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Title: Report by Seán Donlon, Department of Foreign Affairs, on the circumstances of a request by the British Army to overfly the border in order to examine part of a landmine.

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British Request for Permission to OverflyFriday, 4 May 1973

- 6.45 p.m. Blatherwick (British Embassy) telephoned to request permission for British Army helicopter to overfly border for a distance of approximately $\frac{1}{2}$ mile at GR 917117. A landmine had been discovered north of the border at that point and an initial examination had suggested that part of the device lay south of the border. It seemed to be a particularly complex device and the British Army were anxious to lower a man from the helicopter - he would not actually touch the ground - to have a close look at it. The local R.U.C. and Gardaí were already in contact and were co-operating satisfactorily.
- 7.00 p.m. Telephoned P.J. Colwell (D/Justice) at home. No objection from his Department's point of view.
- Telephoned Duty Officer (D/Defence, Parkgate). He would make inquiries and call me back.
- 7.50 p.m. Duty Officer said there was "a military objection". I asked what the objection was. He didn't know. Neither was he authorised to give me the name of the person who had given him this decision but he did indicate that it was a military and not a civilian decision.
- 8.00 p.m. Telephoned P. O'Hara (Principal Officer, Department of Defence) at home. Explained position. Told him there were strong political reasons for granting permission and said that we would at least wish to know what the objections were before proceeding further.
- 9.10 p.m. O'Hara telephoned. Military view, endorsed by the Chief of Staff, was that permission should be refused on the grounds that granting it would involve "a breach of sovereignty". In reply to a question, O'Hara confirmed that this was the only objection. In reply to a further question, he said he was not inclined to over-rule the objection although he could not give a definite answer until he had consulted his Secretary and Minister whom he was having difficulty contacting.
- 9.20 p.m. Discussed matter with Mr. Mahon Hayes, Legal Adviser, who said that it appeared to him that (a) no breach of sovereignty was involved and (b) even if there was, it was not a matter for the Army.
- 9.25 p.m. Discussed matter with Mr. McDonagh. Agreed that O'Hara would be informed that since the military objection was not well founded, we proposed to grant British request. Before doing so, we would like to have confirmation that the fact that we were about to grant the request had been conveyed to the military.
- 9.30 p.m. Informed O'Hara accordingly.
- 9.40 p.m. O'Hara confirmed that military (Col. Dempsey, Director of Plans and Operations) were now aware that we were about to grant permission.

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- 9.50 p.m. Telephoned British Embassy (Blatherwick). Permission granted on the terms requested. In addition I suggested that (i) maximum information about the overflight should be given by the British Army or R.U.C. to the Irish Army or Gardaí at the border as soon as possible and (ii) the operation be carried out as far as possible at a time of day when normal local activity would be at a minimum. Mr. Blatherwick could not indicate when the overflight might take place but assumed it could take place only in daylight.
- 10.20 p.m. O'Hara rang. Minister for Defence had been contacted in Co. Cavan. He had decided that, despite military views, permission should be granted and maximum co-operation should be extended by the Army.

Seán Donlon

10.40 p.m.
4 May 1973

5 May 1973

- 2.30 p.m. British Embassy (Mr. Thom) requested permission for a British military plane to overfly a maximum of $\frac{1}{2}$ mile south of border at same point for which permission had been granted for a helicopter overflight yesterday evening. In trying to deal with the device three British soldiers had so far been killed and in an effort to trace the extent of the mine it was now considered necessary to do some "high altitude reconnaissance". The overflight would probably involve only a "matter of yards" but formal permission to overfly up to a maximum of $\frac{1}{2}$ mile was being sought. In view of the exceptional circumstances and bearing in mind the views of the Minister for Defence as expressed in relation to yesterday evening's request, I immediately gave Mr. Thom the permission, as requested. He had no precise details of the type of plane or timing of the overflight and I asked that every reasonable effort should be made to have these details conveyed via the local contacts at the border.
- 2.35 p.m. Telephoned Duty Officer, Dept. of Defence, GHQ, Parkgate, and asked him to convey the above information immediately to the appropriate military authorities.
- 2.45 p.m. Duty Officer (Dept. of Defence) telephoned. Did we have details of type of aircraft and timing of the flight? I confirmed that I did not have this information but that I had asked that every reasonable effort should be made to have it conveyed at the border.

Seán Donlon

5.20 p.m.
5 May 1973

10.30 p.m. Duty Officer, Dept. of Foreign Affairs telephoned me at Hibernian Hotel. Brigadier McMullan (British Embassy) had telephoned to say that due to weather conditions aerial reconnaissance flight for which permission had been granted earlier in the day had not taken place. Could they have permission for the overflight for 9.00 a.m. tomorrow? I instructed the Duty Officer to (a) confirm permission to Brigadier McMullan and (b) notify Duty Officer at the Dept. of Defence.



Séan Donlon

6 May 1973

1.00 a.m.