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Border Incident Reports

When Justin Staples of the British Embassy was with me today on another matter, I raised with him again the questions which Donal Hamill had raised with Robert Harris on 27 February in connection with the changes the British proposed to make in the format of the reports. In particular, I asked that we should continue to be supplied with details of incidents with an alleged cross-border element and that, in respect of any wider list of incidents which they might also supply, that we be informed of the basis for any claim that the incidents in question had "a probable connection with the State" and the details of the steps taken to notify the Gardai at the time of the incident. I emphasised that the original purpose of the reports remained valid, namely to enable the Irish authorities to ensure that security cooperation was working satisfactorily. I also made the point that mere propinquity to the border could not be assumed to imply a cross-border element in the incident, particularly not in the urban areas which fell within the 2-mile band which the British proposed to use for the purpose. In reply to the objection that lists of this kind could not be taken to be exhaustive, I pointed out the circular course of the discussion: originally, the British authorities had alleged that the border was a major element in Northern security. When we asked that this assumption be demonstrated, they had supplied the weekly incident reports. When we accepted these reports and based our arguments upon them, they completed the circle and alleged that there were other incidents outside the reports. The question of what was in or was not in the weekly or monthly reports was primarily a matter for them, provided the alleged cross-border connection could be sustained, but they could not now suggest that there were categories of incidents which were not included in their statistics.

In response to my making it clear that we would continue to seek a reply to our formal request for the continuation of a system equivalent to the weekly incident reports, Mr. Staples said that they had, as yet, no instructions on this point. However, he had no doubt that his authorities would not be prepared to continue the previous system if the statistics which we derived from it were

going to be used in what they regarded as a misleading manner. He referred specifically in this context to the Taoiseach's 2% reference in his Ard Fheis address and argued that the sentence that "about 2% of the violence in the North has any direct connection with" the border was contradicted by the arguments in our own paper handed to the British Ambassador by the Secretary on 14 March. If half the total number currently imprisoned in Portlaoise were from outside the Republic, a corollary must be that half the IRA activists and other subversives must be from the Republic. Similarly the 30% of detonators found in the North which were marked for Southern use implies a Southern involvement in Northern violence of more than 2%. I pointed out that if incidents involving "Southern" detonators were not included in their statistics, this was their decision but Mr. Staples replied that ~~it was~~ their understanding of the original purpose of the border incident reports ^{was} to convey information about incidents on which an immediate Garda follow-up would be appropriate. The fact that a "Southern" detonator was found in connection with an explosion in Belfast did not call for any specific follow-up action on the part of the Gardaí although, of course, the relevant information was transmitted in another context and we were, of course, aware of the cooperation which existed in this respect.

Mr. Staples also made the point that it would be wrong to interpret many of the recent statements made by his authorities in this context as attempting to apportion blame in respect of the use of the border. As we were aware, they were very appreciative of security cooperation and had said so publicly. This did not, however, contradict their view that the border was a significant element and was used by the IRA. Mr. Harris, who was with Mr. Staples, gave as an example the fact that Hughes who had recently been detained in Belfast had spent six months in the South without interference from the Gardaí, although the RUC were aware that he was responsible for at least a dozen murders. I enquired if information on which Garda action could be based had been conveyed and Mr. Harris admitted that, in spite of the RUC belief in Hughes' guilt, they did not have sufficient evidence to initiate charges in

respect of his previous offences or even to justify an extradition warrant. When I said that, in the circumstances, I could not see what his argument was he fell back on saying that, had Hughes been in the North, he could at least have been picked up for interrogation.

On the general question of the intelligence on which the British paper of 28 February (The use of the border by the Provisional IRA) was based, Mr. Harris said very strongly that the intelligence was of very good quality and reliable. He said that we could not expect them to disclose their sources in the matter. I referred to the many parallels between the contents of the document and press stories, in particular in the Belfast News Letter, which were attributed to "security sources". I also referred to the cases of Bernadette Sands and Kevin Hanaway, against whom no charges had been made and said that this sort of vague innuendo called in doubt the basis for much of the rest of the document, particularly where it had to rely on unsustainable "intelligence sources".

Mr. Harris also made the point that all the incidents covered by the British document given to me by Goulden on 20 February listing incidents having a probable connection with the Irish Republic in the course of the month of January had been the subject of communication between the RUC and the Gardaí at the time of the incident. Indeed, he said that such communication was a prior condition for the inclusion of incidents on this list. He said that there was always room for a difference of opinion on whether or not communication of this kind had taken place, as ~~did~~ the decision to include a particular matter in the log book was a subjective one, but that they were adamant that there had been Garda/RUC communication on all the incidents on this list.

He also took the opportunity to return to an informal discussion we had had two weeks ago on the original Belfast News Letter story that intelligence sources in the North believed that the M-60 machine gun had been conveyed to the North from the Middle East

via the Republic. I had said that no information to this effect had been transmitted to the Gardaí by the RUC. Mr. Harris maintains that this is not the case and that the RUC had informed the Guards of their conviction.

AS

H. Swift

22 March 1978

c.c. Mr. Donlon
Mr. Hamill