

BACKGROUND PAPER E

THE VIEW FROM DUBLIN1. IRISH GOVERNMENT POLICY TOWARDS NI SECURITY FORCES

- (a) The Irish Government has consistently maintained the view that the Irish Civil Police Force, the Garda Siochana, is the only agency responsible for maintenance of public order and law enforcement in the Republic. The force is unarmed but may if necessary call upon the Irish Army for assistance in specific cases. In such cases the Irish Army acts "in aid of the civil power" (in the same way as the British Army in Great Britain) and has no internment powers of arrest or search beyond those possessed by all Irish citizens. The Irish Government therefore argues that direct co-operation between the Irish Army and the British Army in Northern Ireland, which has much wider powers under special legislation there, would be incompatible with the Irish Army's role, and insists that contact between the security forces north and south of the border may only be arranged through police channels, ie the RUC and the Garda. The Irish Army itself would not welcome too close contact with ours.
- (b) In practice the Irish Authorities do not object to limited, low-level contact on the ground between the Garda and the British Army. Although the Irish Government would certainly come under heavy criticism, for political and historical reasons, if it were openly to allow direct contact between the Irish and British armies they do not admit this as a reason for refusing such contact and always plead the legal situation described above. Although there is still room for improvement in security co-operation we believe that the Irish Authorities are at present co-operating with the security forces in Northern Ireland more closely than at any time since the troubles in the north began. The Garda also co-operate closely with the Metropolitan Police and other British Police Forces.

2. THE CRIMINAL LAW (JURISDICTION) BILL

- (c) The Irish Criminal Law (Jurisdiction) Bill having been passed by the Senate is now going through its Committee Stage in the Dail. The Bill was at times the subject of heated and emotional debate in the Dail but the Government expects the Bill to be passed by the end of March at the latest. The Opposition's attack on the Bill in the Dail has been principally on constitutional grounds.

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The Government have made it clear that they would see no objection to the Bill constitutionally being tested in the Supreme Court either before signature (by direction of the President) or on the first occasion when an offender is charged under it. Since the two Judges from the Republic who sat on the Law Enforcement Commission which recommended this legislation to both Governments are also members of the Supreme Court it is unlikely that it will be found unconstitutional.

- (d) The Bill complements the UK Criminal Jurisdiction Act 1975. It provides for certain categories of terrorist offenders to be tried in one jurisdiction for offences committed in the other and for the taking of evidence in one jurisdiction where the trial will take place in the other. The Bill applies to offenders convicted in the Republic and in Northern Ireland. It has a rather more limited application, mainly in the field of explosives offences, to Great Britain.

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