. and M. Taylor, "The Resurgence of a Terrorist Organization— Part 1: The UDA: A Case Study," *Terrorism and Political Violence*, nr. 5 (1993), pp. 1-27.
- Delaney M., Stories From Silence, <http://storiesfromsilence.com/margaret-delaney/> , accessed on 4 March 2018.
- Hoffman, B., *Inside Terrorism*, New York: Columbia University Press (2006).
- Kelters S., Violence in the Troubles, [http://www.bbc.co.uk/history/topics/troubles\\_violence](http://www.bbc.co.uk/history/topics/troubles_violence), accessed on 4 March 2018.
- Sarah MacFadden, Stories From Silence, <http://storiesfromsilence.com/sarah-macfadden/> , accessed on 4 March 2018.
- McKittrick D. and D. McVeu, *Making Sense of the Troubles: The Story of the Conflict in Northern Ireland*, Amsterdam: New Amsterdam Books (2002).

- McEvoy J., *The Politics of Northern Ireland*, Edinburgh: Edinburgh University Press (2008).
- Neumann P. and A. Aughey, *Britain's Long War: British Strategy in the Northern Ireland Conflict 1969-98*, London: Palgrave Macmillan Limited (2003).
- Philips B., "What is a Terrorist Group? Conceptual Issues and Empirical Implications", *Terrorism and Political Violence*, nr. 2 (2015), p. 225 – 242.
- Punch M., *State Violence, Collusion and Troubles*, London: Pluto Press (2012).
- Rolston, B., 'An effective mask for terror': Democracy, death squads and Northern Ireland, *Crime, Law & Social Change*, nr. 2 (2005), pp. 181 – 203.
- Shirlaw P., *The End of Ulster Loyalism*, Dublin: Manchester University Press (2012).
- Sluka, J., *Death Squad: The Anthropology of State Terror*, Philadelphia: University of Pennsylvania Press (2000).
- Tonge J., *Northern Ireland*, New York: Routledge (2013).
- Urwin, M., *A State in Denial: British Collaboration with Loyalist Paramilitaries*, Dublin: Mercier Press (2016).
- Wood I., *Crimes of Loyalty: A History of the UDA*, Edinburgh: Edinburgh University press (2006).
- Wood, I., *God, guns and Ulster: A History of Loyalist Paramilitaries*, London: Caxton (2003).

Hansard:

- Hansard, HC Deb 12 March 1970 vol 797 cc1576-695
- Hansard, HC Deb 11 March 1971 vol 813 cc671-742
- Hansard, HC Deb 25 November 1971 vol 826 cc1571-678
- Hansard, HC Deb 08 June 1971 vol 818 cc882-1000
- Hansard, HC Deb 31 July 1972 vol 842 cc43-163
- Hansard, HC Deb 13 November 1972 vol 846 cc43-160
- Hansard, HC Deb 16 November 1972 vol 846 cc583-4
- Hansard, HL Deb 05 December 1972 vol 337 cc145-239
- Hansard, HC Deb 06 December 1972 vol 847 cc1666-70

- Hansard, HC Deb 08 February 1973 vol 850 cc636-8
- Hansard, HC Deb 06 December 1973 vol 865 cc1583-99
- Hansard, HC Deb 05 December 1974 vol 882 cc1951-2070
- Hansard, HC Deb 19 May 1975 vol 892 cc1145-62
- Hansard, HC HC Deb 27 June 1975 vol 894 cc886-980
- Hansard, HC Deb 27 November 1980 vol 994 cc553-6
- Hansard, HL Deb 11 December 1980 vol 415 cc848-61
- Hansard, HC Deb 18 March 1981 vol 1 cc375-95
- Hansard, HL Deb 17 December 1981 vol 426 cc360-87
- Hansard, HC Deb 15 March 1982 vol 20 cc151-71
- Hansard, HL Deb 11 February 1987 vol 484 cc716-36
- Hansard, HC Deb 19 October 1988 vol 138 cc893-900
- Hansard, HL Deb 28 February 1992 vol 536 cc493-512
- Hansard, HC Deb 12 May 1992 vol 207 cc500-92
- Hansard, HC Deb 10 June 1992 vol 209 cc369-420

Documents from the British National Archives:

- Letter from Cowling to Hill, Paper on the Loyalist Paramilitaries, 30 July 1979, British National Archives, callumber CJ4/3963
- Letter from John Cousins to Secretary of State, 5 November, 1980, British National Archives, callnumber CJ4/6930
- Letter from John Cousins to the European Court of Human Rights, 4 November 1980, British National Archives, callnumber CJ4/6930
- Letter from the Private Secretary to John Cousins, 5 December 1980, British National Archives, callnumber CJ4/6930
- Letter from Davenport to Secretary of State about Alliance Party demand for proscription of the UDA, 11 December 1980, British National Archives, callnumber CJ 4/3107
- Minutes from SLDP Party Conference, 7 November 1980, British National Archives, callnumber CJ4/6930
- Letter from C. Davenport to Secretary of State regarding the letter from Mr Canavan (SLDP) requesting a meeting with the Secretary of State to discuss

- proscription of the UDA, 30 January 1981, British National Archives, callnumber CJ4/6930
- Letter from Davenport to the Secretary for State, 8 February 1981, British National Archives, callnumber CJ4/6930
  - Letter to the Secretary of State from Buxton about proscription of the UDA, 3 June 1981, British National Archives, callnumber CJ4/4195
  - Note and statistics on attrition on Loyalists from the Chief Constable, 3 June 1981, British National Archives, callnumber CJ4/4195
  - Letter to the Prime Minister from the Home Minister about proscription of the UDA, 8 June 1981, British National Archives, callnumber CJ4/4195:
  - Letter to the Secretary of State from Davenport about possible proscription of the UDA, 20 October 1981, British National Archives, callnumber CJ4/4195
  - Speaking points for the Secretary of State, 1 May 1986, British National Archives, Callnumber CJ4/6930
  - Letter from Hill about proscription of the UDA, 22 March 1985, British National Archives, callnumber CJ4/6689
  - Letter from Hill about proscription of the UDA, 22 March 1985, British National Archives, callnumber CJ4/6689
  - Letter from Davenport to Wyatt, 21 October 1981, British National Archives, callnumber CJ4/3963
  - Letter from Kirk to Burns about meeting meeting the UDA, 31 March 1987, British National Archives, Callnumber CJ4 / 7083
  - Letter from Kirk to the Secretary of State about the UDA Policy Document, 27 February 1987, British National Archives, callnumber CJ4/7083
  - ‘Romper Room’ Trial Judge Condemns the UDA, Irish Times, 7 February 1975, British National Archives, callnumber CJ4/4815