

NATIONAL ARCHIVES

IRELAND



Reference Code:	2009/120/1912
Creation Date(s):	August 1979
Extent and medium:	15 pages
Creator(s):	Department of Foreign Affairs
Access Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

Security Cooperation - General Note

This section of the Brief consists of an introductory survey paper and a set of detailed annexes which summarize the available statistical and other information on security cooperation. The introductory paper is divided into the following sections:-

- (a) the extent of North/South security cooperation;
- (b) areas on the North/South security front where we have been unwilling to accede to British proposals;
- (c) recent proposals by the British to improve the effectiveness of security cooperation;
- (d) recent criticisms of North/South security arrangements;
- (e) points relating to North/South security which we consider to be of relevance.

Cross-Border Security Cooperation

(a) The extent of North/South security co-operation

For all practical purposes developments in the area of North/South security cooperation have stemmed from a meeting in September 1974 between Mr. Merlyn Rees and the then Minister for Justice. It was at this meeting that it was decided to set up the so-called panels of Garda and RUC (Balldonnel panels) which would have the following terms of reference:

- (a) speedy and secure communications, including means of ensuring that accurate information about incidents on one side of the border can be transmitted quickly to the other side
- (b) exchange of information, including information concerning ballistics, explosives, etc. and suggestions for better methods of control
- (c) advance planning to prevent outrages and to prevent the smuggling of explosives
- (d) detection of sources of supply of arms, ammunition and explosives

In 1976 these terms of reference were expanded to include the following four topics:

- (e) make a special examination of the security problems in the South Armagh area and report
- (f) consider and report on the planning and execution of joint operations by all the security forces North and South of the border to inhibit and apprehend those responsible for violence, including surveillance and observation flights by unarmed military aircraft

- (g) consider joint arrangements for maintaining the effectiveness of border road blocks, particularly in South Armagh
- (h) consider improved security for cross-border railway lines

In 1978 it was agreed that the Inspectors of Explosives should meet within the Garda/RUC panels to discuss the following specific topics

- (i) the integrity of our system of marking explosives
- (j) the supply of information to the British authorities regarding explosives and detonator finds on this side of the border

There have been frequent expressions of satisfaction at the state of Garda/RUC cooperation in this context and while this Department is not made aware of the matters discussed under the various headings it has been generally and mutually agreed that cooperation is on a firm footing and operating satisfactorily. High ranking Garda and RUC personnel meet regularly in the context of the Baldonnel panels.

Besides the areas covered under the original and subsequently extended Baldonnel panels there are other specific areas of cooperation. These include

- periodic meetings of officials on questions relating to the control of commercial explosives. The last such meeting took place in London on July 6. At this meeting it was mutually agreed Cooperation in the Control of Commercial Explosives was at a very high level and had proved to be remarkably effective and successful. Standard items discussed at these meetings would include:
 - (a) marking of explosives; wrapper marking and scratch marking of detonators

(b) review of procedures for manufacture, storage, conveyance and use of explosives and detonators; and

(c) exchange of information

- The granting of specific permission to specific requests to overfly the border for either photographic reconnaissance purposes or in connection with the monitoring from the air of suspect explosive devices. The minimum depth of these overflights is normally 500 m and the maximum depth is 2 km. Overflight requests for those purposes and within these depths are invariably granted.
- Co-ordinated security cover with the Northern security forces of overflight activities
- Courtesy meetings between the heads of Garda and RUC.
- Day-to-day liaison between Garda and RUC in border areas

(b) Areas on the North/South security front where we have been unwilling to accede to British proposals:

- (i) Requests by the British for an armed British military presence on our side of the border in connection with particular security purposes are not acceded to. Among the reasons why there would be a reluctance to permit any British armed presence on the southern side of the border would be:

- the fact that our own authorities considered themselves capable of carrying out whatever action was required without a British presence
 - the undoubted complications that would arise if the British Army were to open fire on our side of the border, and
 - the possible too close identification between our own Army and the British Army which the former would be anxious to avoid
- (ii) Requests for direct contact between the British and Irish armies. Suggestions by the British that there should be a direct link between the two armies have not been acceded to because, inter alia
- such a link is unnecessary; a sufficiently good link already exists between the Garda and the RUC
 - because of the role of the Irish Army which is to act as aid to the civil power. Direct liaison with the British Army would still not allow them to act on their own initiative in response to British Army requests
 - the confusion that would arise from a multiplicity of communications links
 - the general uneasiness of our own Army at entering into direct contact with the British Army

- the undesirability of our own Army being too closely identified with the British Army thus making them possible Provo targets
- the fact that the greatest body of knowledge in relation to localities and personalities remains with the police forces North and South and not with the Armies, and
- no concrete grounds have been adduced indicating that such contact would be of any significant benefit.

(iii) Request by the British to engage in aerial or ground "hot pursuit" tactics south of the border. This is an area which has been constantly and vigorously refused in the past. Among the reasons involved would be:

- the serious constitutional/legal problems that they would give rise to
- the problems of deliniation of distance of purusit
- the legal and political complications resulting from death or injury to Irish citizens south of the border by the British Army
- the possible involvement of security forces on both sides of the border in confrontation with one another
- the fact that proper co-ordination between the Garda and RUC should obviate the need for such pursuits in any instance, and
- the danger of abuse of any concessions granted

(iv) Requests that the RUC be permitted to interrogate in the Republic suspects for the purpose of the Criminal Law (Jurisdiction) Act. While RUC personnel can be available to advise Gardai during such interrogations they have not been allowed to participate directly in the interrogations. This matter was raised in the Dail recently and the Minister for Foreign Affairs confirmed that RUC officers will not be allowed to conduct interviews in the Republic. However this is no basis for the suggestion that the inability of the RUC to directly question suspects in this jurisdiction has been a factor in the non-use of the Criminal Law (Jurisdiction) Legislation. Following the enactment of that legislation inter-police arrangements were drawn up and agreed which provide that where Gardai have arrested persons suspected of having committed serious crimes in Northern Ireland, members of the RUC can be present in a room separate from the room in which the questioning of those persons by Gardai is taking place and that the visiting police can help Gardai by suggesting lines of questioning based on their knowledge of the local scene, the crime that has been committed and the record of the person being questioned.

The Garda authorities have assured us that these arrangements are adequate and they point out that direct questioning of suspects by the RUC would be totally counter productive and would make the already difficult task of the Gardai much more difficult particularly in border areas.

- (v) The same problem outlined above arises also in requests for joint North/South patrols. There is no objection to joint patrols provided that each side stays on its own side of the border. Our forces already participate in North/South co-ordinated patrols in border areas.
- (vi) Requests that there should be meetings of officials to discuss matters relating to security. Although there is not in principle any fundamental objection to such meetings we have up to now been reluctant to engage in them due principally to the inability of the British to indicate clearly what officials might properly and usefully discuss in this context.

(viii) Suggestions that Ireland should sign the European Convention on the Suppression of Terrorism and extradite terrorists to Northern Ireland. Although frequently called upon to allow such extradition our position has been that, on constitutional grounds, extradition cannot take place.

(c) Recent British proposals for improving the effectiveness of security co-operation

At a recent meeting in Belfast and subsequently through the Embassy in London the British have put forward two proposals for intensifying co-ordinated police activity on both sides of the border as follows:

- (i) the creation in the Republic of a specialised crime squad wholly dedicated to the pursuit of terrorists, similar to the Regional Crime Squad already operating north of the border, and maintaining close relations with it, and
- (ii) co-ordinated patrolling on both sides of the border by uniformed police units. They thought that this would provide a significant deterrent to terrorist operations.

At the time of the Atkins meeting the response of the Department of Justice to these two proposals was as follows:

- (i) As far as the question of a specialised crime squad is concerned, the position is that Garda deployment and operational tactics are matters for the Garda authorities and any discussions on the subject outside the arena of inter-police meetings would be inappropriate, and
- (ii) As regards border patrols, the Department of Justice are aware that from time to time the RUC do request the Gardai to mount co-ordinated patrols, particularly when searches or other investigations are taking place on the northern side of the border and any such requests have invariably been met.

In the aftermath of the Mountbatten killings and in anticipation of

the Prime Ministerial meeting; other areas which are now being raised in the British media (probably from official sources) are as follows:

- (a) Facilities for RUC Detectives to cross the border to interview suspects in the south
- (b) Reorganisation of the Gardai especially along the border and the setting up of a highly efficient mobile force to match the RUC's regional crime squad.
- (c) Increased vigilance by the Gardai to counter terrorist activity such as IRA training camps, bombmaking and bank robbery in non-border areas
- (d) Proposals for the protection of British citizens in the state.

Criticisms of Republic's Security Effort:

Excluding the events of 27 August and subsequent reaction in the last 6 months or so there has been a general upsurge in the level of criticism to which we have been subjected on account of an alleged laxity of border security. This criticism has coincided, as it normally does, with the spate of IRA attacks in recent months in border areas which have been of a particularly deadly nature and also with the change of Government in Britain. The criticism has been particularly strong in the media and has also been evident in the first N.I. Question Time in the House of Commons when Members extracted the undertaking from Mr. Atkins to raise the problems of security when he met the Minister. The criticism essentially, while at that stage appearing to concede that there was a general will to co-operate, indicts the Irish Government on account of the fact that

- (a) despite the co-operation that exists the border is still being allegedly used for terrorist activity. It is felt therefore that we are not doing our bit on the practical level to stop cross border infiltration. The remedy is seen as lying in increases in Garda personnel and equipment. On the immediate border problem therefore

the goodwill of co-operation is seen to be frustrated by the practical inability to take sufficient action

- (b) the second point is less concerned with the immediate difficulties of preventing infiltration but more to do with general attitude of the Irish Government in relation to fugitive offenders. This is seen as a political matter in need of a political solution but one which the Irish Government is not prepared to solve.

In general therefore our stance is seen as a willingness to co-operate without providing the means to do so and frustrating the whole effort in any event by not implementing the ultimate deterrent which is seen to be extradition.

- (e) Points relating to security and security co-operation which we consider to be of importance and relevance:

- (i) It is obvious that there has been a particularly nasty spate of killings, attempted killings and other activity in border counties over the last 6 months or so - see Appendix 1 - and that in some of these incidents there is evidence of the perpetrators re-crossing the border (e.g. the McIlvenna case). However whereas the gravity of these incidents has been alarming, border incidents in relation to incidents as a whole in Northern Ireland still remain at a relatively low figure (not amounting, by the latest statistice available, to more than around 3% of all incidents).
- (ii) The vast preponderance of serious terrorist activity in border areas takes place in South Armagh which by our figures accounts for two-thirds of all border incidents. It seems likely that British Army policy of holding back from the immediate area of the border in S. Armagh thus creating a "no man's land" has resulted in terrorist elements operating in this area with relative impunity. By contrast Irish security forces in the S. Armagh area and elsewhere operate right up to the border. British Army patrolling policy in border areas has even been criticised by the Chairman of the N.I. Police Federation, Mr. Alan Wright, who is recently

quoted as having said "If we are not to lose what small gains we may have made, then the Army must play a more active role in the security field." Mr. Wright is reported as claiming that in one particular incident when a murder had been committed in Armagh town the get-away vehicle travelled 18 miles without the hindrance of road checks or even the remote possibility that a patrol would stop them. He is further reported as stating that "if there is a high level of Army and police activity in an area, we believe that many crimes can be prevented and the type of case I have referred to would not be repeated". Mr. Wright's stated position is on all fours with what we have been maintaining for a long time. It also displays a degree of friction between the RUC and Army which has become more evident recently.

- (iii) The response of our security forces to any incident which occurs in Northern Ireland is principally a function of speedy and accurate information being transmitted, on the occurrence of the event, to the Gardai by the RUC. There is every likelihood that penetration to the Southern side of the border following a terrorist incident is related to the question of detailed information (or the absence thereof) on the part of the RUC rather than any inability on the part of our own security forces to do an effective job if provided with sufficient and detailed information.
- (iv) It has always been our position that the border has two sides and there is no point accusing our security forces with ineptitude in any one instance when the perpetrators of an event could as easily have been stopped on the northern side. Any suggestion of ease of infiltration of the border must be related to both sides with the Northern side having primary responsibility as they would be the authority who first failed to apprehend offenders.
- (v) Difficulties in relation to border security have to be seen in the context of the preceding paragraph and also in the light of the inherent difficulties of an artificial border of some 280 miles in length.

- (vi) Our effort on security is consistent with what we perceive is the need in this area. This has also created a great burden on manpower and finance since 1970 and is probably at the limits of what in all practicality we are capable of doing.
- (vii) The question of extradition is a non-negotiable issue and this should already be clear to the British. Further play and criticism in this area can only be interpreted as mischievous. Furthermore there is little point in the British talking about extradition and its desirability when, on the basis of present performances, if concessions were to be made in the area of extradition, they would still most likely fail in getting fugitive offenders returned to N.I. because of the lack of evidence. If, as appears to be the case, the Criminal Law (Jurisdiction) Act (CLJA) has been a failure because of the inability of the RUC to present evidence any extradition arrangements would likely fail on the same count.
- (viii) In relation to explosives in Northern Ireland, British supplied statistics indicate clearly that the supply of commercial explosives and detonators from the South has considerably diminished. There is absolutely no evidence to support statements such as those of T. E. Utley in a recent D. Telegraph article that the IRA's campaign will go on "at its present level of intensity fed by gelignite from across the border (now arriving in increasing quantities". What appears to be true and happens principally on account of the success of cooperation on explosives is the increased use of non-commercial explosives through the use of fertilisers which are in

equal availability both north and south of the border and which are being used with ever increasing efficiency by the Provos. In a reply at Westminster following a spate of bombing incidents in N.I. during the last Parliament Mr. Concannon said "We have no evidence whatever of the explosive material coming from south of the border. In fact, all the evidence points to it being home-made - and I think that the Hon. Gentelman (Mr. McCusker) knows how easy that can be". (However, it has been suggested that Mr. Concannon misread his brief on this occasion, confusing "home-made" = from Northern Ireland with "home-made" = non-commercial.)

Efforts to counteract the use of fertiliser based explosives have been discussed but it is mutually agreed that great difficulties exist both on practical and technical grounds to do anything about these fertilisers.

- (ix) It should be clear that there is an ever present danger of Loyalist backlash in the south if it continues to be suggested that the Republic has through the use of its territory or otherwise had a role to play in the present wave of killings in Northern Ireland. There is therefore great need to ensure the maximum discretion in utterances about cross-border involvement. We have been careful not to lay blame or criticise the Northern security effort; there is a great desirability that they should treat us likewise.

- (x) Whereas criticism continues to be levelled at us on the question of security there have been no real concrete proposals (other than the need for extradition) as to what steps are expected of us. Those that have been made recently by the British (e.g. the setting up of a Garda Regional Crime Squad totally dedicated to the pursuit of terrorists and the use of co-ordinated

patrols) seem paltry and innocuous in the context of the general level of criticism directed at us. It is a serious indictment of them if they are prepared to criticise us continually and yet be able to suggest little when it comes to practical and politically realistic proposals. This general position reinforces the argument that we will always, no matter what steps we may take on the security front, be seen to be inadequate and incapable of rendering the border secure when there is an upsurge of violence in Northern Ireland, no matter what the proximity of this violence to the border may be. On the security front we will continue to be at the receiving end of criticism; criticism which in other circumstances might more appropriately be directed, at least in the first instance, at the RUC/British Army.

- (xi) It should be appreciated that the Gardai have had some notable successes in border areas in the last few months including the recent cases in Donegal, one of which facilitated the capture in Strabane by the British of suspected terrorists. There is little if any evidence of any major success in northern border areas; the pattern of apparent ease with which terrorists can attack even ostensibly well patrolled areas (or what should be well patrolled areas) such as Crossmaglen and Newry does not reflect the northern security forces in a particularly good light.

- (xii) The publicity which arises from time to time critical of the Irish effort on security cooperation and the adverse reaction among Unionist politicians is frequently directly attributable to hostile briefing by British information services especially British Army press officers in Northern Ireland. This is certainly true of the recent spate of hostile articles (Utley, Cole, McIlroy, Wain). Such briefing is in

general simplistic and unfounded. It is counter-productive in that it is detrimental to morale and to cooperative effort and because it tends to reduce the room for manoeuvre of the Irish authorities. It would appear likely that the object of propaganda of this kind is to recommend a British Army viewpoint to the British Government. However ultimate responsibility rests with Ministers, who should be prepared either to justify criticism or to put an end to it. In fact, however, Northern Ireland Ministers have preferred to take refuge in ambiguity: for example, Mr. Atkins speaking in Belfast on 21 June referred to his confidence that the Irish Government "will wish to play its part" in security matters, with the obvious implication that this state has not yet been achieved.

Department of Foreign Affairs
Dublin
August 1979