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M. Murray

These might be 10/9

kept with papers on our security efforts.

Introduction

This note, firstly, sets out the principle points which, subject ^{to his own views, the Taoiseach might attempt to get across,} mainly for the benefit of British and Northern Ireland viewers and almost irrespective of the actual questions put to him. Secondly, it sets out the main points he might wish to make in response to questions about specific suggestions on security co-operation, with emphasis on their practical effects in terms of effective substantive action against terrorism.

Principal points the Taoiseach may wish to get across

Summary

1. Revulsion, outrage of Irish people and Government at murders and determination to give all help within our power to bring perpetrators to justice.
2. That, far from there being a lax approach to security, our determination is, if anything, greater and, as evidence, our commitment of resources is proportionately greater; that we are determined to maintain and reinforce our efforts and stand ready to consider every suggestion for improved co-operation that will in fact be effective against terrorism and is within the rule of law, as applied internationally.
3. That there cannot be a double standard where
 - (a) a terrorist success in breaching security in Britain is put down to a human lapse or error but in Ireland is attributed to inefficiency, negligence, pussy-footing or even collusion or complicity
 - (b) great play is made of the sanctity of the rule of law in the U.K. but we are pilloried if, despite our draconian laws to counter terrorism, we operate fully within the rule of law, as embodied in our constitution, in generally accepted principles of international law and in basic rules of law as known in the U.K.

4. Security alone is not the answer. We have repeatedly made the point and Mr. Atkins is also on record, that improved security and political progress go hand in hand. Here, the first priority is to bring about a devolved government in Northern Ireland that can command the allegiance of both Communities because it is based on the participation of both in governing the area.

Elaboration

1. Revulsion

The Taoiseach could refer to the universal revulsion among and repudiation by Irish people throughout Ireland, in Britain and abroad including the U.S.A., at the murders at both Mullaghmore and Warrenpoint, to his personal sympathy for all the families bereaved in both attacks, to the statements by himself, by the Tanaiste on behalf of the Government, by other political leaders and groups, by Church leaders, such groups as industry, the trade unions and the umbrella body of women's organisations and to the marks of respect being arranged for Wednesday.

He could stress that only a tiny minority of Irish people support the I.R.A., that in general they dodge the test of the ballot box but that their political front, Provisional Sinn Fein won only 2% of the vote and 1% of the seats in the local elections last June.

He could indicate his understanding of natural feeling of outrage in Britain but suggest that this should not be made basis for highly reprehensible allegations such as that our State security services are riddled with I.R.A. sympathisers (Daily Mirror

for that action was bedevilled by craven fears on the part of Irish political leaders (Daily Mail).

He might reiterate readiness to take every action open to us, refer to charging of two men for Lord Mountbatten's murder and to lack of evidence, as yet, of Southern involvement in Warrenpoint attack, despite so many unqualified statements that it was mounted from South of the Border.

2. Commitment to combat terrorism

The Taoiseach could refer to the rather widespread allegations in British media, following the Mullaghmore killings, that there is a lax approach to security here. He might make the point that successive British Prime Ministers have recognised the wholehearted commitment of successive Irish Governments to combatting terrorism. In particular, he might note that the Communique issued following his meeting with Mr. Callaghan in September 1977 "expressed satisfaction at the degree of co-operation under the present arrangements". He might note with satisfaction the statement by Mrs. Thatcher on British television, repeated in her letter of 1st September, that she knows the Taoiseach is equally anxious with her to combat terrorism. He might make the points that Irish Governments have a stronger motivation to act against the Provisional I.R.A. because success on their part would mean an end to democratic Government in Ireland, that recognising this, the I.R.A. was declared illegal in Ireland decades before this was done in Britain, that dating back to 1939 and beyond, we have the most extensive panoply of anti-terrorist legislation in Western Europe and that although we do not accept that the cross-border dimension is in any way central to the violence in Northern

Ireland, we have used this legislation and committed resources on a very considerable scale to help in whatever way we can in preventing terrorism in Northern Ireland and in Britain and to combat the overspill into our territory of the violence in Northern Ireland. Here the Taoiseach could refer to the establishment and operation of the Special Criminal Court, to the fact that in excess of 1,000 persons, many of them from Northern Ireland, have been convicted before that Court since its activation at the end of May, 1972, that our firearms legislation and controls are the strictest in Western Europe, that we have increased the strength of the Defence Forces and of the Gardai by 60% and 50%, roughly, respectively, in order to help combat terrorism, that the extra cost of our anti-terrorist commitment is about £70 million a year, equivalent in British terms to £1,600 million a year, a figure far in excess of actual British expenditure related to security in Northern Ireland. He could also refer to the fact that we were in advance of the rest of Europe in making certain terrorist-type crimes committed in Northern Ireland and in Britain and indeed anywhere abroad by Irish citizens, crimes under our domestic law. He could say that the police co-operation between the Gardai and the security is the most extensive anywhere in Europe in relation to combatting terrorism and that senior R.U.C. officers have frequently, both publicly and privately, recognised the signal contribution of the Gardai in this regard.

Returning to the question of the importance of the Border in relation to violence in Northern Ireland, the Taoiseach could say that the Government here appreciate that there has been a

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particularly nasty spate of killings, attempted killings and other violent activities in border counties over the last six months or so and that in some of the incidents, there had been evidence of the perpetrators crossing to our side of the border. However, he could say that while the gravity of these incidents has been alarming, border incidents in relation to incidents as a whole in Northern Ireland, including serious incidents, still remain at a relatively low figure, not amounting, by the latest statistics available, to more than three per cent of all incidents. He could make the point that the vast preponderance of serious terrorist activity in border areas takes place in South Armagh which by our figures account for over two-thirds of all border incidents. It seems likely that the British Army policy (referred to an official British Note of September 1978) of holding back from the immediate area of the border in South Armagh, thus creating a "no mans land" has resulted in terrorist elements operating in this area with relative impunity. By contrast, Irish security forces opposite the 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 Northern Ireland Police Federation, Mr. Alan Wright, who was reported some months ago 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". He is reported as claiming that in one particular incident when a murder had been committed in Armagh city, the get away vehicle travelled 18 miles without the hindrance of road checks or even the remote possibility that a patrol would stop them.

It has always been our position that the border has two sides

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and that there is no validity in accusing our security forces of ineptitude in any one instance when the perpetrators of a crime could as easily have been stopped on the Northern side. He could point out that 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 fugitive offenders.

3. No double standard

- (a) The Taoiseach could make the point that it is becoming the universal experience that even very extensive security measures have failed to prevent terrorist murders in a variety of countries, including European countries. He could refer here to the murders of President Kennedy in the United States, of former Prime Minister Aldo Moro in Italy, at a time when he was heavily involved in formulating a new basis for Government and could be expected, in view of the Red Brigade activity, to have had extensive security, the murder of the then Prime Minister of Spain, Admiral Carrero Blanco, and the killing of various senior legal officials in the Federal Republic of Germany. Finally, he could refer to the ability of the terrorists to cause the explosion that killed the late Mr. Airey Neave within the precincts of the House of Commons itself. All of these murders indicate that, as was recognised by former Prime Minister Callaghan within the last week, there can be no absolute security, even for persons clearly at risk. Against this background, there can be no excuse for seeking to single out the Irish Government for alleged ineptitude in the security for Lord Mountbatten. In Britain, it is accepted that, for persons deemed by the Police to be at risk from terrorism, they can go no further than offering them protection and security advice and that where protection is refused or where there is a request that it be minimised, the wishes of the person in

question must be respected. The same applies in Ireland.

- (b) The Taoiseach could make the point that we have a panoply of anti-terrorist legislation that may fairly be described as draconian and that we have gone further than most states in co-operating with the British and Northern Ireland authorities to combat terrorism. Despite our efforts in this regard, we have been pilloried in the British media for failure to yield to specific suggestions where our refusal had been based, apart from practical reasons related to the effectiveness of the measures in combatting terrorism, on considerations relating to the rule of law. Britain prides herself on respect for the rule of law but in comment on our security efforts, it often seems to be overlooked that the Government and Courts here must operate under a written Constitution as in many other countries, that the Courts are the final arbiters of what is constitutional, that for the prosecution of offences there must be adequate evidence and not mere suspicion, that it is not possible for us to declare to be crimes under our law, acts which were not crimes at the time of their commission, however horrifying they may be. Many of these points are relevant in relation to the controversy about extradition.

On extradition, the Taoiseach could make the point that it is the U.K., rather than Ireland which is the exception to international practice in this area. He could note here that most of the countries which have signed the European Convention for the Suppression of Terrorism have done so subject to such qualifications that its acceptance on the same basis by us would be meaningless in fighting terrorism in Northern Ireland. France, Germany, Belgium and Denmark do not extradite their own nationals at all, whether the offence is political or non-political. Sweden, Italy, Norway and Portugal entered reservations as to their right not to extradite for political offences. We are as anxious ~~to~~ as anybody

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to counter international terrorism and terrorism in Ireland but under our Constitution we are bound to follow the generally accepted principles of international law in this area. We stand ready to move as fast - or, as indicated by our extraterritorial legislation, faster than international practice in this regard but there must be a wide measure of international^{a/} acceptance of a principle before we can act on it.

In any case, the difficulty is clearly one of legal evidence on which persons can be charged. If the R.U.C. or the British Police have such evidence on which anybody living in the Republic could be charged with murders in Northern Ireland, the suspects can be prosecuted under our law as it stands. The fact that there have been no cases under the^u Mutual Criminal Jurisdiction legislation indicates that such evidence has not been available. Without such evidence, there could not be extradition of suspects even if there were a new extradition treaty that included offences ruled^d by the courts to be political in nature. Extradition is to enable people to be charged in court, not to enable them to be interrogated in the hope of getting evidence.

The Attorney General wished to underline the constraints arising from the fact that, like the United States but unlike the U.K., we have a written Constitution. Under the Constitution, its sole interpreters are the Courts; and their decisions on the Constitution cannot be altered by any legislation. Therefore all legislation enacted by our Parliament is, unlike U.K. legislation, subject to the possibility of judicial review even after the law has come into force and a decision on any such review cannot be altered by our Parliament in any way.

Security alone not the answer

Here the Taoiseach could make the point that we do not make agreement by the British Government to promote a political

initiative on the lines we favour the price for security co-operation. We regard the latter as a duty and a necessity, even from the point of view of self-interest and irrespective of political developments. However, we adhere strongly to the view that without political movement, there can be no durable end to violence, as indicated by the fact that there has been violence in Northern Ireland in almost every decade since the 1880s. In the face of current British attitudes in respect of the nature of a political initiative, the Taoiseach may wish to stress, as he did in his R.T.E. interview on 2nd September, that the first priority is to bring about a devolved Government in Northern Ireland that can command the allegiance of both communities because it is based on the participation of both in governing the area.

Mr. Atkins has said - it might not be accurate to say he is on record as he said it at a private conference in Cambridge - that the three aspects of the British Government's policies in Northern Ireland - political, economic and security are all bound up together and that they are like the three strands of a rope i.e. that they must pull in the same direction or there shall be virtually no chance of making progress in any of the three areas. He went on: "my aim therefore is to have a co-ordinative policy for Northern Ireland: I shall not be looking for progress in one area only. Northern Ireland does not need a "security solution" or an "economic solution"; and a political initiative which takes no account of other factors will stand to have no chance of success".