

S  
3001

PREM 19 | 2274

SECRET

Confidential filing

Meetings with the Taoiseach

Anglo-Irish Summit

Anglo-Irish Relations

IRELAND

Part 1: May 1979

Part 19: May 1988

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
<del>3-5-88</del>		5-12-88					
<del>11-5-88</del>		<del>8-12-88</del>					
<del>13-5-88</del>		21-12-88					
<del>14-5-88</del>		<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> PART CLOSED </div>					
<del>17-5-88</del>							
<del>25-5-88</del>							
<del>1-6-88</del>							
<del>4-6-88</del>							
<del>17-6-88</del>							
<del>20-6-88</del>							
<del>24-6-88</del>							
<del>29-6-88</del>							
<del>1-7-88</del>							
<del>7-7-88</del>							
2-8-88							
12-8-88							
<del>22-8-88</del>							
<del>26-8-88</del>							
<del>24-9-88</del>							
30-9-88							
3-10-88							
2-11-88							
3-11-88							
<del>6-11-88</del>							
<del>9-11-88</del>							
<del>16-11-88</del>							

PREM 19/2274

PART 19. ends:-

AG to H.S. 21.12.89.

PART 20. begins:-

*Arbitrator of Award to PM 3.1.89.*

AG to H.S. 5.1.89.

CONFIDENTIAL



HOME SECRETARY

RYAN

Prosecution in Ireland

1. I have examined the possibility of Ryan's trial before the Irish Special Criminal Court, under the provisions of the Republic's Criminal Law (Jurisdiction) Act 1976.
2. I am satisfied that the jurisdiction of the Irish court extends to two only of the four offences upon which his trial here is sought. His trial in the Republic of Ireland for conspiracy to murder, the most serious charge against him, is precluded. The remaining two offences, one of conspiring to cause explosions likely to endanger life and the other of possessing explosives with the intention to do so, nonetheless are grave.
3. I am informed by the Director of Public Prosecutions and the Commander of the Metropolitan Police Anti-Terrorist Branch that of the witnesses essential to the prosecution case several have declined to give evidence in the Republic of Ireland. Understandably, they fear for their security. The forensic expert upon whose evidence the prosecution case depends heavily received a threat to his life while giving evidence in the case of Tuite in Dublin in 1982. Two other civilian witnesses, one British the other Swiss, are very frightened, and are adamant.

CONFIDENTIAL

②

ccpc

Dir. Minister

2/1/82

mt

CONFIDENTIAL



4. We can compel none of these witnesses to attend court in the Republic of Ireland. No machinery exists for their evidence to be taken here.

5. Before I reach a conclusion which would be the inevitable consequence of this, however, I should like to be able to put to them, in case it should change their minds, a full description of the measures that would be taken to protect them if they were to give evidence in the Republic. Accordingly I have asked the Irish Attorney General to let me have such a description, indicating to him that I do not wish to abandon any chance of having Ryan brought to trial.

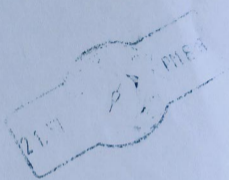
6. In view of recent mistaken speculation in our own and the Irish press, I have decided to announce the fact that I have raised this matter with the Irish Attorney General. I intend to answer a Parliamentary Question tomorrow indicating that I am considering the possible use of the Irish extra-territorial legislation and am in touch with my counterpart about the question of the security of witnesses.

7. I am copying this minute to the Prime Minister, the Foreign Secretary and the Northern Ireland Secretary.

*DM*

21 December 1988

CONFIDENTIAL



STRICTLY PERSONAL AND CONFIDENTIAL

*me LOR*



10 DOWNING STREET

LONDON SW1A 2AA

THE PRIME MINISTER

19 December 1988

*Dear Archbishop*

Thank you for your letter of 13 December which Jim Molyneaux passed to me. I am most grateful to you for writing. I shall of course fully respect the personal and confidential nature of your letter.

I think it is inevitable, given the scale of the terrorist threat, that our first concern has to be with fighting terrorism, which means that relations with the Republic are very much focussed on trying to improve security co-operation and extradition procedures. These issues arouse strong feelings in both countries; and although there has been some progress, cases like that of Father Ryan can only be regarded as a setback. The result is to make it difficult enough to keep the Anglo/Irish Agreement in existence: an attempt to modify it substantially would be all too likely to unravel it altogether. That is why we are planning to conduct a limited review of the workings of the Agreement rather than anything more radical. But we are - and this goes some way to meet one of your concerns - planning to consult the Unionists and other Constitutional Parties about the review. I hope they will be prepared to make a positive contribution.

*pm*

STRICTLY PERSONAL AND CONFIDENTIAL

- 2 -

The other great problem is the inability of the Constitutional Parties to engage in serious discussions about devolution. I am afraid that I see little prospect of political progress in the North until that attitude changes. But I was encouraged by the very warm welcome which I received in Lisburn and other places during my visit to Northern Ireland early in the autumn. I hope this may presage a greater readiness to understand that the Anglo/Irish Agreement represents no threat to the Unionist people of Northern Ireland. Acceptance of that would be a major step to removing the uncertainties which the Unionists claim to see in Anglo/Irish relations - although I fully realise that more effective action by the Republic against terrorism and over extradition would itself do a great deal to re-assure the Unionists.

I will certainly reflect further on your interesting ideas and hope that we may in due course have an opportunity to discuss them. Perhaps you could let me know when you are next coming to London and we could talk over lunch.

With best wishes for Christmas and the New Year,

Yours sincerely  
Raymond Walker

The Most Reverend Dr. R. H. A. Eames.

SUBJECT  
CCOPS  
MASTER

file D13AFJ



CCN10  
HO  
LOD  
CO  
FCO  
PC

10 DOWNING STREET

LONDON SW1A 2AA

THE PRIME MINISTER

PRIME MINISTER'S 19 December 1988

PERSONAL MESSAGE

SERIAL No. T 192 FLA/88

Dear Charlie,

I found it astonishing and dismayed that your Attorney General decided not to authorise the backing of warrants in the Ryan case, even though he was satisfied that there was sufficient evidence on two of the charges and made no contrary finding on the other two.

As I made clear to the House of Commons, we repudiate utterly the assertion that Patrick Ryan would not receive a fair trial before a jury in England. Moreover, the grounds identified by your Attorney General for his decision went far beyond the grounds indicated at the time of passing of the Extradition (Amendment) Act. One effect of refusing to authorise the backing of the warrants, thus preventing the application from being considered by an Irish court, is to send a clear signal to the supporters of terrorism that yet another obstacle has been placed in the way of effective extradition arrangements.

For our part, we are determined to make extradition work, and have been striving over the last year to co-operate in the operation of your Amendment Act. But as they stand, the procedures are not working as either you or we would wish. The Ryan case has shown, for example, how long may evidently be needed for your Attorney General to fulfil his obligations under the Amendment Act with regard to the evidence submitted to him. An arrested suspect cannot be held for a small fraction of that time, even if he can indeed now be held at all, under a provisional warrant. When we met in Rhodes, I reminded you of the solemn assurance which you

DT

I've me in November 1987 that if the new arrangements turned out to be less than satisfactory you would bring forward proposals to deal with any problems which had emerged. You renewed this undertaking in the Dail on 6 December and set it in the context of the review of the extradition arrangements as a whole which your Government will be undertaking early next year.

Tom King has already sent Mr. Lenihan a detailed paper putting forward constructive proposals for the amendment of your legislation. I enclose an additional copy for you. We are now studying the lessons of the Ryan case urgently, and in particular the implications of the much wider role which now seems to be implied for your Attorney General. Tom King will shortly be sending to Dublin a further paper setting out our views on these new problems.

It is vital for all of us to have in place extradition arrangements which are seen to be working, alongside the provision for extraterritorial jurisdiction. Mr. Lenihan has told Tom King that you will give thorough consideration to the points we are making. We consider that these improvements are essential if we are to have workable extradition arrangements.

Recent events have demonstrated how sensitive extradition is in both our countries, and how easily it can give rise to passions and misrepresentations which have a disproportionately harmful effect on relations generally. It is essential that we get the procedures right and working (including the circumstances in which we invoke extraterritorial jurisdiction) if we are not to have recurring difficulties and so offer easy victories to the supporters of terrorism.

*Yours sincerely*  
*Raymond*

Mr. Charles Haughey, T.D.

IRISH REVIEW OF EXTRADITION ARRANGEMENTS

PAPER BY BRITISH SIDE

Introduction

At a meeting of Working Group II on 5 October, it was agreed that the British side would put forward suggestions for consideration in the context of the report on the working of Part III of the Extradition Act 1965, as amended, to which the Irish Government are committed under section 6 of the Extradition (Amendment) Act 1987. This paper fulfils that purpose.

2. It is in the interests of both governments to ensure that effective arrangements are in place for dealing with fugitive offenders. Extradition is a vital (although not the only) factor in this. It is therefore necessary to ensure that the process works smoothly and effectively and that each case does not become an individual cause celebre providing scope for wedges to be driven between us. The only persons to benefit from this state of affairs is the criminal. The British side is grateful for the advances which have been made recently - not least in mutual understanding of our respective positions - and we note that as some problems have arisen they have been overcome. However, and while bearing in mind the sensitivity of the subject in the Republic, we still feel that there are useful changes that are necessary if the system is to work effectively. The following is a summary of suggestions from the British side. Some of them have been discussed before, particularly between the two Attorneys General.

Jurisdiction for extradition cases

3. There is a history of difficulties arising from consideration of cases by District Courts in the Republic, particularly those

involving terrorist offences. Such cases are often highly controversial. Even before McVeigh there were a number of other cases including Glenholmes, Flanagan, McDonald and McClafferty where the decision of the District Justice surprised the authorities. The British side notes that following the Minister for Justice's statement to the Dail on the McVeigh case some Deputies expressed the view that jurisdiction over extradition should be removed from the District Courts, and that the Irish Government undertook to consider the possibility.

4. Against this background, the British side again suggests that there would be merit in changing the arrangements whereby extradition cases are heard in the local District Court. Extradition could be regarded as a special category of judicial work to be dealt with in the first instance in the High Court. Alternatively cases could be reserved for the Dublin District Court (or a single other designated District Court) which could develop expertise and experience in considering such cases.

5. A similar arrangement exists in the United Kingdom for extradition requests from countries outside the commonwealth under the Extradition Act 1870 (shortly to be amended by the Criminal Justice Act 1988). Many of these cases are complex and involve the application of bilateral treaties and consideration of whether conduct abroad gives rise to extradition offences. For this reason, such cases are referred to the Chief Magistrate or one of the stipendiary magistrates in the Bow Street Magistrates' Court in London where considerable expertise has been built up by the Bench and the court officers. The arrangement works well.

Provision for detention pending appeal

6. The absence of a full appeal procedure for the State and provision to detain a fugitive offender pending such an appeal has long been seen by many as a deficiency in the backing of warrants

CONFIDENTIAL

legislation, in both the UK and the Republic. It tilts the scales in favour of the fugitive, since he only has to have a legal decision in his favour once for him to go free (and, of course, many of those whose return is sought can be expected to disappear from view if by any chance they are released). It also maximises the damage done by a decision which may be open to question.

7. Legislation to remedy this now exists in the UK, although it is not yet in force. Part II of schedule 1 to the Criminal Justice Act provides for appeals by the requesting State (through the Chief Officer of Police) by way of the case stated procedure. The result will be to give the magistrate the power to detain or release on bail when immediate notice of intention to appeal has been given to the court. Thus, the State will be enabled to appeal against adverse decisions of magistrates, and, in serious cases or those in which it is possible that the person sought will abscond, the fugitive will be detained in custody pending the outcome of the appeal.

8. So far as the Republic is concerned, it is understood that the Irish state can appeal against an adverse decision of the District Court by way of case stated as in the case of McVeigh. However, it is also understood that there is no power to detain in custody (or release on bail) pending the outcome of such an appeal. It will be recalled that following the decision of the District Justice in the McVeigh case he was immediately released from custody. Further embarrassment was caused when he was briefly rearrested by the Garda on 7 October. If detention powers had been available, it seems likely that McVeigh would have been subject to a detention order, bearing in mind his previous conviction in the Republic for firearms offences. This would have enabled the decision of the District Justice to be challenged in a higher court, as desired by the Irish Attorney General, without releasing from custody a fugitive wanted for serious terrorist offences in Great Britain.

9. Having regard to the powers which will soon be available in the UK to facilitate the consideration of cases in which fugitives are sought by the Irish State, it is hoped that consideration can be given to introducing similar provisions in Irish legislation.

Evidential provisions

10. It seems to the British side that section 7 of the Backing of Warrants (Republic of Ireland) Act 1965 gives effect to what must have been the intention of the backing of warrants procedure, that once there is a warrant apparently good on its face, the court of the requested State must accept it and not seek to go behind it. On the other hand, the corresponding provision of the Irish Extradition Act 1965 (section 55(1)) enables the court to admit documents without further evidence if certain requirements are satisfied, but with the qualification "unless the court sees good reason to the contrary." In the view of the British side, this gives the court an opportunity to require supplementary evidence, which may not be easily produced and not be strictly relevant to the merits of the case. In the light of the difficulties which have been experienced, notably (but not only) in the McDonald case, the Irish Government may wish to consider whether there would be merit in seeking to amend the provisions of section 55 by bringing them more closely into line with the Backing of Warrants (Republic of Ireland) Act 1965. This would establish full reciprocity in an important element of the backing of warrants procedure.

11. The British side also notes that in Part II of the Irish Extradition Act (Section 25(a) and 37) a warrant or other document shall, if duly certified, be taken as having been duly issued. This is also the approach taken in the UK Criminal Justice Act 1988 which will deal with foreign extradition. It seems odd therefore that the provision in section 55(1) of the Irish Act allows the courts more latitude to question documentation.

Removal of specified point of departure

12. Section 47(1) of the Irish Extradition Act 1965 provides that the District Court shall, subject to certain provisions, make an order for the fugitive's delivery "at some convenient point of departure from the State." There is no such requirement for extraditions under Part II of the Act. Irish courts have subsequently held that this means that the place of handover must be named on the order. To date the place in Northern Ireland cases specified has been Killeen/Carrickarnon. But there seems no obvious reason why this should be the only interpretation: the point of departure could be left unspecified or an alternative given.

13. Both Governments recognise that the present system affords a major propaganda opportunity to the critics of extradition. It does not help the public perception of the process. There is also a serious risk to the security forces on both sides who are tasked with protecting the handover. And Gardai and RUC personnel need to be taken off other important duties in considerable numbers. Both Governments should therefore do all in their power to reduce these disadvantages to a minimum. Ideally the British side would prefer the extradition order not to have to specify the handover point at all. Although the equivalent provision in the Backing of Warrants (Republic of Ireland) Act 1965 specifies that the fugitive be delivered to a police officer from the requesting State at some convenient point of departure, courts in the UK have never interpreted it as meaning that a place has to be specified in the Order.

14. If this is not possible an interim solution would be for the extradition order to specify an airfield from which the fugitive could be flown to Northern Ireland. There can be no objection in principle to this since this is already what happens in respect of transfers to the mainland. Failing this, the police on both sides should get together to determine which crossing points bring the fewest difficulties, thus minimising the risks associated with the

Milled route which is particularly unsuitable for the security forces in Northern Ireland.

Extension of provisional arrest period

15. At present a provisional warrant under section 49 of the 1965 Act is valid only for 3 days. A workable mechanism for provisional arrest is an essential feature of extradition arrangements. Although it is the aim of the UK authorities to have final warrants in the Republic in respect of each and every fugitive who might be there, there must always be a possibility that an unexpected case will arise. It is the view of the British side that in this eventuality 3 days is not a sufficient period for the documentation to be prepared and the final warrants backed, all the more so now that the procedures in the Extradition (Amendment) Act 1987 have to be complied with.

16. The international norm for a provisional arrest warrant to be valid can vary from 14-60 days but is very rarely as short as 3 days. The British side would therefore hope that the period should be extended to considerably nearer the norm. The British side would also wish to be assured that section 49 of the 1965 Act does work in practice, and that if not it can be amended; there have been occasions when provisional warrants have not been sought by the Irish authorities following UK requests.

Other points

17. The British side recognise that all the suggestions made above (save for that in paragraph 14) would require legislation. But there is, it seems to us, scope for certain other improvements in the following areas:

- (i) a more formal system - including regular review meetings if necessary - of reporting developments in cases in the Republic might lead to a better 'feel' for the process. Contacts between the respective legal authorities are good at present but any improvement could only be beneficial. A more formal system would also facilitate consideration of on the read-across of individual judgments etc to other cases;

CONFIDENTIAL

- i) Completion of the backing of warrants checklist would set the seal on our improved knowledge of the requirements of the Irish courts.

The 1987 Amendment Act

18. The British side continues to regard section 2 of the 1987 Amendment Act as unnecessary and an impediment to the smooth flow of cases. The difficulties are of course exacerbated in cases where for whatever reason the Irish Attorney General takes a long time in deciding whether to allow a warrant to be backed. It is wrong in principle for the prosecuting authorities in the requesting jurisdiction to have their work done again by those in the requested State. The burdens of operating the new provisions have led to a reduction in the number of non-terrorist requests and necessitate a heavy commitment of resources. A very large number of hours has been spent by staff of the prosecuting authorities in preparing detailed summaries of facts and law and answering further detailed questions from the Irish Attorney General's Office. The demands on staff in the Attorney General's Office in London, coordinating this work, have also been extremely heavy. And despite the requirement in section 2(2) of the 1987 Act, it is still possible that the sufficiency of evidence might be tested in court. Given the fact that requests are never made without sufficient evidence for a prosecution, and given the degree of mutual trust on this point which now exists between us, the British side feels strongly that section 2 should be repealed.

Conclusion

19. These suggestions are intended to be helpful and are made in a constructive spirit. The British side welcomes the progress made in 1988 and would be grateful for the opportunity of discussing how it might be built on to the benefit of both Governments and our common fight against terrorism. We have a common interest in putting fugitive offenders behind bars, whether by means of extradition or the extraterritorial route. We wish both routes to work with maximum efficiency.

(DC/MR/6624-24.11.88)

CONFIDENTIAL



file pts  
83  
bc = pc

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

17 December 1988

ANGLO-IRISH RELATIONS:  
EXTRADITION

The Prime Minister has agreed to send a message to the Taoiseach along the lines of the revised draft provided by the Attorney General. I enclose the signed original and, subject to any comments, would be grateful if it could be sent to our Ambassador in Dublin for delivery on 19 December.

I am copying this letter and enclosure to Mike Maxwell (Northern Ireland Office), Philip Mawer (Home Office), Michael Saunders (Law Officers' Department) and Trevor Woolley (Cabinet Office).

C. D. POWELL

Lyn Parker, Esq.  
Foreign and Commonwealth Office

CONFIDENTIAL

CONFIDENTIALPRIME MINISTEREXTRADITION

You agreed to write to the Taoiseach about the need for improved extradition procedures but were not happy with the draft provided by the FCO. The Attorney has now prepared the attached draft letter, which I have amended very slightly (and cleared with his Office). It does not itself put forward specific proposals for amending the extradition procedures: these are being conveyed separately at working level. Rather it makes the general political point about the vital need for such changes.

Agree to sign?

*Signed mt**C.D.P.*

CHARLES POWELL

16 December 1988

CONFIDENTIAL

*SLC*



LEGAL SECRETARY

LAW OFFICERS' DEPARTMENT  
ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

16 December 1988

Charles Powell Esq  
Private Secretary  
10 Downing Street  
LONDON S W 1

*Jean Charles.*

ANGLO-IRISH RELATIONS : EXTRADITION

Further to your <sup>at Harp</sup> letter of 8 December to Lyn Parker, I am enclosing a draft letter for the Prime Minister to send to Mr Haughey, the drafting of which the Attorney General has personally supervised.

I am copying this letter and its enclosure to Lyn Parker (FCO), Stephen Pope (NIO) and Philip Mawer (HO).

*Yours sincerely,  
Michael Sandel.*

M L SAUNDERS

CONFIDENTIAL

MZAFJ

Pl type dr  
Pr's signature  
on

~~It also means, of course, that some one charged with very serious crimes is at large, albeit in the Republic.~~

CONFIDENTIAL

DRAFT LETTER FROM PRIME MINISTER TO MR HAUGHEY

~~was found it outrageous & dismaying~~

I was extremely dismayed that your Attorney General decided not to authorise the backing of warrants in the Ryan case, notwithstanding that he was satisfied that there was sufficient evidence on two of the charges and made no contrary finding on the other two.

As I made clear to the House of Commons, we repudiate utterly the assertion that Patrick Ryan would not receive a fair trial before a jury in England. Moreover the grounds identified by your Attorney General for his decision went far beyond the grounds indicated at the time of passing of the Extradition (Amendment) Act. <sup>One effect of</sup> ~~in so refusing to~~ authorise the backing of the warrants, ~~and~~ thus preventing the application <sup>from</sup> being considered by an Irish court, <sup>us to</sup> your Attorney General seems to be sending a clear signal, ~~no~~ <sup>no</sup> doubt unwittingly, to the supporters of terrorism that yet another obstacle has been placed in the way of effective extradition arrangements, ~~an obstacle which will no doubt be~~ <sup>exploited by them in the future.</sup>

<sup>For our part we</sup> We, on our side, are determined to make extradition work, and have been striving over the last year to cooperate in the operation of your Amendment Act. ~~I do not believe that the procedures, as they stand, are working as either you or we would wish.~~ <sup>But the procedure is not</sup> For example The Ryan case has shown <sup>how long</sup> ~~how long~~ may evidently be needed for your Attorney General to fulfil his obligations under the Amendment Act with regard to the evidence submitted to him. An arrested suspect cannot be held for a small fraction of that time, even if he can

When we met in Dublin, (re)  
reminded you of

indeed now be held at all, under a provisional warrant. I recall the solemn assurance which you gave me in November 1987 that if the new arrangements turned out to be less than satisfactory you would bring forward proposals to deal with any problems which had emerged. You renewed this undertaking in the Dail on 6 December ~~this year~~, and set it in the context of the review of the extradition arrangements as a whole which your Government will be undertaking early next year.

Tom King has already sent Mr Lenihan a detailed paper ~~containing~~ <sup>with</sup> constructive proposals for the amendment of your legislation. I enclose an additional copy for you. We are now studying the lessons of the Ryan case urgently, and in particular the implications of the much wider role which now seems to be implied for your Attorney General. Tom King will shortly be sending to Dublin a further paper setting out our views on these new problems.

It is vital for all of us to have in place extradition arrangements which are seen to be working, alongside the provision for extraterritorial jurisdiction. Mr Lenihan has told Tom King that you will give thorough consideration to the points we are making. We consider that these <sup>instruments</sup> ~~amendments~~ are essential if we are to have workable extradition arrangements.

Recent events have demonstrated how sensitive extradition is in both our countries, and how easily it can give rise to passions and misrepresentations which have a disproportionately harmful effect on relations generally. It is essential that we get the procedures right and working (including the circumstances in which we invoke extraterritorial jurisdiction) if we are not to have recurring difficulties and so offer easy victories to the supporters of terrorism.

PERSONAL

PRIME MINISTER

Amanda passed to me the attached letter from the Archbishop of Armagh which she retrieved from a handbag. I judge that you would not wish to show it to the Northern Ireland Secretary.

I do not know to what extent you would wish to reply on the substance. There seems to be some risk that anything you say will be passed on to the Taoiseach and others by the Archbishop in a fashion over which you would have no control. I would have thought, therefore, that a more general reply is probably the safer course. I attach a draft for your consideration. But if you wish to make a fuller reply, going more deeply into the substance, I would be very happy to try again.

C.D.P.

I think a final plea  
asking if he would like to talk one  
day when he is in London. He could  
come to lunch (Wednesday - Times & News?)

CHARLES POWELL

16 December 1988

not



THE ARCHBISHOP OF ARMAGH  
The Most Reverend Dr. R. H. A. Eames

The See House  
Cathedral Close  
ARMAGH BT61 7EE  
Northern Ireland  
Telephone: (0861) 522851  
Office: (0861) 527144

STRICTLY CONFIDENTIAL

13 December, 1988

The Right Hon. the Prime Minister,  
10 Downing Street  
London SW1A 2AA

*My dear Prime Minister,*

I greatly welcome this opportunity to be of some service to you in the context of Anglo-Irish relations. I can only express the sincere hope that what I have to say will be of some interest in the light of the many problems, and yet opportunities, presenting themselves at present.

Naturally, I would have to emphasise that my words represent a personal view of the situation and should be treated as such. In addition, for obvious reasons, I would have to request that my opinions are treated on a completely confidential basis. My contacts with the Taoiseach and political leaders in both Northern Ireland and the Republic stem from my work as Primate of All Ireland and it is essential that such opportunities are afforded the utmost sensitivity.

As I understand the situation at present you feel it would be useful to receive some estimation of current thinking in the south in general.

1. C.H. is feeling extremely weary at present because of his recent illness. While he has resumed full duties and was able to meet you in Rhodes, he is giving the appearance of someone who is disillusioned by a lack of progress in the Northern Ireland context allied to the internal political pressure he is subject to over extradition. Many party faithful are anxious that he does not appear to be too easily co-operative with the U.K. over Ryan. He finds himself in a dilemma : wishing to be seen to do what he can as a 'European' to improve relations with U.K., but susceptible to 'republican' and traditional pressure at home. If he was in better form physically he might be more determined on this issue, but at present he is not prepared to rush matters along too quickly. He finds it convenient to lean heavily on "due process of law" so far as extradition from

the Republic is concerned at the moment due to the pressure he is receiving from within his own party. This could explain certain statements made recently in the Dail.

2. In relation to the Anglo-Irish Agreement I feel I can be more definite in my comments. C.H. is very anxious to find a place in history as someone who has done much to move Ireland, north and south, forward. This is in his character. Given that his ultimate dream must remain an all-Ireland state of some description he is now convinced privately of the need to seek agreement within N. Ireland. At first he was much influenced by SDLP thinking but is not now as convinced by them as he once was. He had great reservations over the SF - SDLP talks and was relieved when they ended. For his own reasons he is prepared to go very far on changes in the Agreement. He talks of an alternative and on at least one occasion he has spoken to me of "all being possible". By that I assume that given the right atmosphere (willingness of Unionists to talk?) he would be prepared to re-write the Agreement using the SDLP theory of 'a process' rather than a once-for-all Agreement. But I feel he would only take this step if movement at present being mooted produced a willingness by all parties in N.I. to talk. His scenario would be:

- (a) willingness of N.I. parties to talk together.
- (b) } agreement of N.I. parties to talk to both signatories of the Agreement.
- (c) } agreement of SDLP that something worthwhile could be gained by such a new document.

3. I believe that he would respond to such a suggestion from U.K. government or N.I. parties if rights of nationalists could be covered by new terms.
4. I have suggested to him that there could be agreement from northern Protestants if it was a new start based on the lessons of the first document, the Maryfield Secretariat was transferred to London and the meetings of the Conference envisaged by the new Agreement could include representation of elected Unionist members. His reaction was that Maryfield was at present useful but not indispensable and that he was prepared to consider Unionist presence at Conferences.
5. To cover the U.K. concerns over the Conference make-up as representative only of the signatories to the Agreement i.e. two sovereign Governments, I have suggested to him that there could be a two-tier Conference :

Tier (a) As at present representing the two Governments.

Tier (b) Representatives of the constitutional parties in N.I. with representatives of the two Governments.

6. My opinion is that he could be pushed hard on the Agreement as it now exists but this will depend on adequate and obvious safeguards for N.I. nationalists. I feel this is possible given careful drafting.
7. So far as N.I. opinion is concerned I am convinced more people than ever want to see certainty replace uncertainty in Anglo- Irish relations and that progress along the above lines could be possible now given the weariness of most people with the current uncertainties.
8. J.M. can inform you of current Unionist thinking and he is aware of my opinion and efforts to produce better relations. However I feel the atmosphere is now more conducive to progress so far as Protestants are concerned.

I do hope the above remarks are of some interest to you.

Please be assured of my willingness to do anything I can, given my position on both sides of the border, to improve relationships.

Thank you for the opportunity to express my opinions to you.

*With all good wishes for 1889,*

*Yours very sincerely,*

*+ Arch. Armagh:*

---



*Scan by eDP*  
OIFIG AN ARD AIGHNE  
(Office of the Attorney General)  
DAILE ATHA CLIATH  
(Dublin 2)

13 December, 1988

Sir Patrick Mayhew, Q.C., M.P.,  
Attorney General,  
Royal Courts of Justice,  
London WC2A 2LL,  
United Kingdom.

Re: Extradition application: Patrick Ryan

*Dear Patrick,*

I am writing to tell you of the decision which I have come to on the above extradition application. I have formed the opinion, in respect of two of the warrants, that there is a clear intention to prosecute and that such intention is founded on a sufficiency of evidence.

However, I regret to have to tell you that I yesterday advised the Garda Commissioner not to endorse or execute any of the warrants in question. So far as the charges on the other two warrants are concerned - and they relate to the charges of conspiracy - I have made no final decision on the question of a sufficiency of evidence and other legal issues. I have deemed it unnecessary to do so having regard to the basis of my advice to the Garda Commissioner.

The reasons for my advice will be set out in a statement which I shall be issuing later today. It will be faxed to your Office shortly, so that you will have the opportunity to consider it before it is published. In short, I have found the conclusion

88 08:50 ATTORNEY GENERAL DUBLIN

- 2 -

inescapable that, by reason of material which has been published in Britain since the application was made for Patrick Ryan's extradition, it would not be possible to provide him with a jury which was not prejudiced.

I would like to add that this decision does not reflect on the system of justice in Britain but rather relates to the capacity of any system of trial by jury, however fair, to provide a fair trial in the particular circumstances of this case.

I appreciate that this decision may give rise to difficulties on both sides but it is one which I am quite satisfied, in the circumstances of this case, was proper and inevitable.

I feel it appropriate that I should refer to the conversation which we had when I telephoned you at approximately 4.30p.m. on 18th May last. You will recall that in regard to the execution of the warrant in respect of Patrick McVeigh that morning I referred to the fracas outside Portlaoise Prison and told you that I was seriously concerned by reason of those events and other connected circumstances. I referred specifically to the presence of an ITN television crew outside the prison and to the news reports on television which showed scenes of the aftermath of certain explosions mentioned in the Statements of Facts which you had furnished me. You will recall that I expressed my

DEC '88 06:51 ATTORNEY GENERAL DUBLIN

P.4

- 3 -

concern that this whole series of events and the circumstances surrounding them threatened the integrity of the extradition process and was bringing the law into disrepute. I appreciate that your own view then was that the television reports were 'just about on the right side' and would not prejudice a fair trial. You nonetheless appreciated the grounds for my concern and very fairly asked whether I felt that you should communicate with the television authorities to give heed to the need to avoid prejudicing a fair trial, something which you said you would be willing to do. I expressed the view that this was a matter for you, that I was concerned with the extradition process and maintaining its integrity. At that stage I had come to no definite conclusion on the implications of the television reports but they were a source of deep concern. You acknowledged that it was inherent in our legislation that a person being extradited should get a fair trial and if I felt this was prejudiced it was something I could of course take into account. You repeated your view, based on what you yourself had seen on television, that a fair trial had not been put in jeopardy, and I repeated my concerns. I mention the foregoing telephone conversation in the hope that you will more readily appreciate the nature of the decision which I have had to make.

- 4 -

The allegations made against Patrick Ryan in this case are of a most serious kind, and it is therefore desirable that they should be the subject of a trial in accordance with<sup>the</sup> law. For this reason I would ask you to examine the evidence available to you in this case and which could be tendered in a court in this country with a view to identifying all the possible charges on foot of which Patrick Ryan might be brought to trial under our law. If you see your way to proceeding along these lines naturally every assistance will be available from us to identify such offences in the light of such evidence.

You will see in the proposed statement that I have had to refer to contributions or statements made in the House of Commons with regard to this case. You said when I telephoned you on Monday the 28th inst. that any reply which you might give to a then proposed private notice question, if allowed by the Speaker, would not deal with the 'merits' of the case, because you regarded it as being sub judice. I appreciate that the Speaker made his own ruling on the matter but also that you abided scrupulously by your view that the merits should not be gone into.

In this letter I have only referred to the matters which are germane to my decision and the proposed statement.

- 5 -

I have no doubt that there are other matters which have arisen or will arise in relation to this case which will have to be the subject of communication or discussion between us. These must be left for another occasion.

Yours sincerely,  
John

CONFIDENTIAL

ADVANCE COPY

061526  
MDADAN 0660

FLASH

*sonByAm*

CONFIDENTIAL  
FM DUBLIN  
TO FLASH FCO  
TELNO 624  
OF 131200Z DECEMBER 88  
AND TO FLASH NIO(B)  
INFO IMMEDIATE WASHINGTON, BIS NEW YORK, HOLY SEE

RYAN

1. THE SECRETARY TO THE CABINET TELEPHONED ME THIS MORNING TO WARN ME THAT THE IRISH HAVE DECIDIED NOT TO BACK THE WARRANTS, ON THE GROUND NOT OF INSUFFICIENCY OF EVIDENCE BUT BECAUSE THEY SAY THAT RYAN COULD NOT HAVE A FAIR TRIAL IN ENGLAND. POLITICAL CORRESPONDENTS ARE TO BE BRIEFED AT 1100, EMBARGOED UNTIL 1300.
2. I TOLD NALLY THAT THIS WAS THE WORST POSSIBLE OUTCOME. THE IRISH STATEMENT WAS OPEN TO AT LEAST THE FOLLOWING OBJECTIONS:
  - A. IT IS UNTRUE.
  - B. IT IS OFFENSIVE.
  - C. IT IS GRATUITOUS: IT DOES NOT ARISE FROM THE 1987 ACT UPON WHICH THE ATTORNEY WAS SUPPOSED TO BE PRONOUNCING.
  - D. IT IS GRAVELY PREJUDICIAL TO FUTURE EXTRADITION CASES: IF RYAN CAN BE PROTECTED ON THESE GROUNDS IT IS HARD TO SEE HOW FUTURE TERRORIST FUGITIVES CAN BE DENIED THE SAME PROTECTION SINCE ALL WILL AROUSE PUBLIC CONCERN.
  - E. IT WILL GIVE ENCOURAGEMENT TO SINN FEIN AND TO THOSE IN FIANNA FAIL WHO WANT TO HALT EXTRADITION TO BRITAIN.
  - F. IT IS PROVOCATIVE. I EVEN WONDERED - AND HE DID NOT DENY IT - WHETHER THE TIMING WAS NOT CONTRIVED IN THE HOPE OF PROVOKING AN INTEMPERATE REACTION AT QUESTION TIME THIS AFTERNOON. I HOPE WE SHALL DENY THEM THAT SATISFACTION.

COMMENT

3. OTHER THINGS ARE ALSO TRUE:
  - A. THE TAOISEACH IS EXPRESSING NO MORE THAT WHAT MOST OF HIS

PAGE 1  
CONFIDENTIAL

COUNTRYMEN BELIEVE. SOME WILL QUESTION HIS WISDOM IN SAYING IT BUT FEW WILL QUESTION ITS TRUTH.

B. HE THEREFORE RUNS NO POLITICAL RISK IN TAKING THIS COURSE. HE BIDS FAIR TO CONSOLIDATE HIS LEAD IN THE OPINION POLLS REPORTED IN DUBLIN TELNO 620.

C. IT FOLLOWS THAT ATTACKS FROM US WILL NOT UNDERMINE HIS POSITION BUT UNITE HIS PEOPLE BEHIND HIM.

D. RYAN IS LOST TO US. THE ACTION NOW MOVES TO THE REVIEW OF LEGISLATION IN THE NEW YEAR. WHAT WE SAY NOW MUST BE CALCULATED TO MAXIMISE OUR INFLUENCE IN THAT PROCESS SO THAT WE CAN SALVAGE SOMETHING FROM THE WRECK. THIS MEANS ENCOURAGING, BY A RESTRAINED REACTION, THOSE ELEMENTS IN THE REPUBLIC WHO BELIEVE THAT RYAN, AND SIMILAR CASES, OUGHT TO BE BROUGHT TO TRIAL.

E. MR MURRAY HAS AT THE SAME TIME OFFERED TO CO-OPERATE IN AN EXTRATERRITORIAL PROSECUTION. I UNDERSTAND THE ATTORNEY-GENERAL'S RELUCTANCE TO FOLLOW THIS ROUTE, AND THIS HAS NO DOUBT BEEN INCREASED BY THE TERMS OF THE IRISH DECISION. NEVERTHELESS, THE SUGGESTION WILL SEEM VERY REASONABLE TO MOST IRISH PEOPLE. I HOPE THAT FOR TACTICAL REASONS WE SHALL NOT TURN IT DOWN OUT OF HAND TODAY.

F. A MAJOR ROW IN THIS ISSUE WOULD BENEFIT ONLY THE MEN OF VIOLENCE AND THE OPPONENTS OF THE ANGLO-IRISH AGREEMENT.

G. WHEN THE DUST HAS SETTLED, IRELAND WILL STILL BE HERE AND WE SHALL STILL NEED THE UNDERSTANDING OF ITS PEOPLE AND THE COOPERATION OF THEIR GOVERNMENT IF WE ARE TO ACHIEVE OUR OBJECTIVES IN NORTHERN IRELAND.

4. FOR ALL THESE REASONS I STRONGLY RECOMMEND THAT OUR REACTION SHOULD BE MEASURED:

A. A DIGNIFIED REPUDIATION OF THE CALUMNY UPON OUR COURTS.

B. THE EFFECT OF THE DECISION IS THAT A PERSON ACCUSED OF TERRIBLE CRIMES WILL NOT NOW BE BROUGHT TO ANSWER THEM IN A COURT OF LAW. THERE MUST BE SOMETHING WRONG WITH A SYSTEM THAT PREJUDICES THAT RESULT.

C. WE NOTED THE TAOISEACH'S RENEWED INVITATION IN THE DAIL TO

CONFIDENTIAL

061528  
MDADAN 0660

CONTRIBUTE BRITISH VIEWS TO THE REVIEW OF IRISH LEGISLATION IN THE NEW YEAR. WE SHALL HAVE SOME SUGGESTIONS TO MAKE TO ENSURE THAT EXTRADITION ARRANGEMENTS WORK IN FUTURE.

5. BECAUSE I DISCOVERED LAST NIGHT THAT THE ANNOUNCEMENT WAS EXPECTED TODAY I DID NOT DELIVER MR KING'S MESSAGE ABOUT TIMING IN RELATION TO THE IGC ON WEDNESDAY. I HOPE NOW THAT THERE WILL BE NO QUESTION OF CANCELLING THE IGC, MR KING'S INITIAL REACTION AT HIS MEETING ON 12 DECEMBER WAS THE RIGHT ONE: WE NEED THE CONFERENCE MORE, NOT LESS. IN PARTICULAR IT PROVIDES AN OPPORTUNITY TO PRESS THE REFORMS SET OUT IN MR KING'S LETTER OF 2 SEPTEMBER TO THE TANAISTE.

FENN

YYYY

DISTRIBUTION

12

ADVANCE

12

.RYAN  
PS  
PS/MRS CHALKER  
PS/PUS  
MR BOYD  
MR SLATER  
HD/RID

PS/SEC OF THE CABINET, CAB OFF  
MR BELL, NIO(L)  
NO 10 DOWNING ST ✓  
PS/NIO(L)  
LEGAL SECRETARY TO ATTORNEY-  
GENERAL

NNNN



PAGE 3  
CONFIDENTIAL

From: THE PRIVATE SECRETARY

*cepe*



CONFIDENTIAL

HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

12 December 1988

*Dear Michael,*

*CPD (2/10)*

*for info with COP*

RYAN: CONTINGENT RESPONSES

The Home Secretary was grateful for the Attorney General's minute of 8 December suggesting various lines of response which we might make depending on the decision of the Irish Attorney General on our request for Ryan's extradition. The Home Secretary is content with the approach which Sir Patrick Mayhew proposes. He assumes that the Attorney General will take the lead on commenting on the Irish Attorney's decision, but he and other colleagues will take the lines suggested by the Attorney insofar as the matter is raised with them. When I mentioned this on the telephone, you said that you had asked the No 10 Press Office to take the lead in dealing with any press enquiries.

I am copying this letter to Charles Powell (No 10), Stephen Wall (FCO) and Mike Maxwell (NIO).

*Yours sincerely,*

*P J C Mawer*

P J C MAWER

Michael Saunders, Esq.  
Law Officers' Department  
Royal Courts of Justice  
LONDON, W.C.2.

CONFIDENTIAL

CP 50

12.21 AM 88



Home Office  
Greenwich

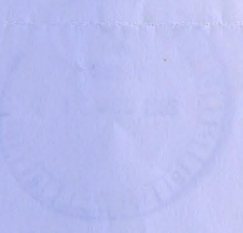
IRERAND: Relations Pt 19

7. BECAUSE I DISCOVERED LATE LAST NIGHT THAT THE ANNOUNCEMENT WAS EXPECTED TODAY I DID NOT DELIVER MR KING'S MESSAGE ABOUT TIMING IN RELATION TO THE IGC ON WEDNESDAY. I HOPE NOW THAT THERE WILL BE NO QUESTION OF CANCELLING THE IGC, MR KING'S INITIAL REACTION AT HIS MEETING ON 12 DECEMBER WAS THE RIGHT ONE; WE NEED THE CONFERENCE MORE, NOT LESS. IN PARTICULAR IT PROVIDES AN OPPORTUNITY TO PRESS THE

THE HOME SECRETARY WAS REQUESTED FOR THE SECRETARY GENERAL'S MINUTE OF 5 DECEMBER SUGGESTING SEVERAL POINTS OF COMMENT WHICH WE WOULD LIKE TO BRING TO THE ATTENTION OF THE IGC SECRETARY GENERAL AS SET OUT IN THE ATTACHED MEMORANDUM. THE HOME SECRETARY IS CURRENTLY IN CONTACT WITH THE SECRETARY GENERAL ON THIS MATTER AND WILL BE REPORTING TO THE IGC SECRETARY GENERAL ON THE IGC SECRETARY GENERAL'S DECISION, BUT WE WOULD LIKE TO BRING TO THE ATTENTION OF THE IGC SECRETARY GENERAL THE POINTS SET OUT IN THE ATTACHED MEMORANDUM. WHEN I MENTIONED THIS TO THE SECRETARY GENERAL YOU SAID THAT YOU HAD WORKED ONE OR TWO YEARS AGO TO TAKE THE IGC SECRETARY GENERAL'S MESSAGE TO THE IGC SECRETARY GENERAL. I AM COPYING THIS LETTER TO CHARLES POWELL (NO 10), STRATFORD ROAD, LONDON, W.11. (110).

*John Gifford*

*John Gifford*



J J C WARD

Michael Lambour, Esq.  
Law Officers' Department  
Royal Courts of Justice  
LONDON, W.C.2.

CONFIDENTIAL

CONFIDENTIAL



cc JC  
cc BT

HOME SECRETARY

RYAN

Contingent responses

1. The following options seem open to the Irish Attorney General:

(i) Authorise the endorsement of the Bow Street warrants for execution by the Garda.

(ii) Decline to authorise endorsement:

(a) because he considers there is not in existence sufficient evidence to justify any of the prosecutions we seek; or

(b) because to extradite Ryan would be to violate his constitutional rights on the ground that he would not receive a fair trial, by reason of prejudicial publicity his case has allegedly received.

2. If he authorises endorsement we obviously express sober satisfaction.

3. If he declines, on ground (ii)(a) above, I suggest we do not denounce his decision as being improper, i.e. taken on political grounds, since we are unable to publish the

CONFIDENTIAL

CONFIDENTIAL



statement of facts (unless I am prepared to abandon the chance of ever prosecuting Ryan in England, which I am not). Rather, we should express dismay, pointing out that the DPP applied the criteria laid down in the statutory Code for Crown Prosecutors, and considered the evidence available was sufficient to give rise to a reasonable prospect of conviction; that the prosecution had to have, and received, the approval of a Law Officer (in this instance the Solicitor General approved it); and that the 1987 Act is manifestly unsatisfactory in that it obliges the Attorney General of a foreign country to decide what is essentially a question of English law and practice, as we repeatedly pointed out in 1987. This will be more effective than denunciation of the decision - as to which the inferences will speak pretty eloquently for themselves anyway.

3. If he declines on ground (ii)(b) we should express deep resentment and reject the ground utterly.

4. As to any suggestion that may be made regarding the possibility of Ryan being tried by an Irish Special Court, we should say:

(i) (If he declines on ground (ii)(a)), that if evidence has been provided already that would permit trial in Ireland it will permit trial in England, and hence should have led to endorsement of the warrants.

(ii) (If he declines on ground (ii)(b)), that it is out of the question for us to request this in the light of the insulting aspersion cast on our own courts.

5. I am copying this minute to the **Prime Minister**, the Foreign Secretary and the Northern Ireland Secretary.

8 December 1988

P.M.

CONFIDENTIAL

091732Z

COMMENT

~~SECRET~~

PERSONAL

FM DUBLIN

TO DESKBY 090900Z FCO  
TELNO 615  
OF 081800Z DECEMBER 88

FOLLOWING PERSONAL FOR GEORGE. RID.

MY TELNO 604. YOUR TELS 221 AND 222 AND TELECON GEORGE/FENN: RYAN: MESSAGES

SUMMARY

1. ACTION TAKEN.

DETAIL

2. I DELIVERED THE PRIME MINISTER'S MESSAGE TO DERMOT NALLY THIS EVENING. HE PROMISED TO TAKE IT STRAIGHT IN TO THE TAOISEACH.
3. NALLY READ THE SECRET NOTE ON RYAN AND COMMENTED "PRETTY DAMNING". HE ASKED WHETHER THIS MATERIAL WAS BEFORE THE ATTORNEY GENERAL. I TOLD HIM IT WAS NOT. AND EXPLAINED THE DIFFERENCE.
4. NALLY NOTED THE PRIME MINISTER'S REFERENCE TO HER INTENTION TO WRITE AGAIN. I CONFIRMED THAT I HAD NOTED THE PEG PROVIDED BY THE TAOISEACH IN HIS ADDRESS TO THE DAIL: "ANY VIEWS WHICH THE BRITISH GOVERNMENT MAY PUT TO US ABOUT THE OPERATION OF THE ARRANGEMENTS WILL ALSO BE CONSIDERED AS PART OF THAT REVIEW PROCESS" (MY TELNO 609. PARA 4).
5. I THREW A FLY OVER HIM ABOUT THE TIMING OF THE ATTORNEY GENERAL'S DECISION. HE SAID THAT HE HAD KEPT RIGHT OUT OF IT. BUT - LIKE ME - HE HAD HEARD THAT MR MURRAY WAS LIKELY TO REACH A CONCLUSION TOMORROW. 9 DECEMBER.
6. I ASKED FOR FOREWARNING. NALLY AGREED THAT THAT WAS ENTIRELY REASONABLE. HE WOULD PASS ON THE REQUEST.
7. ON THE POSSIBILITY OF EXTRATERRITORIAL PROSECUTION. NALLY AGREED THAT IT WOULD BE ILLOGICAL FOR THE ATTORNEY GENERAL TO CONCLUDE THAT THERE WAS NOT A SUFFICIENCY OF EVIDENCE TO FOUND A PROSECUTION IN THE UNITED KINGDOM BUT SIMULTANEOUSLY TO PROPOSE TO PROSECUTE IN THE REPUBLIC. I SAID THAT ANY SUCH CONCLUSION WOULD NEED TO BE CAREFULLY EXPLAINED TO US.
8. IN NALLY'S PERSONAL VIEW. THE LOGICAL COURSE IS FOR THE ATTORNEY GENERAL TO BACK THE WARRANT AND LET THE JUDGEMENT BE MADE IN THE COURTS. HE SUSPECTS THAT THE CASE WOULD BE REJECTED IN THE HIGH COURT ON THE GROUND THAT RYAN COULD NOT NOW EXPECT A FAIR TRIAL IN BRITAIN (CF THE DICTUM OF CHIEF JUSTICE FINLAY IN THE RUSSELL CASE: RUSSELL WOULD NOT HAVE BEEN EXTRADITED IF IN THE VIEW OF HIS CHIEF JUSTICE THERE HAD BEEN REASON TO SUPPOSE THAT A BREACH OF HIS FUNDAMENTAL

RIGHTS MIGHT HAVE RESULTED).

FENN

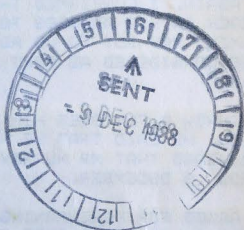
YYYY		
ADVANCE	1	
HD/RID		1
MAIN	17	
LIMITED		6
HD/RID		1
PS		7
PS/MRS CHALKER		1
PS/PUS		1
MR BOYD		1
ADDITIONAL	14	
MR POWELL NO 10		10
PS/SIR R BUTLER CAB OFFICE		1
PS/S OF S NORTHERN IRELAND		1
PS/HOME SECRETARY		1
MR SAUNDERS, LAW OFFICERS DEPT		1
CHENRYJ		

Mr WOOD LEGAL ADVISER.

Mr. MARSH SIK NIO

Mr. BENTLEY

Mr. COBLE



*44*



10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

8 December 1988

*See Lyn.*

ANGLO-IRISH RELATIONS: EXTRADITION

Thank you for your letter of 7 December enclosing a background note on Ryan to be passed to the Taoiseach. The Prime Minister is content to send the note and has signed the enclosed brief letter to Mr Haughey.

She would be prepared to write more fully about the position on extradition but did not think the draft enclosed with your letter was well expressed. She would be very grateful if the Attorney General could personally supervise the drafting of a letter on this. She would like to write as soon as possible.

I am sending copies of this letter and enclosure to Michael Saunders (Law Officers' Department), Stephen Pope (Northern Ireland Office) and Philip Mawer (Home Office).

*Yours sincerely,  
C. D. Powell*

C. D. POWELL

Lyn Parker, Esq.,  
Foreign and Commonwealth Office

*SW*

# A The National Archives

DEPARTMENT/SERIES	Rem 19	Date and sign
PIECE/ITEM (one piece/item number)	2274	
Extract details: letter and attachment from the Prime Minister to Haughey dated 8 December 1988	X	
CLOSED UNDER FOI EXEMPTION .....		
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	19/3/2018 S. Gray	
TEMPORARILY RETAINED	<del>6/3/18</del> A. V. ...	
MISSING AT TRANSFER		
NUMBER NOT USED		
MISSING (TNA USE ONLY)		
DOCUMENT PUT IN PLACE (TNA USE ONLY)		

**Instructions for completion of Dummy Card**

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,  
eg. HO 405, J 82.

Enter the piece and item references, .  
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.

This should be an indication of what the extract is,

eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.

Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.

42

9



SECRET COVERING SECRET AND PERSONAL  
Foreign and Commonwealth Office

London SW1A 2AH

7 December 1988

Dear Charles,

Anglo-Irish Relations: Extradition

At her meeting with the Taoiseach in Rhodes on 3 December the Prime Minister agreed to send to him a background note on Ryan. I enclose a version agreed by the Security Service.

In discussing the follow-up to Rhodes, officials in all the Departments concerned agreed that forwarding this material to the Taoiseach would be a useful opportunity to record our position on extradition, and thus to reinforce the paper which the Northern Ireland Secretary recently sent to Mr Lenihan. I also enclose therefore a draft letter which the Prime Minister could send to the Taoiseach covering the Security Service paper. The Foreign Secretary (who is in Paris) saw and commented on it in draft. Although the Dail has just renewed the present extradition arrangements, we need to build up as strong a position as possible for the review of the arrangements which is to take place early next year. It would however probably be counter-productive to lay any new emphasis at this stage on the Taoiseach's promise to review the arrangements. He took the point at Rhodes.

If the Prime Minister decided that she did not wish to send a letter, the Security Service paper might best be delivered to the Taoiseach by the Ambassador in Dublin. In order to influence the Irish decision the paper needs to be got in to the Taoiseach very soon.

I am sending copies of this letter with the second enclosure only to Michael Saunders (Law Officers Department), Stephen Pope (Northern Ireland Office) and Philip Mawer (Home Office).

Yours ever,

*L Parker*

(L Parker)  
Private Secretary

C D Powell Esq  
PS/No 10 Downing Street

DSP 11 (Revised Sept 85)

DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1 +

FROM: PRIME MINISTER

Reference JASASY

DEPARTMENT: TEL NO:

Your Reference

BUILDING: ROOM NO:

*MAIL*

SECURITY CLASSIFICATION

TO:  
AN TAOISEACH

*Mr Charles Haughey  
(Sean Taoiseach) TD*

Copies to:

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

SUBJECT:

*Pl. type in  
PM's signature*

PRIVACY MARKING

..... In Confidence

CAVEAT .....

When we met at Rhodes I promised to write to you about Ryan's past activities. I enclose for your personal information a note setting out the material we have from intelligence sources. It is plain that Ryan has not only been a courier and quartermaster for the IRA, but is also no mean technical expert in devising explosive devices.

As I explained in Rhodes, we are ready to consider the circumstances in which extraterritorial jurisdiction might be used as an alternative to extradition. We have indeed recently agreed to use it in one particular case. The important thing is to have fugitive terrorists brought to justice.

Enclosures flag(s) .....

In Ryan's case, however, there are (as I also explained to you in Rhodes) a number of

SECURITY CLASSIFICATION

Top Secret

Secret

Confidential

Restricted

Unclassified

PRIVACY MARKING

.....

In Confidence

jurisdictional and practical difficulties in following the extraterritorial route. In particular, it seems that only certain of the charges against him could be dealt with in this way. I also understand that there would be difficulties in relation to key witnesses. In Ryan's case we therefore feel bound to seek his detention and extradition with a view to a court in this country determining whether he is guilty of the charges brought against him.

I very much regret that the Extradition (Amendment) Act has now been renewed by the Dail. As you know, we have grave difficulties with the amended extradition procedures which your government introduced last year. The law has worked in one case involving a non-terrorist offender, but it has yet to be properly tested in a terrorist case. We remain concerned that in such cases the defence will attempt to have the Irish Courts review the decision of the Irish Attorney General on the basis of the statements of fact and law provided by the British Attorney General. This would amount to a most undesirable form of pre-trial, which would well prejudice a subsequent fair trial in our own Courts.

d

SECURITY CLASSIFICATION

Top Secret

Secret

Confidential

Restricted

Unclassified

PRIVACY MARKING

.....

In Confidence

We are equally concerned about the practical workability of the new procedures. As the Ryan case has demonstrated, if the Irish Attorney General takes several days to form a view, the limited duration of provisional warrants under the 1965 Act mean that there is ample opportunity for a fugitive to escape arrest. I am also concerned at the absence of provision for a fugitive offender to be detained pending an appeal by the State against an apparently unreasonable decision of the District Court. The absence of such provision was at the bottom of the difficulties in the McVeigh case. I know, too, that you are considering whether it would be preferable to hold all extradition proceedings initially in the High Court, or possibly in a specialised District Court such as we have at Bow Street.

I am glad therefore that there is to be a review of the working of Part III of the 1965 Act (as amended) in the New Year. Tom King has recently written to the Tanaiste enclosing a paper setting out the changes we would like to see as a result of that review. I hope that all the proposals in Tom King's paper can be addressed positively by both sides, initially in the Conference machinery.

e

SECURITY CLASSIFICATION

Top Secret

Secret

Confidential

Restricted

Unclassified

Extradition gives rise to strong passions and prejudices in both our countries. It is therefore essential, as we agreed earlier, that we should have procedures that work smoothly and quickly. We must not hand easy victories to the terrorist.

PRIVACY MARKING

.....

In Confidence

4/(a-b)



10 DOWNING STREET  
LONDON SW1A 2AA

THE PRIME MINISTER

SECRET [Please type it out here]

When we met at Rhodes I promised to write to you about Ryan's past activities. I enclose <sup>for you</sup> ~~for your~~ <sup>strictly</sup> ~~personal~~ information a note setting out the material we have from intelligence sources. It is plain that Ryan has not only been a courier and quartermaster for the IRA, but is also no mean technical expert in devising explosive devices.

*some of the other matters which we discussed. "I shall be writing to you separately on this."*

As I explained in Rhodes, we are ready to consider the circumstances in which extraterritorial jurisdiction might be used as an alternative to extradition. We have indeed recently agreed to use it in one particular case. The important thing is to have fugitive terrorists brought to justice.

??

In Ryan's case, however, there are (as I also explained to you in Rhodes) a number of jurisdictional and practical difficulties in following the extraterritorial route. In particular, it seems that only certain of the charges against him could be dealt with in this way. I also understand that there would be difficulties in relation to key witnesses. In Ryan's case, we therefore feel bound to seek his detention and extradition with a view to a court in this country determining whether he is guilty of the charges brought against him.

I very much regret that the Extradition (Amendment) Act has now been renewed by the Dail. As you know, we have grave difficulties with the amended extradition procedures which your Government introduced last year. The law has worked in one case involving a non-terrorist offender, but it has yet

to be properly tested in a terrorist case. We remain concerned that in such cases the defence will attempt to have the Irish Courts review the decision of the Irish Attorney General on the basis of the statements of fact and law provided by the British Attorney General. This would amount to a most undesirable form of pre-trial, which could well prejudice a subsequent fair trial in our own Courts.

We are equally concerned about the practical workability of the new procedures. As the Ryan case has demonstrated, if the Irish Attorney General takes several days to form a view, the limited duration of provisional warrants under the 1965 Act mean that there is ample opportunity for a fugitive to escape arrest. I am also concerned at the absence of provision for a fugitive offender to be detained pending an appeal by the State against an apparently unreasonable decision of the District Court. The absence of such provision was at the bottom of the difficulties in the McVeigh case. I know, too, that you are considering whether it would be preferable to hold all extradition proceedings initially in the High Court, or possibly in a specialised District Court such as we have at Bow Street.

I am glad therefore that there is to be a review of the working of Part III of the 1965 Act (as amended) in the New Year. Tom King has recently written to the Tanaiste enclosing a paper setting out the changes we would like to see as a result of that review. I hope that all the proposals in Tom King's paper can be addressed positively by both sides, initially in the Conference machinery.

Extradition gives rise to strong passions and prejudices in both our countries. It is therefore essential, as we agreed earlier, that we should have procedures that work smoothly and quickly. We must not hand easy victories to the terrorist.

Mr Charles Haughey, T.D.



LEGAL SECRETARY

LAW OFFICERS' DEPARTMENT  
ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

*CD 14/11/88*

C Powell Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
London SW1

5 December 1988

*Jean Charles,*

**RYAN: EXTRADITION FROM THE REPUBLIC OF IRELAND**

As requested, I am enclosing draft supplementaries for the Prime Minister's Questions tomorrow.

I am copying this letter and its enclosure to Timothy George (FCO), Trevor Copley (Home Office) and Simon Marsh (NIO).

*Yours sincerely,  
Michael Saunders.*

M L SAUNDERS

enc.

PRIME MINISTER'S QUESTIONS: 6 DECEMBER 1988

RYAN CASE: EXTRADITION FROM REPUBLIC OF IRELAND

SUPPLEMENTARIES

Q.1: When do you expect a decision from the Irish Attorney General?

A: I have no information as to when he will take a decision. The Attorney General received a letter from his counterpart in the late afternoon of 1 December asking for clarification and further information on the Statements of Fact and Law which had been sent to him on 25 November. The Crown Prosecution Service answered the 20 questions in full on 2 December.

Q.2: Why do you not agree to an extraterritorial prosecution under the Criminal Law (Jurisdiction) Act?

A: As my Rt Hon and Learned Friend the Attorney General pointed out to the House on 1 December, extraterritorial prosecutions cannot be a substitute for extradition. In some cases it is appropriate to agree to an extraterritorial prosecution. The Attorney General recently agreed to one. Although the use of the Act has not been raised with us as a possibility in the Ryan case, it would not be appropriate in this case because there is good reason to doubt whether the Irish courts would have jurisdiction under the terms of that Act in respect of two of the four charges.

NOTE (NOT FOR USE) If the Irish asked us to agree to an extraterritorial prosecution in the Ryan case, it would of course mean that we had provided sufficient evidence to justify the backing of the extradition warrants.

Q.3: Can Ryan get a fair trial, if returned to England?

A: As my Rt Hon and Learned Friend the Attorney General said to the House on 1 December, I do not believe that there is the slightest justification for any feeling in the Republic that there is no prospect of a fair trial in England.

Q.4: Is it not reasonable that the Irish Attorney General should take time to examine the extradition application. After all, the Belgians took months; the Irish Attorney General has only had a week?

A: The crucial distinction is that the Belgian Courts and eventually the Minister of Justice were considering the extradition request for two months. The Irish Attorney General's function is only to decide whether the warrants will be backed; this initiates the extradition process, which is then a matter for the courts.

Q.5: Is the 1987 Extradition (Amendment) Act working?

A: Manifestly not. We have made strong representations to the Irish Government that it should be repealed. I have reminded the Taoisaech of the objections we voiced at the time of its passing and have told him that, even though we have taken every step to comply with the requirements of the Act, it is clear that it is not working.

Q.6: How many cases have proceeded satisfactorily under the 1987 Act?

A: Only one, non-terrorist, case.

Q.7: You should not blame the Irish authorities; is it not the CPS who bungled the application?

A: As I told the House on 1 December, any suggestion that the failure to secure Ryan's arrest is attributable to any fault of the CPS is absolutely unwarranted. The fact is that the Irish authorities could have sought a professional warrant from early in the evening of 25 November. The Attorney General of the Republic has been in a position to authorise the backing of the original warrants since they arrived in Dublin early on 26 November.

Q.8: If the Belgians do not agree to extradite Ryan, why should the Irish?

A: The Belgian Minister of Justice gave legal reasons for not agreeing to extradite Ryan, although the Belgian courts, who had considered the case, had not seen any such legal difficulties. The difficulties perceived by the Belgian Minister are in any event not applicable to the legal regime relevant to extradition between the UK and the Republic of Ireland.

Q.9: The Belgians did not find the evidence sufficient; why should the Irish?

A: The Belgians made no complaint as to the sufficiency of the evidence. The Irish Attorney General has had a full summary of that evidence, and full answers to supplementary questions. The evidence has been found sufficient by the prosecuting authorities in this country to bring criminal proceedings against Ryan on his return.

Q.10: What is that evidence?

A: The evidence is not a matter for me and in any event the House should not discuss it because, following the issue of the warrants, technically criminal proceedings are in train.



DEVI

PMBA



## 10 DOWNING STREET

LONDON SW1A 2AA

From the Press Secretary

5 December 1988

*Mr Simon,*

You say (in yesterday's edition of the Sunday Times) that Downing Street used the word "cowardly" to describe the Belgian and Irish Governments over the Patrick Ryan affair. This, to the best of my knowledge, is simply not true. It is the media who have translated the Government's remarks into that epithet.

This propensity to attribute remarks, attitudes and tempers in language invented by the media is a daily experience. And once in the cuttings these inventions harden into fact.

For example, it is clear from her account of my press digests yesterday Susan Crosland has never come within a mile of one. Yet I can now fully expect the myth about my "lopsided lens" to be perpetuated whenever the public is regaled with (largely fictitious) accounts of life in No 10.

You will understand why I find it increasingly difficult to take even supposedly serious journalists seriously.

Yours sincerely

BERNARD INGHAM

Simon Jenkins Esq  
The Sunday Times

CONFIDENTIAL

*case*



LAW OFFICERS' DEPARTMENT  
ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

LEGAL SECRETARY

5 December 1988

Trevor Cobley Esq  
C5 Division  
Home Office  
Queen Anne's Gate  
LONDON S W 1

*EM 5/12*

*Jean Trevor,*

RYAN CASE : EXTRADITION FROM BELGIUM

As I mentioned on the telephone, the Belgian Ambassador has replied to the Attorney's earlier letter. I enclose a copy of his letter.

I am also attaching a copy of a draft reply the Attorney wishes to send as soon as possible to the Belgian Ambassador. I should be grateful for your urgent comments and for those of Sarah Rowland-Jones to whom I am copying this letter and its enclosures. It may be prudent to take the advice of our Embassy in Brussels; you kindly agreed to take this on. We may also wish to add a reference to what Mr Martens said to the Prime Minister at Rhodes.

I am also copying this letter and its enclosure to Charles Powell. ✓

*Yours ever,*  
*P. Keel.*

M L SAUNDERS

CONFIDENTIAL

DRAFT LETTER FROM AG TO BELGIAN AMBASSADOR

Thank you for your letter of 2 December.

I am grateful to you for arranging that the attention of the Minister of Justice was drawn to my letter of 21 November.

It is implicit in what I said in the House of Commons on 1 December that whereas the ultimate decision on the extradition of Patrick Ryan vested with the Minister of Justice, the Court of First Instance and the Court of Appeal were satisfied that the legal requirements relevant to the request for Ryan's extradition were satisfied, on the basis of the evidence submitted; and thus, so far as their own jurisdiction extended, they authorised extradition.

I am **enclosing** the relevant pages of Hansard.

I appreciate that the Belgian Government states that the decision was taken on strictly legal grounds: but I feel bound respectfully to express my surprise that, if so, such grounds should have escaped the Court of Appeal when it decided Ryan's appeal from the decision of the Court of First Instance, and that the consideration of the full Council of Ministers should have been engaged in deciding a strictly legal matter.



AMBASSADE DE BELGIQUE

London, 2 December 1988

My dear Attorney General,

I have waited until this morning to acknowledge your letter of November the 21st in order to be able to assure you that the content of it had reached Brussels in good time.

When I received your letter on the 22nd of November, I decided to send it by telex to Brussels. The telex did reach the Minister of Justice, Mr. Melchior Wathelet, on Thursday the 24th, the day before the Cabinet met and was invited to take a common position on the issue.

I am not at all familiar with legal proceedings, but find myself at a complete loss reading press reports to the effect that you stated in the Commons yesterday that the extradition was "authorised by the Belgian Courts of First Instance on the 26th of September and by the Court of Appeal of Brussels on the 12th of October".

My understanding of the Courts' decisions is quite different.

- a) You sent two "mandats d'arrêt en vue d'extradition" for Mr. Ryan : one dated 5th of September and the other on the 15th of September.
- b) The "Chambre de Conseil du Tribunal de Première Instance" of Brussels gave an "ordonnance d'exequatur" for the first of your "mandats d'arrêt" on the 26th of September and on the other on the 22nd of September.
- c) Mr. Ryan having appealed the decisions, the "Chambre de mise en accusation de la Cour d'Appel" confirmed the decision of the Courts of First Instance on the 12th of October.
- d) Mr. Ryan asked the "Cour de Cassation" to annul the decision of the Court of Appeal.

The Rt Hon Sir Patrick Mayhew, QC, MP  
Attorney General  
Royal Courts of Justice  
London

The decision taken by the Chamber did not "authorize" the extradition.

It merely had to state whether it had examined the British warrants and found the facts established in the warrants in conformity with those enunciated in Belgian law. It also had to state whether the general conditions required for extradition were being met and see to it that the list of offences remained limited.

The "exequatur" being given to the warrants, the "Chambre de Mise en Accusation" was asked to give the Government an advice on the extradition.

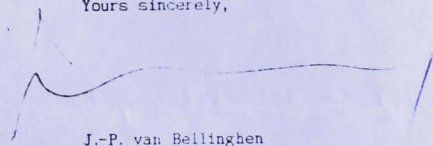
This advice was given on the 17th of November to the Government and is, and remains, confidential.

Only the Government and, more precisely, the Minister of Foreign Affairs takes the decision of granting or refusing the extradition request and this he did on the 25th of November.

I am including with this letter the verbatim of our first parliamentary debate on this issue and you will find Mr. Wathelet's expose, in this context, a good basis for understanding our position. Basically, we do not know your principle of conspiracy and our principle of "association de malfaiteurs" which comes closest to it, requires an indictment of at least two named persons.

This was mainly the Minister of Justice's argument in this debate.

Yours sincerely,



J.-P. van Bellinghen

Chambre

## REUNIONS PUBLIQUES DE COMMISSIONS DU 29 NOVEMBRE 1960

119

pourant été clairement approuvé par le premier ministre et le ministre des relations extérieures le 3 mars 1960 au sommet de l'O.T.A.N.;

« regrette que les ministres des relations extérieures, de la défense nationale et de l'intérieur aient affichés leurs divergences de vues sur la place publique;

« condamne l'attitude du ministre des relations extérieures qui a été désolidarisé publiquement par le premier ministre, la décision du Conseil des ministres fixant le mandat du ministre de la défense pour la réunion de l'O.T.A.N. à Copenhagen. »

L'ordre du jour pur et simple a été proposé par Mme Maes et MM. Gehlen, Siseock, Van Wambeke et Collart.

L'incident est clos.

M. Luytendaels, doyen d'âge,  
remplace M. le président au fauteuil.

ABSENCE D'EXTRADITION  
D'UNE PERSONNE ACCUSÉE DE TERRORISME  
AU ROYAUME-UNI

M. LE PRÉSIDENT. — L'ordre du jour appelle l'interpellation de M. Gol au premier ministre, au vice-premier ministre et ministre de la justice et des classes moyennes et au ministre des relations extérieures, sur « la décision de ne pas extraditer une personne accusée de terrorisme au Royaume-Uni et la politique belge au sujet de l'espace judiciaire européen ».

M. GOL. — Il y a un an que les dernières élections législatives ont eu lieu et que le gouvernement s'est trouvé en affaires courantes. Comme ancien ministre de la justice, je me permets maintenant d'interpeller sur un événement récent qui met en cause la crédibilité et l'image internationale de notre pays.

J'ai suivi avec intérêt les efforts du nouveau ministre de la justice. Si je ne partage pas tous ses points de vue, j'ai cependant noté une continuité dans le domaine de l'image de notre pays à l'étranger.

Aussi ai-je été fortement surpris par la décision gouvernementale de vendredi dernier qui remet en cause les accords concernant la coopération européenne dans la lutte contre le terrorisme, la criminalité et le trafic de drogues, ainsi que les accords de création d'un espace judiciaire européen.

La politique de coopération dans la lutte contre le terrorisme est un élément essentiel de la construction européenne. Les ministres ont souvent réaffirmé la nécessité de cette coopération.

La Convention européenne de Strasbourg de 1977 et celle de Dublin de 1979 lient tous les États européens. Le gouvernement belge a ratifié ces conventions européennes sur le terrorisme et tous les États du Conseil de l'Europe et de la C.E.C. ont soit ratifié, soit entamé le processus de ratification de ces conventions, y compris l'Irlande, la Grèce et Malte. Je ne comprends donc pas la décision du gouvernement qui a violé cette convention alors qu'il incitait ses partenaires à la ratifier.

Qu'est ce qui a incité le gouvernement à prendre une telle décision?

Premier élément : l'infraction pour laquelle l'extradition était demandée n'était pas prévue au traité d'extradition entre le Royaume-Uni et la Belgique. C'est un argument de droit. La Chambre des mises en accusation a donné un avis juridique dont nous pensons d'après nos informations qu'il rejette trois chefs d'accusation mais en accepte un. Sur le plan juridique, il est étonnant que le gouvernement aille à l'encontre de cet avis.

Deuxième élément que vous avancez : vous ne disposeriez pas d'éléments de preuve suffisants à charge de l'intéressé pour justifier son transfert au Royaume-Uni. Or, il suffit que certains soupçons justifient la demande d'extradition. Le gouvernement n'a pas à se prononcer sur le fond de la question. C'est été à la justice britannique à la faire.

Troisième élément : l'article 5 de la Convention européenne qui dispose que les décisions ne doivent aboutir à une extradition pour des raisons de nationalité, de race, de religion, etc.

C'est la clause du « soupçon légitime ».

Avez-vous des raisons de penser que la justice britannique n'est pas à même de juger équitablement une personne extradée vers ce pays?

La justice britannique a considéré qu'elle pouvait extraire ses propres nationaux, considérant notre justice comme égale à la nôtre ?

Le processus d'intégration des Douze suppose que les Douze soient les partenaires égaux au droit et en valeur. Si vous craignez que la justice anglaise soit mauvaise, vous devez alors remettre en cause l'appartenance de la Grande-Bretagne à notre communauté.

J'espère que vous n'avez aucun doute sur la qualité de la justice britannique.

M. MOTTARD. — Vous nous avez rassuré à ce sujet pendant plusieurs années...

M. GOL. — Vous auriez pu vous appuyer sur l'article 13 de la Convention sur le terrorisme et considérer que les infractions dont il s'agit sont politiques. Mais, dans ce cas, on aurait pu vous opposer l'article de la même Convention qui prévoit qu'en cas de refus

Je suis donc très étonné par votre décision dont je ne vois aucune base juridique. Elle trahit, au pire, un changement de politique dans la construction européenne en matière de sécurité et, au mieux, une peur des représailles. Ceci aurait peu de poids et j'espère que ce n'est pas cette explication lamentable que vous nous donneriez.

Je rappelle ici la décision du gouvernement belge en 1964, avant que la ratification de la Convention sur le terrorisme, dans une affaire, non moins délicate, qui concernait des terroristes Basques dont l'Espagne avait demandé l'extradition. A l'époque, la Chambre des mises en accusation avait émis un avis favorable que le gouvernement avait suivi. Le gouvernement n'avait pas refusé l'extradition, faisant état du caractère démocratique du pays qui avait demandé l'extradition et son appartenance au Conseil de l'Europe. Estimer-vous que le Royaume-Uni n'est pas un régime démocratique ? En avez-vous jamais douté avec elle ?

La réalité, c'est que cet acte constitue un nouveau coup porté à la crédibilité de la Belgique au moment d'aborder le sommet de Rhodes, où il faudrait faire l'union figure.

En vue de ce sommet, le Parlement européen a voté par 120 voix contre 7 et 2 abstentions une résolution qui fait clairement référence à la sécurité interne de l'Europe et au renforcement de la lutte contre le terrorisme.

Samedi, il y a eu une rencontre, à Montpellier, entre MM. Mitterrand et Gonzales. A cette occasion, M. Mitterrand a affirmé : « La solidarité dans la lutte antiterroriste doit être sans faille ».

Vous vous êtes aujourd'hui à la tête de l'Europe du « blabla » et « des considérations générales ». Sur des problèmes concrets, vous ne faites écho qu'à l'Éurotrouille. Vous faites des leçons de bons Européens, mais ne les traduisez pas dans les actes ! Vous avez renvoyé la patate chaude à l'Irlande qui n'en avait pas bootin. Elle va trouver ça difficile.

Le Royaume-Uni, lui, n'est pas très heureux !

Le Times souligne que ce n'est pas à vous de juger de l'innocence de M. Ryan, mais que c'est à vous de faire en sorte qu'il aille devant ses juges. En fait, votre comportement est dérisoire sur la plan européen et étroitement nationaliste.

Le dernier argument que le gouvernement pourrait avancer est l'argument humanitaire, car l'intéressé faisait la grève de la faim.

A l'occasion d'un procès récent qui a eu lieu à Bruxelles, des détenus ont fait la grève de la faim pour protester contre leurs conditions de détention et le ministre de la justice n'a pas choisi de modifier leurs conditions de détention ou d'écarter pendant le procès, attitude que j'approuve. Adopter une autre attitude reviendrait à signaler à tous les terroristes du monde entier que la Belgique est devenue la terre d'asile rêvée où à tous ceux qui veulent obtenir quelque chose que la grève de la faim permet d'arriver à coup sûr à ses fins.

Cette décision ne va pas renforcer votre image, monsieur le premier ministre, au sommet de Rhodes et enlèvera au ministre de la justice de la crédibilité dans la politique d'avant-garde en matière de création d'un espace judiciaire européen que la Belgique veut mener.

Ceci illustre la dérive gouvernementale, la non-décision dans toute une série de domaines, ce qui enlèvera à la Belgique la peur de respect international auquel elle a droit.

M. WATHELET, vice-premier ministre et ministre de la justice et des classes moyennes. — Je veux souligner d'emblée que notre décision a été inspirée par des motifs juridiques, en se basant sur l'examen du dossier individuel, sans être soumise à des considérations extérieures.

M. MOTTARD. — Il s'agit d'un problème de droit. Pourquoi en discute-t-on en commission des relations extérieures ?

M. WATHELET, vice-premier ministre et ministre de la justice et des classes moyennes. — Vos arguments n'ont pas été déterminants, monsieur Gol. Nous avions un dossier individuel à examiner sur le plan du droit. Il n'y avait là aucune euro-peur ni euro-trouille. Et ce n'est pas une grève de la faim qui nous a déterminés. Ce ne sont pas non plus les arguments développés sur la qualité de la justice britannique, ni l'argument européen, encore moins celui sur l'asile, ni la convention européenne sur le terrorisme (articles 13 et 15). Notre démarche a été d'étudier sur base de notre droit un dossier individuel.



M. WATHELET, vice-premier ministre et ministre de la justice et des classes moyennes. — Je suis d'accord avec M. Gol pour estimer que l'extradition est une décision politique. Le tout est de savoir quelles conditions de droit doivent être remplies. En Angleterre, la décision est, si je ne me trompe pas, prise par la Chambre des Lords, non par le gouvernement.

La Belgique n'est pas en défaut d'avoir rempli ses devoirs puisqu'elle a arrêté M. Ryan, ce qui ne fut pas le cas ailleurs.

La Grande-Bretagne a envoyé sa demande d'extradition avec un certain retard. Il ne m'appartient pas de dicter à l'Angleterre la rédaction de son mandat.

De plus, je suis tenu à l'exequatur. Je ne puis pas me permettre d'avoir une volonté politique avant l'examen des conditions juridiques.

Il n'est pas vrai que le ministre de la justice se soit acharné, comme vous le prétendez, à trouver des conditions juridiques. C'est à l'honneur du gouvernement d'avoir fait triompher le droit, quelle que soit l'appréciation que l'on puisse avoir sur d'autres considérations.

M. COVELIERS (en néerlandais). — L'extradition constitue une exception à la règle et doit le rester. En 1984, le ministre Gol a fait extraire des Basques arrêtés chez nous, comme des dangereux

criminels. L'Espagne ayant toutefois dû les libérer dans la semaine, l'extradition s'est avérée être une mesure pour rien. Il ne faut pas nier que l'extradition résulte en définitive d'une décision politique. Il serait également erroné d'affirmer que la Belgique n'aurait pas collaboré avec les Anglais. Toutefois, la notion de « conspiracy » est beaucoup plus large en Grande-Bretagne que chez nous. Tant qu'il n'existera pas de droit pénal européen, il ne nous appartient pas de nous prononcer sur sa valeur mais, à côté du droit britannique, il y a aussi le droit irlandais auquel M. Ryan souhaite se soumettre volontairement.

M. DE RIJCKE (en néerlandais). — L'exposé du ministre de la justice fut exemplaire. M. Gol mélange arguments politiques et juridiques. C'est surprenant de la part d'un ancien ministre de la justice qui avait pris jadis une décision contestée à propos de l'extradition de deux Basques. Il est étonnant aussi qu'il estime que la Chambre de conseil doit pouvoir émettre un avis au gouvernement. Il s'agirait, en effet, d'une violation de la règle de la séparation des pouvoirs.

M. LE PRESIDENT. — L'incident est clos.

La réunion publique de la commission est levée à 14 heures.

## REUNIONS PUBLIQUES DE COMMISSIONS DU 29 NOVEMBRE 1988

121

M. WATHELET, vice-premier ministre et ministre de la Justice et des classes moyennes. — Je suis d'accord avec M. Col pour estimer que l'extradition est une décision politique. Le tout est de savoir quelles conditions de droit doivent être remplies. En Angleterre, la décision est, si je ne me trompe pas, prise par la Chambre des Lords, non par le gouvernement.

La Belgique n'est pas en défaut d'avoir rempli ses devoirs puisqu'elle a arrêté M. Ryan, ce qui ne fut pas le cas ailleurs.

La Grande-Bretagne a envoyé sa demande d'extradition avec un certain retard. Il ne m'appartient pas de dicter à l'Angleterre la rédaction de son mandat.

De plus, je suis tenu à l'exequatur. Je ne puis pas me permettre d'avoir une volonté politique avant l'examen des conditions juridiques.

Il n'est pas vrai que le ministre de la Justice se soit acharné, comme vous le prétendez, à trouver des conditions juridiques. C'est à l'honneur du gouvernement d'avoir fait triompher le droit, quelle que soit l'appréciation que l'on puisse avoir sur d'autres considérations.

M. COVELIERS (an néerlandais). — L'extradition constitue une exception à la règle et doit le rester. En 1984, le ministre Col a fait extradier des Basques arrêtés alors nous, comme des dangereux

criminels. L'Espagne ayant toutefois dû les libérer dans la semaine, l'extradition s'est avérée être une mesure pour rien. Il ne faut pas nier que l'extradition résulte en définitive d'une décision politique. Il serait également erroné d'affirmer que la Belgique n'aurait pas collaboré avec les Anglais. Toutefois, la notion de « conspiracy » est beaucoup plus large en Grande-Bretagne que chez nous. Tant qu'il n'existera pas de droit pénal européen, il ne nous appartient pas de nous prononcer sur sa valeur mais, à côté du droit britannique, il y a aussi le droit irlandais auquel M. Ryan souhaite se soumettre volontairement.

M. DE RINCKE (an néerlandais). — L'exposé du ministre de la Justice fut exemplaire. M. Col mélange arguments politiques et juridiques. C'est surprenant de la part d'un ancien ministre de la Justice qui avait pris jadis une décision contestée à propos de l'extradition de deux Basques. Il est étonnant aussi qu'il estime que la Chambre du conseil doit pouvoir émettre un avis au gouvernement. Il s'agirait, en effet, d'une violation de la règle de la séparation des pouvoirs.

M. LE PRESIDENT. — L'incident est clos.

La réunion publique de la commission est levée à 14 heures.

05. XH



FMS 8

SUBJECT  
cc MASTER  
OPS

FILE

SLH

cc NIO  
CO



10 DOWNING STREET  
LONDON SW1A 2AA

THE PRIME MINISTER

5 December 1988

**PRIME MINISTER'S  
PERSONAL MESSAGE**  
SERIAL No. T18/88

*Dear Ron.*

I was most grateful for your kind message offering good wishes and encouragement on the occasion of the third anniversary of the signing of the Anglo-Irish Agreement. You know how much we have valued your understanding of the complex situation in Northern Ireland and your great support for the British Government's efforts to achieve peace, reconciliation and stability there.

Both the British and the Irish Governments are committed to the Agreement, which has provided a valuable framework within which we have been able to strengthen our relationship and address together a broad range of issues affecting Northern Ireland.

We are now beginning the Review of the workings of the Intergovernmental Conference. I discussed this with Charlie Haughey last week and we are agreed that the Review should build on the progress which has already been made and look to the future.

I very much agree that the United States' confidence in the Agreement and the International Fund for Ireland has been justified. The Fund is doing important work in improving the economic climate and creating the right conditions for increased investment. The United States' generous

KK

contribution to the Fund has had an enormous influence and is seen as an important expression of your Government's support for, and commitment to, the process of securing peace and reconciliation.

Our policy is to take resolute security measures to combat terrorism, to work for political development through the constitutional parties, to encourage economic development and to strive for a fair society for all the people of Northern Ireland. Your Government's support for this policy, both private and public, has been greatly appreciated and has contributed significantly to the progress we are making.

*Yours*

*Ryan*

---

RESTRICTED

FM DUBLIN

TO IMMEDIATE FCO

TELNO 598

OF 021200Z DECEMBER 88

AND TO IMMEDIATE NIO(B), UKDEL RHODES

INFO PRIORITY WASHINGTON, BIS NEW YORK, BRUSSELS, HOLY SEE

UKDEL RHODES FOR PRIME MINISTER'S PARTY

MY TELNO 597: PATRICK RYAN

SUMMARY

1. TAOISEACH REJECTS IMPLICATIONS OF PRIME MINISTER'S REMARKS. PROGRESSIVE DEMOCRATS AND WORKERS' PARTY SUPPORT RENEWAL OF 1987 ACT. THE IRISH ATTORNEY ASKS FOR MORE DETAILS. THE IRISH MEDIA REMAIN WEDDED TO THEIR PRE- AND MIS-CONCEPTIONS.

DETAIL

2. THE TAOISEACH YESTERDAY TOLD JOURNALISTS THAT WHILE HE DID NOT WANT TO EXACERBATE THE SITUATION HE "WOULD NOT ACCEPT UNDER ANY CIRCUMSTANCES THE GENREAL IMPLICATIONS OK SOME OF THE PRIME MINISTER'S REMARKS IN THE HOUSE OF COMMONS". THESE HAD "EXCITED A GREAT DEAL OF RESENTMENT AND REJECTION THROUGHOUT THE COUNTRY". EXTRADITION, "AND CERTAINLY INDIVIDUAL CASES, SHOULD BE A MATTER FOR THE LAW, THE LEGAL SYSTEM AND COURTS, AND IT IS A PITY TO SEE EXTRADITION MATTERS, AND PARTICULARLY INDIVIDUAL ONES, POLITICISED".

3. THE PROGRESSIVE DEOMCRATS AND WORKERS' PARTY HAVE SAID THAT THEY WILL SUPPORT THE RENEWAL OF THE 1987 EXTRADITION ACT. FINE GAEL AND THE LABOUR PARTY HAVE SAID THAT THEY WILL DECIDE WHEN THEY SEE THE TERMS OF THE MOTION RENEWING THE LEGISLATION. ANTI-EXTRADITION DEMONSTRATIONS ARE EXPECTED IN DUBLIN BOTH OVER THE WEEKEND AND ON 6 DECEMBER.

4. THE IRISH ATTORNEY-GENERAL WROTE LAST NIGHT TO SIR PATRICK MAYHEW SEEKING FURTHER DETAILS. THIS - AND MEDIA BRIEFING - STRENGTHEN THE IMPRESSION THAT A DECISION IS NOT TO BE EXPECTED MUCH BEFORE THE END OF NEXT WEEK.

5. SIR PATRICK MAYHEW'S HELPFUL STATEMENT IN THE HOUSE GETS LIMITED COVERAGE. THE DISTINCTION BETWEEN DRAFT AND FINAL WARRANTS, AND BETWEEN PROVISIONAL ARREST AND SUBSTANTIVE PROCEEDINGS, IS STILL NOT GRASPED. THE IRISH INDEPENDENT IS TYPICAL. AN ERROR, HOWEVER MINOR, COULD BE USED IN A COURT OF LAW HERE TO PREVENT A SUCCESSFUL EXTRADITION APPLICATION". THE CORK EXAMINER: "HOWEVER MUCH MRS THATCHER MAY BLUSTER AND PROTEST, IT IS CLEAR TO IMPARTIAL OBSERVERS

COVERAGE. THE DISTINCTION BETWEEN DRAFT AND FINAL WARRANTS, AND BETWEEN PROVISIONAL ARREST AND SUBSTANTIVE PROCEEDINGS, IS STILL NOT GRASPED. THE IRISH INDEPENDENT IS TYPICAL. AN ERROR, HOWEVER MINOR, COULD BE USED IN A COURT OF LAW HERE TO PREVENT A SUCCESSFUL EXTRADITION APPLICATION''. THE CORK EXAMINER: ''HOWEVER MUCH MRS THATCHER MAY BLUSTER AND PROTEST, IT IS CLEAR TO IMPARTIAL OBSERVERS THAT HER LEGAL TEAM WERE INCOMPETENT - AND NOT FOR THE FIRST TIME - IN PREPARING THE WARRANTS''.

6. IRISH DISINFORMATION CONTINUES. THE IRISH PRESS QUOTES GOVERNMENT SOURCES AS BEING ADAMANT THAT ERRORS IN THE WARRANTS WERE ''NUMEROUS AND SERIOUS ENOUGH'' TO PRECLUDE IRISH ACTION. CONTINUING EMPHASIS IS PUT ON THE ALLEGATION THAT WE ARE ASKING THE IRISH TO DO IN DAYS WHAT THE BELGIANS DID NOT DO IN FIVE MONTHS. A NEW TWIST HAS APPEARED: SEAN FLYNN, THE SECURITY CORRESPONDENT OF THE IRISH TIMES WITH IMPECCABLE SOURCES, ALLEGED ON THE RADIO TODAY THAT THE STATEMENT OF FACT CONSISTED OF ''SEVERAL HUNDRED PAPERS'' (IT IS FIVE PAGES LONG) AND THAT THIS EXPLAINED ANY DELAY BY THE IRISH ATTORNEY-GENERAL IN REACHING A DECISION.

FENN

YYYY

DLLNAN 6347

*iof: 0212382.*

ZCZC

LNUZAN 0142 DLLNAN 6353

UNCLASSIFIED

DD 031145Z RHDEL

FM DUBLI TO FCOLN

031100Z DEC

GRS 325

UNCLASSIFIED

FM DUBLIN

TO DESKBY 031145Z FCO

TELNO 600

OF 031100Z DECEMBER 88

AND TO DESKBY 031145Z UKDEL RHODES

AND TO PRIORITY NIO(B)

INFO PRIORITY WASHINGTON, BIS NEW YORK, HOLY SEE

*DIST: Pms Party*

UKDEL RHODES FOR PRIME MINISTER'S PARTY

FATHER PATRICK RYAN

SUMMARY

1. MR HAUGHEY WILL TELL THE PRIME MINISTER THAT IT WAS NOT POSSIBLE TO ARREST RYAN ON A PROVISIONAL WARRANT.

DETAIL

2. SEVERAL IRISH NEWSPAPERS TODAY REPORT OFFICIAL BRIEFING THAT IT WOULD HAVE BEEN "IMPROPER AS WELL AS UNWISE" FOR THE IRISH AUTHORITIES TO HAVE ARRESTED FATHER RYAN IN ADVANCE OF A DECISION BY THE IRISH ATTORNEY GENERAL THAT THERE WAS SUFFICIENT EVIDENCE IN THE CASE. SOURCES CLAIM THAT IF IT WAS DECIDED THAT EXTRADITION WAS UNWARRANTED AFTER THE ENDORSEMENT OF A PROVISIONAL ARREST WARRANT, "THE COURT MIGHT WELL TAKE THE VIEW THAT HIS ARREST HAD BEEN A PREMATURE AND IRRESPONSIBLE EXERCISE OF THE ACT AND UNJUSTIFIED." AT HIS MEETING WITH THE PRIME MINISTER MR HAUGHEY WILL INSIST THAT IN THE CIRCUMSTANCES "THERE WAS NO POSSIBILITY WHATEVER OF THE ARREST OF FATHER RYAN ON THE BASIS OF A PROVISIONAL WARRANT." OTHER POINTS LIKELY TO BE RAISED INCLUDE:

- FLAWS IN THE DOCUMENTATION (SEMI-COLON)
- DELAYS IN SUPPLYING BACKGROUND INFORMATION (SEMI-COLON)
- INADEQUATE BRITISH PRECAUTIONS (SEMI-COLON)

- INADEQUATE BRITISH PRECAUTIONS (SEMI-COLON)
- CASES SHOULD BE LEFT TO THE COURTS RATHER THAN BECOME THE SUBJECT OF POLITICAL DISPUTE (SEMI-COLON)
- THE 2 DAYS COVERED BY A PROVISIONAL WARRANT WOULD NOT GIVE THE ATTORNEY-GENERAL ENOUGH TIME TO DECIDE IF SUFFICIENT EVIDENCE EXISTED (SEMI-COLON)
- A PROVISIONAL WARRANT CANNOT BE ISSUED FOR SOMEONE KNOWN TO BE OUTSIDE THE STATE, AND ADVICE TO THE ATTORNEY-GENERAL WAS THAT THE DISTRICT COURT WOULD NOT ENTERTAIN THE IDEA OF HAVING A DISTRICT JUSTICE ON HAND TO MEET FATHER RYAN'S PLANE.

3. THE TAIOSEACH IS ALSO EXPECTED TO REJECT ANY LAST MINUTE DEMANDS BY THE PRIME MINISTER FOR CHANGES IN THE SAFEGUARDS IN THE 1987 EXTRADITION ACT.

*R031137Z*

FENN

YYYY

DLNAN 6353

NNNN



Foreign and Commonwealth Office

London SW1A 2AH

2 December 1988

*Dear Charles*

President Reagan's Message to the Prime Minister

Thank you for your letter of 16 November enclosing a message on Northern Ireland from President Reagan. As requested I enclose a draft reply, which has been cleared with both the Foreign and Northern Ireland Secretaries.

I am copying this letter and its enclosure to Mike Maxwell (NIO) and Trevor Woolley (Cabinet Office).

*Love ever,*

*L Parker*

(L Parker)  
Private Secretary

C D Powell Esq  
10 Downing Street

UNCLASSIFIED

DS (Revised Sept 85)

DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1 +

FROM:

Reference

DEPARTMENT: Prime Minister TEL NO:

Your Reference

BUILDING:

ROOM NO:

SECURITY CLASSIFICATION

TO:

Copies to:

Top Secret

Secret

Confidential

Restricted

Unclassified

President Reagan

*shhd to issue C*

SUBJECT:

PRIVACY MARKING

..... In Confidence

CAVEAT .....

I was most grateful for your kind message offering good wishes and encouragement on the occasion of the third anniversary of the signing of the Anglo-Irish Agreement. You know how much we have valued your understanding of the complex situation in Northern Ireland and your <sup>great</sup> unwavering support for the British Government's efforts to achieve peace, reconciliation and stability there.

Both the British and the Irish Governments are committed to the Agreement, which has provided a valuable framework within which we have been able to strengthen our relationship and address together a broad range of issues affecting Northern Ireland.

*1 disowned this in Charlie Haughey's last week and*

We are now beginning the Review of the workings of the Intergovernmental Conference. <sup>we</sup> are agreed that this should be forward looking and should build on the progress which has already been made <sup>to make</sup> in dealing with the problems facing us. *look to the future*

Enclosures flag(s) .....

UNCLASSIFIED

SECURITY CLASSIFICATION

Top Secret

Secret

Confidential

Restricted

Unclassified

PRIVACY MARKING

.....  
In Confidence

*very much agreed*  
I share ~~your~~ belief that the United States' confidence in the Agreement and the International Fund for Ireland has been justified. The Fund is doing important work in improving the economic climate and creating the right conditions for increased investment. The United States' generous contribution to the Fund has had an enormous influence and is seen as an important expression of your Government's support for, and commitment to, the process of securing peace and reconciliation.

*our*  
The ~~British~~ Government's policy is to take resolute security measures to combat terrorism, to work for political development through the constitutional parties, to ~~nurture~~ *enhance* economic development and to strive for a fair society for all the people of Northern Ireland. Your Government's support for this policy, both private and public, has been greatly appreciated and has contributed significantly to the progress we are making.

UNCLASSIFIED

*DIST: RULL*

FM BRUSSELS

TO DESKBY 021130Z FCO

TELNO 453

OF 021058Z DECEMBER 88

INFO IMMEDIATE UKDAL RHODES, DUBLIN, WASHINGTON, BIS NEW YORK

INFO IMMEDIATE HOLY SEE

MY TELNO 446: RYAN AFFAIR

SUMMARY

1. PREVIOUS JUSTICE MINISTER GOL CONTINUES TO LAMBAST HIS SUCCESSOR.

DETAIL

2. JEAN GOL FORMER DEPUTY PRIME MINISTER AND JUSTICE MINISTER IN MARTENS LAST GOVERNMENT HAS RETURNED TO THE CHARGE WITH STRONG CRITICISM OF THE TEXT OF HIS SUCCESSOR'S INTERVIEW IN LE SOIR ON 1 DECEMBER. IN A STATEMENT TODAY TO THE SAME PAPER GOL DESCRIBES HIMSELF AS STUPEFIED. HE HAD LOOKED VAINLY FOR GOOD ARGUMENTS JUSTIFYING THE DECISION IN THE CONTEXT OF THE BELGO-BRITISH EXTRADITION TREATY AND THE EUROPAAN CONVENTION ON TERRORISM. WATHELET ARGUED THAT THE BELGIAN LAW ON EXTRADITION DID NOT PERMIT A FAVOURABLE REPLY IN THE RYAN CASE SINCE THE BRITISH NOTION OF CONSPIRACY WAS NOT THE EQUIVALENT OF ASSOCIATION DE MALFAITEUR IN BELGIAN LAW AND COULD NOT THUS ESTABLISH DOUBLE INCRIMINATION. IN SUCH CASES, GOL COUNTERS, QUOTE IT IS NOT NECESSARY FOR THE FACTS TO BE ESTABLISHED, IT IS SUFFICIENT FOR THERE TO BE REAL GROUNDS FOR SUSPICION: LOOK AT WHAT THE BRITISH DID WITH THE FOOTBALL FANS. IF THE REMAND COURT AND THEN THE CHAMBER OK INDICTMENT AND INVESTIGATION OF THE APPEAL COURT DID NOT ADVISE AGAINST EXTRADITION FOR JURIDICAL REASONS, THEN ITS ADVICE SHOULD BE PREEMINENT. EVERY TIME THAT THE OPINION OF THE COURT HAS BEEN NEGATIVE, AS MINISTER OF JUSTICE, I HAVE ALWAYS RESPECTED IT. THE GOVERNMENT MUST KNOW THAT THERE WERE SUSPICIONS AND THAT MR RYAN WITH HIS FALSE NAMES AND MANUALS ON EXPLOSIVES WAS NOT A NORMAL PASSER-BY. IF THERE WERE PROBLEMS OF PROCEDURE AND FORM, OR DOUBTS ABOUT THE EVIDENCE SUPPLIED BY THE BRITISH, THE MOST ELEMENTARY THING WOULD HAVE BEEN TO ASK THEM FOR FURTHER INFORMATION AND TO COLLABORATE. IT WAS NOT RIGHT TO USE A PRETEXT TO REFUSE EXTRADITION UNQUOTE.

3. GOL CONTINUES: QUOTE FOR ME, THIS DECISION IS POLITICAL. THE GOVERNMENT WAS FRIGHTENED TO CONFRONT TERRORISM. BELGIUM HAS LONG BEEN IN THE FOREFRONT IN THE CONSTRUCTION OF EUROPE ON SECURITY QUESTIONS. WE EXTRADITED TWO BASQUES TO SPAIN IN 1984, AFTER HAVING NEGOTIATED GUARANTEES ON THEIR FATE. WE ARE NOW SEEING A CHANGE OF POLICY. IN THE RYAN CASE, BELGIUM IS SEEN TO BE A WEAK LINK IN EUROPEAN CONSTRUCTION. BETWEEN EUROPEAN STATES ACCEPTANCE OF EXTRADITION SHOULD BE THE NORM, REFUSAL THE EXCEPTION. WE ARE TALKING ABOUT INDIVIDUAL RIGHTS, WE SHOULD RECOGNISE THAT THEY ARE PROTECTED IN THE SAME MANNER ON ALL EUROPEAN TERRITORY. TO TAKE A MORE RESTRICTIVE OPTION ON A JURIDICAL MATTER IS A FORM OF HYPOCRISY TO DISGUISE THE REAL INTENTION UNQUOTE.

4. GOL CONCLUDES BY CALLING URGENTLY FOR THE MODERNISATION OF THE BILATERAL EXTRADITION TREATY. HE ALSO CALLS FOR A SINGLE EXTRADITION TREATY COMMON TO ALL EUROPEAN STATES THAT DOES NOT DEPEND ON BILATERAL CONVENTIONS.

*R12102/02*

PETRIE

1. BELGIUM'S POSITION ON EXTRADITION IS A RESULT OF THE CONSTITUTIONAL OBLIGATION OF THE KING TO SIGN LAWS AND DECREES. THE GOVERNMENT HAS TO TAKE INTO ACCOUNT THE CONSTITUTIONAL OBLIGATION OF THE KING TO SIGN LAWS AND DECREES. THE GOVERNMENT HAS TO TAKE INTO ACCOUNT THE CONSTITUTIONAL OBLIGATION OF THE KING TO SIGN LAWS AND DECREES.

2. BELGIUM'S POSITION ON EXTRADITION IS A RESULT OF THE CONSTITUTIONAL OBLIGATION OF THE KING TO SIGN LAWS AND DECREES.

3. BELGIUM'S POSITION ON EXTRADITION IS A RESULT OF THE CONSTITUTIONAL OBLIGATION OF THE KING TO SIGN LAWS AND DECREES.

4. BELGIUM'S POSITION ON EXTRADITION IS A RESULT OF THE CONSTITUTIONAL OBLIGATION OF THE KING TO SIGN LAWS AND DECREES.

5. BELGIUM'S POSITION ON EXTRADITION IS A RESULT OF THE CONSTITUTIONAL OBLIGATION OF THE KING TO SIGN LAWS AND DECREES.

6. BELGIUM'S POSITION ON EXTRADITION IS A RESULT OF THE CONSTITUTIONAL OBLIGATION OF THE KING TO SIGN LAWS AND DECREES.

7. BELGIUM'S POSITION ON EXTRADITION IS A RESULT OF THE CONSTITUTIONAL OBLIGATION OF THE KING TO SIGN LAWS AND DECREES.

8. BELGIUM'S POSITION ON EXTRADITION IS A RESULT OF THE CONSTITUTIONAL OBLIGATION OF THE KING TO SIGN LAWS AND DECREES.

9. BELGIUM'S POSITION ON EXTRADITION IS A RESULT OF THE CONSTITUTIONAL OBLIGATION OF THE KING TO SIGN LAWS AND DECREES.

10. BELGIUM'S POSITION ON EXTRADITION IS A RESULT OF THE CONSTITUTIONAL OBLIGATION OF THE KING TO SIGN LAWS AND DECREES.

CASE OF MR. RYAN

- We find the Belgian Government's decision not to extradite Ryan surprising and hard to understand.
- Ryan is charged with serious terrorist offences.
- He was arrested at Belgian instigation.
- It was the Belgian authorities who asked us to send an extradition request.
- Our request was prepared with the full help and co-operation of the Belgian authorities.
- That request accompanied by sworn statements made by all the witnesses was delivered to the Belgian authorities on 20 September.
- The Belgian Court of First Instance authorised Ryan's extradition on 26 September.
- The Belgian Court of Appeal upheld the extradition decision on 12 October.
- According to press reports, not denied by the Belgian Government. the Court of Appeal advised the Minister of Justice to proceed with the extradition.
- At no stage were we given any reason to suppose that any legal problems existed.
- But on 25 November the Government nonetheless decided against extradition.
- Despite frequent assurances that we would receive at least 24 hours advance notice of the Belgian decision, we only learned of it by chance shortly before Ryan was expelled. It was clear that we were not supposed to know until after Ryan had arrived in Ireland.
- We therefore had no time to alert the Irish authorities in advance.

ZCZC  
LNCYAN 5395 UZLNAN 0037  
CONFIDENTIAL  
ZZ CAOFF  
FM RHDEL TO CAOFF  
O21510Z DEC  
GRS 722

CONFIDENTIAL  
FM UKDEL RHODES  
TO FLASH CABINET OFFICE  
TELNO 001  
OF O21510Z DECEMBER 88  
INFO IMMEDIATE BRUSSELS, DUBLIN

FOLLOWING FOR ANDY BEARPARK, 10 DOWNING STREET, FROM CHARLES POWELL IN RHODES

PRIME MINISTER'S MEETING WITH BELGIAN PRIME MINISTER

THE PRIME MINISTER HAD A 45 MINUTE MEETING WITH MR MARTENS THIS MORNING DEVOTED ENTIRELY TO THE RYAN CASE. THE TONE WAS ROBUST.

THE PRIME MINISTER SAID THAT WE HAD BEEN UTTERLY DISMAYED AT THE BELGIAN GOVERNMENT'S DECISION NOT TO EXTRADITE RYAN. SHE THEN TOOK MR MARTENS THROUGH OUR POINTS (SUBSEQUENTLY GIVEN TO THE PRESS):

- RYAN WAS CHARGED WITH SERIOUS TERRORIST OFFENCES.
- HE WAS ARRESTED AT BELGIAN INSTIGATION.
- IT WAS THE BELGIAN AUTHORITIES WHO ASKED US TO MAKE AN EXTRADITION REQUEST.
- OUR REQUEST WAS PREPARED WITH THE FULL HELP AND CO-OPERATION OF THE BELGIAN AUTHORITIES. ALL THE INFORMATION KNOWN TO US HAD BEEN GIVEN TO THEM.
- THAT REQUEST ACCOMPANIED BY SWORN STATEMENTS MADE BY ALL THE WITNESSES WAS DELIVERED TO THE BELGIAN AUTHORITIES ON 20 SEPTEMBER.
- THE BELGIAN COURT OF FIRST INSTANCE AUTHORISED RYAN'S EXTRADITION ON 26 SEPTEMBER.
- THE BELGIAN COURT OF APPEAL UPHELD THE EXTRADITION DECISION ON 12 OCTOBER.
- ACCORDING TO PRESS REPORTS, NOT DENIED BY THE BELGIAN GOVERNMENT, THE COURT OF APPEAL ADVISED THE MINISTER OF JUSTICE TO PROCEED WITH THE EXTRADITION.
- AT NO STAGE WERE WE GIVEN ANY REASON TO SUPPOSE THAT ANY LEGAL PROBLEMS EXISTED.
- BUT ON 25 NOVEMBER THE BELGIAN GOVERNMENT NONETHELESS

ZCZC  
LNCYAN 5395 UZLNAN 0037  
CONFIDENTIAL  
ZZ CAOFF  
FM RHDEL TO CAOFF  
021510Z DEC  
GRS 722

CONFIDENTIAL  
FM UKDEL RHODES  
TO FLASH CABINET OFFICE  
TELNO 001  
OF 021510Z DECEMBER 88  
INFO IMMEDIATE BRUSSELS, DUBLIN

FOLLOWING FOR ANDY BEARPARK, 10 DOWNING STREET, FROM CHARLES POWELL IN RHODES

PRIME MINISTER'S MEETING WITH BELGIAN PRIME MINISTER

THE PRIME MINISTER HAD A 45 MINUTE MEETING WITH MR MARTENS THIS MORNING DEVOTED ENTIRELY TO THE RYAN CASE. THE TONE WAS ROBUST.

THE PRIME MINISTER SAID THAT WE HAD BEEN UTTERLY DISMAYED AT THE BELGIAN GOVERNMENT'S DECISION NOT TO EXTRADITE RYAN. SHE THEN TOOK MR MARTENS THROUGH OUR POINTS (SUBSEQUENTLY GIVEN TO THE PRESS):

- RYAN WAS CHARGED WITH SERIOUS TERRORIST OFFENCES.
- HE WAS ARRESTED AT BELGIAN INSTIGATION.
- IT WAS THE BELGIAN AUTHORITIES WHO ASKED US TO MAKE AN EXTRADITION REQUEST.
- OUR REQUEST WAS PREPARED WITH THE FULL HELP AND CO-OPERATION OF THE BELGIAN AUTHORITIES. ALL THE INFORMATION KNOWN TO US HAD BEEN GIVEN TO THEM.
- THAT REQUEST ACCOMPANIED BY SWORN STATEMENTS MADE BY ALL THE WITNESSES WAS DELIVERED TO THE BELGIAN AUTHORITIES ON 20 SEPTEMBER.
- THE BELGIAN COURT OF FIRST INSTANCE AUTHORISED RYAN'S EXTRADITION ON 26 SEPTEMBER.
- THE BELGIAN COURT OF APPEAL UPHELD THE EXTRADITION DECISION ON 12 OCTOBER.
- ACCORDING TO PRESS REPORTS, NOT DENIED BY THE BELGIAN GOVERNMENT, THE COURT OF APPEAL ADVISED THE MINISTER OF JUSTICE TO PROCEED WITH THE EXTRADITION.
- AT NO STAGE WERE WE GIVEN ANY REASON TO SUPPOSE THAT ANY LEGAL PROBLEMS EXISTED.
- BUT ON 25 NOVEMBER THE BELGIAN GOVERNMENT NONETHELESS DECIDED AGAINST EXTRADITION.
- DESPITE FREQUENT ASSURANCES THAT WE WOULD RECEIVE AT LEAST 24 HOURS ADVANCE NOTICE OF THE BELGIAN DECISION, WE ONLY LEARNED OF IT BY CHANCE SHORTLY BEFORE RYAN WAS EXPELLED. IT WAS CLEAR THAT WE WERE NOT SUPPOSED TO KNOW UNTIL AFTER RYAN HAD ARRIVED IN IRELAND.
- WE THEREFORE HAD NO TIME TO ALERT THE IRISH AUTHORITIES IN ADVANCE.

THE PRIME MINISTER ADDED THAT THE

- DESPITE FREQUENT ASSURANCES THAT WE WOULD RECEIVE AT LEAST 24 HOURS ADVANCE NOTICE OF THE BELGIAN DECISION, WE ONLY LEARNED OF IT BY CHANCE SHORTLY BEFORE RYAN WAS EXPELLED. IT WAS CLEAR THAT WE WERE NOT SUPPOSED TO KNOW UNTIL AFTER RYAN HAD ARRIVED IN IRELAND.

- WE THEREFORE HAD NO TIME TO ALERT THE IRISH AUTHORITIES IN ADVANCE.

THE PRIME MINISTER ADDED THAT THE BELGIAN GOVERNMENT'S ATTITUDE CONTRASTED VIVIDLY WITH ALL THE CO-OPERATION WE HAD GIVEN TO BELGIUM OVER THOSE CHARGED IN RELATION TO THE HEYSEL STADIUM EVENTS. WE WERE MYSTIFIED AND DEEPLY WOUNDED BY THE BELGIAN GOVERNMENT'S DECISION. OUR CONFIDENCE IN THEM HAD BEEN DENTED.

MARTENS SAID THAT THE BELGIAN DECISION HAD BEEN TAKEN SOLELY ON LEGAL GROUNDS. BELGIUM HAD BEEN READY TO EXTRADITE IN THE PAST, DESPITE THE RISKS. HE CITED THE CASE OF THE BASQUE TERRORISTS EXTRADITED IN 1984. UNDER THE BELGIAN CONSTITUTION IT WAS FOR THE GOVERNMENT TO TAKE THE DECISION, BUT IT WAS NONETHELESS A LEGAL DECISION. THE GROUNDS ON WHICH THE GOVERNMENT HAD DECIDED NOT TO EXTRADITE WERE THE VAGUENESS OF THE CHARGES AGAINST RYAN, AND THE LACK OF WHAT HE DESCRIBED AS DOUBLE INCRIMINATION, I.E. THE FACT THAT THERE WAS NO OFFENCE UNDER BELGIAN LAW CORRESPONDING EXACTLY IN ALL RESPECTS TO CONSPIRACY UNDER BRITISH LAW. AS FOR LETTING US KNOW THEIR DECISION, THE FOREIGN MINISTER HAD INFORMED SIR GEOFFREY HOWE IN ADVANCE OF RYAN'S DEPORTATION. THE BELGIAN GOVERNMENT'S DECISION HAD ALSO BEEN CONVEYED TO OUR AMBASSADOR BEFORE RYAN DEPARTED.

THE PRIME MINISTER CHALLENGED A NUMBER OF MARTEN'S STATEMENTS. IT WAS HARD TO UNDERSTAND HOW THE BELGIAN GOVERNMENT COULD CLAIM TO HAVE TAKEN THE DECISION NOT TO EXTRADITE ON LEGAL GROUNDS, WHEN ALL THE ADVICE FROM THE BELGIAN PROSECUTING AUTHORITIES AND THE CONCLUSIONS OF THE BELGIAN COURTS SAID THAT EXTRADITION WAS JUSTIFIED. IT DEFIED BELIEF THAT, IF THERE WERE WEAKNESSES IN OUR LEGAL CASE, THEY WOULD NOT HAVE BEEN IDENTIFIED BY THE PROSECUTING AUTHORITIES OR BY THE COURTS. THE ONLY CONCLUSION WE COULD REACH WAS THAT THE GOVERNMENT'S DECISION HAD BEEN TAKEN IN CONTRADICTION TO AND IN DEFIANCE OF LEGAL ADVICE. IN PRACTICE IT SEEMED THAT THE LEGAL AUTHORITIES HAD CONCLUDED THAT EXTRADITION WAS JUSTIFIED. BUT THAT CONCLUSION HAD BEEN OVERTURNED BY THE CABINET WHICH WAS A POLITICAL BODY. SHE WOULD HAVE TO TELL THE PRESS AFTERWARDS THAT WE WERE DEEPLY DISMAYED BY THE BELGIAN DECISION WHICH HAD SERIOUSLY UNDERMINED OUR JOINT EFFORTS AGAINST TERRORISM. IT WAS IMPOSSIBLE TO RECONCILE WITH THE CO-OPERATION WHICH WE HAD GIVEN OVER THE HEYSEL STADIUM EVENTS. AND IT WAS A SERIOUS BLOW TO THE CONFIDENCE BETWEEN OUR TWO COUNTRIES.

THE PRIME MINISTER SUBSEQUENTLY SPOKE IN MORE OR LESS THESE TERMS TO THE PRESS. THE TRANSCRIPT WILL BE AVAILABLE TO YOU.

PLEASE PASS ADVANCE COPIES OF THIS TELEGRAM TO FCO, LAW OFFICERS' DEPARTMENT, NORTHERN IRELAND OFFICE AND HOME OFFICE.

THOMAS

YYYY

UZLNAN 0037

NNNN

240

ZCZC  
LNUZAN 0062 OVMIAN 1965  
SECRET  
ZZ RHDEL  
FM FCOLN TO RHDEL  
020724Z DEC  
GRS 483

**SECRET**

*DIST: PS/SOFS only.*

SECRET  
FM FCO  
TO FLASH UKDEL RHODES  
TELNO 5  
OF 020724Z DECEMBER 88

FOLLOWING PERSONAL FOR PS/SOFS FROM PRIVATE OFFICE

RYAN

1. FOLLOWING IS BACKGROUND ON RYAN AS REQUESTED. THE CONTENTS OF PARAS 2-6 BELOW HAVE ALREADY BEEN PASSED ON OTHER CHANNELS TO THE BELGIANS AND CAN BE USED FREELY WITH MASTERS AND TINDEMANS.
2. FROM 1973 TO 1982 PIRA'S CONTACT WITH THE LIBYANS WAS MAINTAINED LARGELY BY RYAN. HE HAD TRAVELED WIDELY AS A PRIEST OF THE ROME BASED PALLOTINE ORDER, FROM WHICH HE WAS SUSPENDED IN 1973 AFTER CONFESSING TO CHANNELING TO PIRA MONEY HE HAD COLLECTED ON BEHALF OF THE ORDER. HE PAID SEVERAL VISITS TO LIBYA (AT LEAST TWELVE BETWEEN 1976 AND 1982 ALONE) MOSTLY ON HIS OWN, BUT SOMATIMES WITH O'DOHERTY (PIRA'S DIRECTOR OF SUPPLIES). THESE VISITS WERE MADE UNDER ALIASES AND INVOLVED THE USE OF FALSIFIED BRITISH PASSPORTS.
3. TWO OF RYAN'S LIBYAN CONTACTS DURING THIS PERIOD HAVE BEEN IDENTIFIED:-  
 COLONEL NASSER, ASSESSED TO BE COL NASSER ALI ASHOUR (LATER PIRA'S CHIEF LIBYAN CONTACT DURING THE FIVE PIRA SHIPMENTS OF LIBYAN ARMS BETWEEN 1985 AND 1987)  
 MOHAMMAD OMAR AL BABA AN IDENTIFIED LIBYAN INTELLIGENCE OFFICER RESIDENT IN PARIS. PRIOR TO 1987, HE PROVIDED RYAN WITH A SET OF COVERT CONTACTING INSTRUCTIONS.

4. FROM 1973 - 1976 RYAN MAINTAINED A SWISS BANK ACCOUNT IN GENEVA. NEARLY POUNDS 700,000 WERE RECEIVED AND THEN PAID OUT, MOSTLY TO AN ACCOUNT MAINTAINED BY PIRA IN DUBLIN. THE MONEY APPEARS TO HAVE COME MAINLY FROM LIBYAN SOURCES. THE ACCOUNT WAS CLOSED FOLLOWING RYAN'S ARREST FOR PASSPORT OFFENCES IN GENEVA IN 1976 AND SUBSEQUENT EXPULSION FROM SWITZERLAND. HE HAD BEEN ARRESTED SHORTLY AFTER ONE OF HIS LIBYEN TRIPS AND FOUND TO BE IN POSSESSION OF ABOUT POUNDS 150,000 IN 100 DOLLAR BILLS.

5. IMMEDIATELY AFTER THE MURDER OF BELGIAN BANKER ANDRE MICHAUX IN 1979 RYAN WAS SEEN LEAVING A NEARBY HOUSE WITH A SUITCASE. THIS WAS LATER FOUND BY BELGIAN POLICE TO CONTAIN TWO STERLING SUBMACHINE GUNS, PART OF A CONSIGNMENT ORIGINALLY SOLD LEGITIMATELY TO THE TUNISIAN GOVERNMENT BUT LATER CAPTURED BY THE LIBYANS DURING BORDER CLASHES. PART OF THIS BATCH IS KNOWN TO HAVE BEEN GIVEN TO THE ITALIAN RED BRIGADES IN 1978 OR 1979.

6. IN ADDITION TO RYAN'S FUNCTION AS A CHANNEL OF COMMUNICATION WITH THE LIBYANS OVER FINANCE AND ARMS SHIPMENTS, HE MADE A SIGNIFICANT CONTRIBUTION TO PIRA'S BOMBING CAPABILITY. HE PERSONALLY DEVELOPED A WAY TO USE COMMERCIAL SHORT DELAY TIMING DEVICES FOR BOMB DETONATION. THIS METHOD IS NOW WIDELY USED IN PIRA BOMBS. TIMING SWITCHES IDENTICAL TO THOSE HE PURCHASED IN 1975 AND 1976 WERE USED IN THE 1981 BOMBS WHICH EXPLODED IN DULWICH, OXFORD ST AND AT THE ATTORNEY GENERAL'S HOME, AND ALSO IN THE BRIGHTON BOMBING OF 1984 (THOUGH PIRA IS KNOWN TO HAVE RECEIVED SOME OF ITS TIMERS FROM THE SAME SOURCE BUT NOT (NOT) VIA RYAN). FURTHER SWITCHES AND OTHER ITEMS FOUND IN BRUSSELS AT THE TIME OF RYAN'S ARREST THIS YEAR SUGGEST A CONTINUING INVOLVEMENT IN BOMB PRODUCTION.

HOWE

R0208182

OVMIAN 1965

NNNN

**CHARLES**

Michael Saunders, Attorney General's office,  
telephoned: he has received a letter from  
"Murray" requesting clarification of  
statement of facts: Attorney General's office  
will respond 2.12.88.

DUTY CLERK  
1 December 1988

## Patrick Ryan

3.31 pm

**Mr. John Morris** (Aberavon) (*by private notice*): To ask the Attorney-General if he will make a statement on the action taken by Her Majesty's Government to seek the extradition of Patrick Ryan to the United Kingdom.

**The Attorney-General (Sir Patrick Mayhew)**: The Government have sought the extradition of Patrick Ryan from Belgium and the Metropolitan police sought it latterly from the Republic of Ireland.

In the Belgian proceedings, which followed Patrick Ryan's arrest in Belgium on 30 June 1988, extradition was sought in respect of the following offences: (1) conspiracy to murder; (2) conspiracy to cause explosions; (3) possession of explosives with intent to endanger life or cause serious injury to property; (4) possession of explosive substances without a lawful object.

Our own prosecuting authorities consulted the Belgian prosecuting authority before initiating the extradition proceedings and were given no reason by the Belgian authority to suppose that the request might fail to satisfy Belgian legal requirements. The extradition of Patrick Ryan was authorised by the Belgian court of first instance on 26 September, subject to the approval of the Minister of Justice, and by the Belgian Court of Appeal of Brussels on 12 October in respect of the two conspiracy charges.

As I understand it, Patrick Ryan's case then fell to be considered by the Belgian Minister of Justice. On 25 November—Friday—the Belgian Government refused to order extradition and ordered Patrick Ryan's repatriation to the Irish Republic. On learning on Friday afternoon of the Belgian decision and that Patrick Ryan was expected to arrive in Dublin that evening, an immediate application was made by the Crown prosecution service at Bow street magistrates' court for fresh warrants for Patrick Ryan's arrest, as was necessary to comply with Irish requirements. Warrants were issued in the late afternoon and facsimiles at once transmitted to the Irish authorities in Dublin at 6.20 pm. Facsimiles of the documentation, which the Irish Attorney-General requires under the provisions of the Irish Extradition (Amendment) Act 1987, were transmitted to his Department between 4.30 pm and 6.30 pm that evening.

That documentation contained a full statement of the facts upon which the allegations were founded, a statement setting out the relevant English law, and a certificate by me that it is the Crown prosecution service's clear intention to bring a prosecution and that that prosecuting authority has satisfied itself that there is sufficient admissible evidence to found a prosecution. The documentation with which I provided the Irish Attorney-General last Friday fulfilled the requirements of the legislation.

On Friday the Metropolitan police had requested the Gardai to obtain provisional warrants for the arrest of Patrick Ryan pending the arrival in Dublin of the warrants just issued at Bow street, which in the event were delivered to the Irish authorities in Dublin in the early hours of Saturday. No provisional warrants, however, were sought.

My Department was in touch with its counterpart in Dublin late on Friday night with a view to enabling me to speak to the Irish Attorney-General, Mr. Murray. That was because we had learnt that the Metropolitan police had been told by the Gardai that no action was to be taken

on any warrant until the two Attorneys-General had spoken. In the event, I spoke to Mr. Murray for the first time when he telephoned me at 10.30 am on Monday. He informed me that he was still considering the documentation. I drew attention to the risk that Ryan might discharge himself from the clinic where he was undergoing treatment, and asked him to make an early decision.

Mr. Murray acknowledged that risk. I told him that if there were any problem with the documentation or any other question I would be immediately available. No question about the adequacy of any of the documentation sent to him for the purpose of the 1987 Act has been raised with me. I understand that Mr. Murray is still considering the application.

Before the effective warrants were obtained on Friday, warrants in draft form were submitted to the Irish Attorney-General's Office on Wednesday 23 November. That followed a helpful practice, for which I am grateful and which has been developed between the two Departments, the law and practice in relation to warrants being different in the Republic of Ireland from that in England. Those documents were sent on a contingency basis lest the Belgians should decide to repatriate Patrick Ryan. The draft warrants did not constitute the sending of a request for extradition: the very purpose of sending drafts to the Irish is to allow them to comment on the form of the warrant. I mention that because of certain misleading publicity.

Irish officials, apart from drawing attention to two minor details and to certain purely presentational matters, expressed themselves content with the form of the proposed warrants. The Bow street warrants took account of those comments on Friday. On Saturday 26 November, the Irish authorities alerted us to the omission by the Bow street chief clerk of a date in the certificates accompanying the warrants. That omission, which we were advised was not a serious matter, was immediately rectified the same day.

We believe that this matter affected neither the Gardai's statutory power to seek provisional warrants from Friday evening nor the statutory power to back the effective warrants on their arrival in Dublin early on Saturday morning.

**Mr. Morris**: How far have future applications been assisted by the Prime Minister's hysterical outburst on Tuesday, and in particular by her endorsement of the hon. Member for Hampshire, East (Mr. Mates)? Does not the Attorney-General agree that Belgium and Ireland are sovereign states and cannot be treated as erring Cabinet Ministers? As the Attorney-General has acknowledged today that there is a difference in practice in each country, should not—[*Interruption.*]

**Mr. Speaker**: Order. These are matters about which the whole House wishes to hear.

**Mr. Morris**: I am obliged to you, Mr. Speaker.

Should not the Attorney-General have first advised the House? Surely he should not have allowed the Crown prosecution service on his behalf to brief the press, given the danger of prejudicing a fair trial. The Attorney-General knows of my support for him in extradition matters—[**HON. MEMBERS:** "Oh!"] He knows of it and he would be the first to acknowledge it, but why can he not get his act right? What has become of the Home

Secretary's promise that the Director of Public Prosecutions would ensure personally that warrants were checked for accuracy and sufficiency?

Will the Attorney-General confirm that on Wednesday, when draft warrants arrived, Irish Government lawyers pointed out a number of serious flaws—[HON. MEMBERS: "Disgraceful."]—and that on Thursday the Irish Attorney-General's officials telephoned urging that the correct material be sent over; that on Friday new flaws were discovered, and some of the supporting documents were unintelligible; and that only on Saturdays were correct certificates faxed through? If Ryan had been wrongfully arrested, could not that, or future extradition proceedings, be at risk? In any event, he would have had to be released late on Sunday, if arrested on a provisional warrant on Friday.

Will the Attorney-General confirm reports that it was the Irish Government who suggested the possibility of advance warrants and material if things went wrong in Belgium? Why were steps not taken earlier to give them ample time to consider a complicated matter? The Irish seem to have been at fault for five days. The Belgians had five months. What, since Tuesday, is the status of the "close and personal relationship" between the Attorney-General and his opposite number in the Republic, about which he was pleased to tell the House as late as 14 June of this year?

**The Attorney-General:** If I may deal with the right hon. and learned Gentleman's first question, he knows perfectly well, from his own extensive and distinguished practice in the law, that there is no value in answering a question that is based on a false premise. However, I utterly reject the premise on which he founds his question: that my right hon. Friend the Prime Minister's observations on Tuesday are in any way to be criticised.

As to future applications for extradition from the Republic of Ireland, I hope that lessons will be learnt from this application which may facilitate what I trust and believe to be the object of both Governments: to bring persons who are suspected of serious offences to justice in the courts of the country where the offences are alleged to have occurred.

I am asked whether I ought not to have advised the House first. I do not think that I can be accused of being backward in coming forward with statements. I have volunteered more statements in this House in a shorter time than any other Attorney-General in living memory. [Laughter.] However regrettable it is, the situation today is that I have made an application for the extradition of Patrick Ryan and I am waiting for the response of the Irish Attorney-General.

I was asked whether I should not get my "act right." I emphasise what is said in the statement—a copy of which is before the right hon. and learned Gentleman—that no complaint or even query has been raised as to the sufficiency or propriety of any of the documentation that is before the Irish Attorney-General. I believe that I have set out, in what I hope is helpful detail, the whole history of the matter.

Much misleading publicity has been given to what took place in connection with draft warrants, sent on a contingency basis, during the earlier part of the last week. They were sent for the specific purpose of their being commented upon by the Irish Government. The comments that were made were incorporated in the effective warrants

that were issued on Friday at Bow street. It is true, as the right hon. and learned Gentleman said, that provisional warrants—for which there is statutory authority in Irish law, as he knows—can be issued before the original warrants arrive in the Irish Republic for backing. That is possible. The right hon. and learned Gentleman knows, and rightly has mentioned it, that such warrants have a three-day life. Somebody who is arrested under them has to be released by the end of three days, unless a substantial warrant has been backed.

This case, in which my colleague, the Irish Attorney-General, has already taken five and a half days to consider these matters, gives point to the objections that the British Government raised at the end of last year when the new unilateral legislation was put forward by the Irish Government, giving the Irish Attorney-General the duty to satisfy himself that there is a sufficiency of evidence and a settled intention to prosecute. There will be many cases—and this is not one of them because the Irish Government say that they know where Mr. Ryan is—in which somebody is suddenly arrested and there are three days for the whole of the procedure to be gone through. It is plain that in this case, which has required five and a half days, the procedure is gravely flawed, as we said it would be.

I was asked why, if the Belgians had taken five months, the Irish should be expected to do it more quickly. That is a thoroughly bad point. The Belgian Government requested that we should initiate extradition proceedings. The police then had to investigate the evidence. When the evidence was found to be sufficient to support four charges, the advice of the Belgian authorities was sought, given, and followed through. It was only then, much later, that the proceedings took place in the two courts which authorised the extradition of Patrick Ryan on the conspiracy charges subject to the approval of the Belgian Minister, as I have informed the House today.

Finally, I was asked about my relationship with Mr. Murray. I stand by every word of the description of that relationship that I gave on an earlier occasion. I have a close relationship with Mr. Murray, I trust one of friendship. We each have our duty to perform. I have performed mine and I am quite certain that Mr. Murray will perform his. I just wish that we could reach a decision rather quickly.

**Mr. Ivor Stanbrook (Orpington):** Is my right hon. and learned Friend surprised at the attitude of the Irish Government? To put it bluntly, have we not been double-crossed by them? Did they not promise in the Anglo-Irish Agreement to deprive wanted terrorists from immunity from extradition? When they did so deprive them, did they not at the same time give their Attorney-General the power to delay or to veto any warrant—provisional or otherwise—and has not the Irish Attorney-General used that power to the great disadvantage of justice?

**The Attorney-General:** I appreciate the depth of feeling that lies behind my hon. Friend's question. However, I do not subscribe to the verb he has applied to the Irish Government. The power given to the Irish Attorney-General to direct that there shall be no endorsement of an English warrant was given to him in consequence, so it was said by the Irish Government, of the fact that the Irish Government were to ratify the

[The Attorney-General]

European convention on the suppression of terrorism. Whatever the reason for giving it, we pointed out at the time that it would act as an obstacle to extradition. I very much regret to say that it is so proving.

**Mr. Robert MacLennan** (Caitness and Sutherland): While recognising that the Prime Minister's remarks expressing surprise about what happened in Belgium were wholly understandable in the circumstances, particularly in the light of what the Attorney-General said about the advice tendered by the Belgian Government, does he accept that comment about proceedings in Ireland does not help when the matter has not been concluded, and advancing arguments about the adequacy or otherwise of what the Government or the Irish Government are doing can be only for partisan advantage and not to further the course of justice?

**The Attorney-General:** What my right hon. Friend the Prime Minister said on Tuesday was that the failure to secure the arrest of Patrick Ryan was a matter of very great concern to the British Government. The hon. Gentleman must surely realise that it is a matter of great concern because proceedings are now in train and warrants have been issued. It is not for me to talk about the facts behind the charges that we wish to bring against Patrick Ryan, but the hon. Gentleman knows from the very nature of those charges which I have read out today, how serious the matter is. Of course it is a matter of great concern and every Member of the House whether Prime Minister or not, is entitled to express his view.

**Mr. Ian Gow** (Eastbourne): Is it not clear that the decision of the Belgian Minister of Justice not to accede to our request for extradition was taken not on legal grounds but on political grounds? Did not the Belgian Government add to their shame by sending Mr. Ryan to Dublin from Brussels in a Belgian military aircraft? Does my right hon. and learned Friend understand the increasing concern of people within and without Northern Ireland that we should continue to confer upon a Government who harbour suspected terrorists a position of special privilege in relation to that part of this kingdom which has been afflicted most grievously by terrorism?

**The Attorney-General:** I am afraid that it seems to be the case that the Belgian Government's decision was taken on political grounds. I say that it seems to be the case, because their procedure requires that the Belgian Minister of Justice shall consult the Appeal Court and ask for its recommendation. I have already told the House that we understand that the court of first instance and the Appeal Court had authorised extradition on two conspiracy charges. Therefore, it would seem unlikely that the recommendation of the Court of Appeal would differ from that authorisation. But that is secret, and we do not know whether or not it is so. All that I can say is that it has been reported in the Belgian press, so I understand, that the recommendation was to authorise extradition. If that is the case, it is a very regrettable matter for all who are concerned with the fight against international terrorism, as we have always understood the Belgian Government to be, along with their allies.

It is the case that Patrick Ryan was put into a military aircraft. It is perhaps even more significant that, although

we had received several informal assurances that we would have 24 hours' notice between the decision of the Belgian Government and the deportation of Patrick Ryan, we were given no notice at all. That is why, when the warrants were obtained at Bow street, the very greatest haste was necessitated, because he might have been in the air at that time.

I hope that my hon. Friend will excuse me from answering the last part of his question, which he will recognise falls outside my own responsibilities.

**Mr. Peter Archer** (Warley, West): The Attorney-General has confirmed that, for whatever reasons, the Irish authorities are still considering the application. As that consideration is a judicial process concerned with the assessment of evidence, I again ask the Attorney-General whether the Prime Minister's immoderate attempt to apply pressure was unconstitutional, counter-productive and prejudicial to any prospect of a fair trial.

**The Attorney-General:** No, Sir.

**Mr. William Cash** (Stafford): Does my right hon. and learned Friend agree that it was deeply regrettable that the Belgian authorities left so little time for the matter to be properly considered? Does he agree that, it was an even greater pity that it took so long between Friday and Monday for the matter to be given the consideration that it required on both sides? Furthermore, does he agree that justice is to be found in the interstices of procedure and that, at bottom, we in this country and those in the Irish Republic are both concerned about the repression of terrorism? Is it not the case that, if these matters are not sorted out within the context of the Anglo-Irish Agreement, both countries have an enormous amount to lose?

**The Attorney-General:** I believe that we must secure between our two countries a more effective procedure for obtaining what we both want, which is the bringing of those suspected of serious offences to justice in the country in which such offences are alleged to have occurred. I have said all that I need to say about the Belgian decision, the reasons why it was taken, and the manner in which it was communicated to the British Government.

As to the procedure that is now going on in the Republic, I have to await the decision of my counterpart, but I draw attention to the fact that, in spite of having asked to be told if there was any difficulty or problem, and having told my counterpart that I would be immediately available if that was of any help, I have heard no word. Therefore, I can only hope that a speedy and favourable decision will be reached.

**Mr. James Molyneux** (Lagan Valley): As anti-terrorist co-operation from the Dublin Government was the only quid pro quo for the British humiliation of Unionists, is there not an obligation on the Dublin Government to co-operate freely and in a civilised fashion and to make that co-operation on an unconditional and unreserved basis?

**The Attorney-General:** I believe that no reason can legitimately be given for any failure to co-operate in the fight against terrorism, to which both Governments are committed.

**Mr. Toby Jessel** (Twickenham): Is my right hon. and learned Friend aware that yesterday, as chairman of the Anglo-Belgian parliamentary group, I saw the Belgian ambassador to tell him of the strength of feeling among hon. Members of this house about what has happened? Can he enlarge on the strength of the evidence about Ryan that was available to the Belgian authorities in this episode, which is all the more distressing following, as it does, the impressive live-saving rescue exercise by the Belgians when the ferry sank off Zeebrugge?

**The Attorney-General:** I note what my hon. Friend says. I thought it right to send a letter to the Belgian ambassador three or four days before Friday drawing attention to the seriousness of the matters for which we desire to place Patrick Ryan on trial. I cannot talk about the strength of the evidence because, following the issue of the warrant, technically, criminal proceedings are in train.

**Mr. Merlyn Rees** (Morley and Leeds, South): Is it not important that those against whom there are allegations of being involved in terrorism, whether in Ireland or anywhere else, should be brought to trial promptly? Is it not also true that, whether anyone in the House likes it or not, all the inquiries that I have made in the south of Ireland show that people who do not support the Provisional IRA believe passionately that a fair trial is not obtainable here?

Does the Attorney-General recall that following an agreement made with the Government of the right hon. Member for Bexley and Sidcup (Mr. Heath), the Irish Government asked for the Criminal Law (Jurisdiction) Act 1975, under which people may be brought to trial in the country where they are at the time? Would it not be worth considering using that Act? Unless something is done, the man—who has not yet been proved guilty—will not be brought for questioning or for trial.

**The Attorney-General:** I do not believe there is the slightest justification for any feeling in the Republic of Ireland that there is no prospect of a fair trial in England. We are in no need of lessons on how to devise and implement fair judicial procedures.

The right hon. Gentleman is right to draw attention to the Irish Criminal Law (Jurisdiction) Act. But that cannot be a substitute for extradition under the terms of the extradition arrangements between the two countries. In some cases it is proper to use provisions of that Act and, in appropriate cases, I am delighted to make the necessary request. I did so only last week in the case of Sloan. The Irish Attorney-General has accepted that request and matters are proceeding. Although the use of the Act has not been raised with me as a possibility by the Irish Attorney-General, it would not be appropriate in this case because there is good reason to doubt whether the Irish courts would have jurisdiction under the terms of that Act in respect of two of the four charges.

**Mr. James Kilfedder** (North Down): The IRA terrorists must be chuckling with delight at the attacks made on the Prime Minister, the Attorney-General—who fills his office with distinction—and his officials who have been seeking the extradition of Patrick Ryan to the United Kingdom. Sadly, such remarks will be quoted in support of the IRA throughout the world. Will the Attorney-General consider extending another invitation to his counterpart in Dublin to get together to resolve the problems that have arisen

frequently in the past? Perhaps he might also be able to refute the allegation that has been made in the House this afternoon, time after time in the media, and all over the world, that an Irishman cannot get justice in a British court. If that is so, why do tens of thousands of Irish people from the Republic emigrate to Britain?

**The Attorney-General:** While I am grateful for those personal remarks, I know it not to be the opinion of the Irish Government that there is no fair trial to be had for an Irishman in this country, and if it were otherwise, how could we explain the amendment to the Irish Extradition Act in 1987? Why not abrogate it completely? I know that that is not the view of the Irish Government, and no shred of justification for it could exist. I am always ready to talk to my opposite number. I put in train attempts to speak to him late on Friday night, but unfortunately he was not able to speak to me until 10.30 on Monday. I have told the House what transpired then. I hope that we shall continue to have a close and sensible relationship. Before I came to the House, I made arrangements for the answer that I was proposing to give to the right hon. and learned Member for Aberavon (Mr. Morris) to be faxed to him, although not long before, and I trust that we shall be able to move forward.

**Mr. Seamus Mallon** (Newry and Armagh): The Crown prosecution service told us that there were mistakes in two of the warrants that were sent to Dublin [HON. MEMBERS: "No."] The Irish Government have said that there were two mistakes in those warrants. I tend to take the view of the Crown prosecution service, because it has been making those mistakes consistently for a number of years, and seems to be the expert on it. It is his duty to clarify that question, and I ask the Attorney-General to do so. Has he realised the damage that was done to the opinion of moderate people in Ireland when the incompetence of the Crown prosecution service degenerated into prime ministerial vindictiveness? Will he try to get his colleague the Prime Minister to retract the insults that she made against the Irish Government?

**The Attorney-General:** If the Crown prosecution service was guilty of as much inaccuracy as was revealed in the hon. Gentleman's opening remarks, there would indeed be cause for anxiety. I made it clear, I hope, in my answer to the right hon. and learned Member for Aberavon that, on a contingent basis, draft warrants were submitted to the Irish authorities in the early part of last week. I drew attention to the comments that were made by the Irish in respect of those. Perhaps I can amplify them to a small extent, and without wasting time. Of the two minor details that I mentioned, one consisted of a form of description of the charge that had been settled by leading counsel in this country. The other consisted of one superfluous word in the draft court clerk's certificate. The most significant of the presentational matters that I mentioned consisted of a form previously accepted by the Irish authorities in the recent case of McVeigh.

**Sir Giles Shaw** (Pudsey): What my right hon. and learned Friend has said, the manner in which he has said it, and the frequency with which he comes to discuss these issues in the House is wholly acceptable, as is the way in which he discharges his onerous responsibilities. [HON. MEMBERS: "Hear, hear."] Will he take note, and perhaps my hon. Friend the Minister of State, Home Office will

[*Sir Giles Shaw*]

take particular note, that there can be no progress in the fight against terrorism without complete international co-operation? As there have been these difficulties over the technicalities of expressions on documentation, or over the acceptance on either side of the Attorney-General's fence that quick action should be taken, the overall result is a decline in the effectiveness of anti-terrorist measures throughout Ireland, the United Kingdom and the European Community. Will my right hon. and learned Friend make it clear to the Attorney-General in the Irish Republic that if this is the way that things will proceed, my right hon. Friend the Home Secretary or my right hon. Friend the Prime Minister cannot maintain the commitment that we have so far shown?

**The Attorney-General:** I am grateful for what my hon. Friend has said. I agree, as I think will every hon. Member, with what he went on to say. There is no doubt that the attack upon international terrorism calls for sophisticated co-operation, and there is no doubt that vociferous and sometimes powerful minorities will resent such co-operation. I hope that it is agreed on all sides that they must not be allowed to impede that co-operation. There will be no shortcoming in the co-operation that I and Her Majesty's Government offer to our friends, and we hope for no more than the same in return.

**Mr. A. E. P. Duffy** (Sheffield, Attercliffe): Instead of throwing a fit of tantrums last Tuesday afternoon and whipping up the anti-Irish feelings of some of her Back Benches—notoriously, the hon. Member for Hampshire, East (Mr. Mates)—the Prime Minister should have shown a greater awareness of the extradition procedures of other nations. Why is it that those two faulty details of last weekend's extradition warrants, which the Attorney-General seeks to dismiss so lightly, have been a feature of a majority of the extradition warrants that have been directed across the Irish sea during the past three years?

**The Attorney-General:** I do not accept the last part of the hon. Gentleman's observations.

**Mr. Duffy:** It is true.

**The Attorney-General:** Certainly not. I would have thought that he would have welcomed the helpful practice that has grown up between our two Departments, which I mentioned, whereby whenever there is time and it is practicable, draft warrants are submitted on a contingent basis for the very reason that the law and practice of the courts in Ireland relating to warrants is different from that in this country.

**Mr. Duffy:** Why not get it right?

**The Attorney-General:** I might suggest that the hon. Gentleman gets it right himself.

**Mr. Duffy:** I have got it right.

**Mr. Speaker:** Order.

**The Attorney-General:** The hon. Gentleman has asked me a question. I assume in his favour that he would like to hear the answer that I am endeavouring to give. He speaks of defects in the warrant of last weekend. There were no defects. No problem has been raised with me by the Irish Attorney-General. It has not been suggested that there was anything wrong with the warrant of last weekend. There was a problem about the omission of a date in the chief clerk's certificate. We were told that it was not serious and could be corrected on Monday, and it was corrected on Saturday. It has had no effect.

**Mr. Michael Mates** (Hampshire, East): Is my right hon. and learned Friend aware that the hon. Member for Sheffield, Attercliffe (Mr. Duffy) only makes himself more ridiculous by those remarks? If I were to be criticised by some of my hon. Friends, it would be for having been the most ardent supporter on the Government Benches of the Anglo-Irish Agreement. As my right hon. Friend the Prime Minister stated quite clearly that there is no sign from the Irish Government that any of the warrants are defective, and as my right hon. and learned Friend has made that abundantly clear, both in his statement and in his answers, and as the Irish authorities allege that they know where Ryan is, is there any reason why he should not now be detained, pending a decision?

**The Attorney-General:** The crucial distinction of this case is that Patrick Ryan, according to the Irish Government, is in a place the whereabouts of which is known to them. Therefore, presumably it is possible for a warrant, if it is backed for execution, to lead to his arrest.

It is quite true that no problem has been raised with me. If there is one, I remain available to do what I can to help, but I cannot help feeling that, as five and a half days have gone by, any insufficiency would have been drawn to my attention by now, if one had been perceived.

I did not deal fully with what was said about my right hon. Friend the Prime Minister's intervention last Tuesday. I have read it and have it before me now. I really cannot see that any objection can be taken to her view, expressed no doubt with feeling, that it is "a matter of very grave concern"—[*Official Report*, 29 November 1988; Vol. 142, c. 574.] that the arrest has not been authorised.

**Mr. Tony Banks** (Newham, North-West): Read on.

**The Attorney-General:** I believe that some rather offensive and highly coloured interpretations have today been placed upon her comments.

**Several Hon. Members rose—**

**Mr. Speaker:** Order. I remind the House that this is a private notice question and that we have had more than double the length of time that I would normally allow for it.

COVERING SECRET

cc EURO POL: European  
Council Rhodes Pt 30

cc PC 1  
cc B/af  
39  
28 (a-c)



Foreign and Commonwealth Office

London SW1A 2AH

1 December 1988

Dear Charles,

Ryan: Briefing for Rhodes for use with Belgians

I attach self-explanatory points to make, together with a background note, on the Ryan case which the Prime Minister may wish to use when speaking to the Belgians in the margins of the European Council meeting in Rhodes.

Yours ever,

(L Parker)  
Private Secretary

C D Powell Esq  
PS/No 10 Downing Street

COVERING SECRET

D

EUROPEAN COUNCIL: RHODES, 1-2 DECEMBER

RYAN: FOR USE WITH BELGIANS

Points to make

- Charges against Ryan very serious (conspiracy to murder and explosive offences). He is known to both our Security Services as a terrorist. For some time he played a significant role in PIRA's links with Libya.
- Belgian legal arguments unconvincing. Extradition documents prepared in the closest consultation with relevant Belgian authorities.
- Indeed, request for extradition originally came from the Belgians.
- Reports in media, not denied by Belgian officials, that court's recommendation was in favour of extradition deeply worrying.
- Decision to inform us only after Ryan's departure and the use of military aircraft particularly offensive.
- Outcome is a serious blow to EC cooperation against terrorism. Decision can only encourage PIRA to believe they can carry out attacks on the continent with impunity.
- Cooperation not an abstract concept - it involves real mutual assistance where required, especially where there may be a price to pay.

KC1ACG

EUROPEAN COUNCIL: RHODES, 1-2 DECEMBER

RYAN: FOR USE WITH BELGIANS

Background

1. Ryan is a well-known Irish terrorist of longstanding. For some years he was their main link with Libya.
2. In June 1988, we asked the Belgians to place him under surveillance. Concerned at activity in the house where he was staying and given the Queen's impending visit to Holland, the Belgians decided to arrest Ryan. The only evidence they found against him was a false passport.
3. They thereafter pressed us strongly to apply for extradition. The application was made in the closest cooperation with the Belgian authorities.
4. The Belgian authorities dropped their own charges to facilitate Ryan's departure. The Belgian Commissioner for Refugees rejected Ryan's request for political asylum (but recommended that he be deported to Ireland). The court which considered the extradition request gave an advisory opinion to the Minister of Justice. This is secret but we believe it to have been favourable. (The Belgian media have reported it as such without any official denial.) The Minister of Justice took the decision to Cabinet.
5. Despite indications from the Belgians that the outcome would be favourable, we learnt, informally and at the last minute, that it was going wrong. When Sir Geoffrey Howe telephoned Tindemans, the latter admitted that the Cabinet had decided to fly Ryan to Ireland and tell us afterwards.

30 November 1988



PRIME MINISTER

You are receiving briefing both from Geoffrey Howe and Patrick Mayhew on your meeting with Haughey and the extradition problem over Ryan. My own comments are as follows.

- (a) there is no doubt that the Irish have dragged their feet on the Ryan issue to the extent of demonstrating that their new system does not work. This is most obvious if it takes their Attorney as long as a week to assess the papers when even if they had been willing to grant a provisional warrant they could only have held him for 3 days under that warrant. You have an assurance from

[attached] Haughey that if the system does not work he will take the necessary action and I think it is important to establish what he proposes to do to honour that assurance. I am sure that one of the reasons for the delay over Ryan is their desire to get through the Dail debate which is due on Tuesday and Wednesday of next week and which will renew the present legislation which otherwise will lapse.

- (b) There is no doubt that the arrival of Ryan was most unwelcome to the Irish and that the Belgians undoubtedly landed them with an unexpected problem. I understand that they did in fact have a meeting initially to see if they could refuse to accept him but as he was an Irish citizen this was not possible. It is doubly irritating in that we had just got our first extradition under the new legislation, and it looked as though a combination of extradition and extra-territorial prosecutions might start to operate in an effective way. It is difficult to over-state the emotional impact that the issue of extradition does have for the Irish. It is quite



separate from the question of security co-operation. The recent performance of the Garda in arms finds (and not least in the recent discovery of the massive quantity of nitro-benzine which could have fuelled an enormous number of HME bombs) were encouraging signs of better co-operation by the Garda and of a more effective performance. The tragedy of the Ryan incident is whether the row that may now follow puts this co-operation in jeopardy. It has certainly presented us with a most unfortunate incident and quite clearly the Irish have been quite unable to decide how to proceed. This resulted in all our contacts going to ground over the weekend and even my direct contact with Lenihan failing to produce the access to the Attorney General that he promised. We clearly cannot publicly ignore the failure of co-operation in this field and yet it must also be true that, the more public the row the stronger the domestic pressure will be on the Irish to find a way of blocking Ryan's extradition.

2. On political development, Haughey is still looking for a way of making his mark, but remains instinctively averse to any development that might be thought to put back the day of Irish unification. This reinforces, and is reinforced by, John Hume's tendency to look to the long term aspiration (of unification) rather than the short and medium term reality; in turn this inhibits progress on those few opportunities for political development that have been thrown up.

3. There is an important point of principle here; it goes to the heart of the Anglo-Irish Agreement, and I believe it should be the essence of what you say to Haughey (or Lenihan). Article 1 commits both Governments to a very clear statement of how the constitutional position of Northern Ireland shall be determined. It commits both Governments quite unambiguously to the principle of consent, and since any realistic assessment of Northern Ireland shows that consent to

CONFIDENTIAL



unification is not going to be forthcoming for the foreseeable future, both Governments are left with the reality (which we freely acknowledge and welcome, but which the present Irish Government are reluctant to contemplate) that political development for Northern Ireland for the immediate future is not a question of the border, but a question of how the communities there, and their political representatives, can learn to live and work together.

4. I do not think you need raise the Review of the working of the Conference under Article 11 of the Agreement. But you will wish to know that we agreed at the last Conference that it should be a thorough and serious review. It will cover an appreciation of achievements to date and will seek to agree on the work ahead, as well as examining the purely mechanistic aspects of the Conference and Secretariat. We have invited views from the parties in Northern Ireland and at Westminster (SDLP and Alliance are responding, as are Labour) and the Irish plan to consult their main parties. The conclusions of the Review, on which I shall want to consult you and other colleagues, are not likely to be reached before February, and will probably call for some considered public statement by both Governments.

*I dictated this before Cabinet, and we shall clearly need to consider the paragraph above in the light of your discussions at Rhodes, and any other developments.*

*TK.*

TK

1 December 1988

CONFIDENTIAL

do

WPC

From: THE PRIVATE SECRETARY



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

29 November 1988

Dear Sir,

HOME SECRETARY'S MEETING WITH MEMBERS OF  
THE BELGIAN HOUSE OF REPRESENTATIVES:  
30 NOVEMBER 1988

..... I attach a copy of the draft speaking note officials here have prepared for the Home Secretary to use tomorrow. It has been cleared at official level with your Department, NIO and the Law Officers' Department. The Home Secretary will see it overnight.

The meeting will take place at about 10.45 a.m. tomorrow. If there are any points which you or other recipients wish to feed in I should be grateful for them first thing in the morning.

I am copying this letter and enclosure to Charles Powell (No 10), Mike Maxwell (NIO), Michael Saunders (Law Officers' Department) and Trevor Woolley (Cabinet Office).

Yours sincerely,  
  
P J C MAHER

L Parker, Esq.

PATRICK RYAN

DRAFT SPEAKING NOTE FOR USE BY THE HOME SECRETARY IN HIS MEETING  
WITH MEMBERS OF THE BELGIAN HOUSE OF REPRESENTATIVES ON  
30 NOVEMBER 1988

Although your programme did not originally include a meeting with the Home Secretary, I thought I should make some time available during your visit to speak to you about a matter which is of concern to both our countries. I am of course referring to the case of Patrick Ryan who is wanted for serious terrorist offences in this country.

2. Mr President, I understand that an investigation into the fight against terrorism is one of the remits of the Inquiry being carried out by the Select Committee. The incidence of terrorism in your country is, happily, relatively small compared with the United Kingdom. In this context, I should say that my predecessors and I have had the unhappy task of reporting to the House of Commons on a number of occasions the results of terrorist outrages both in Northern Ireland and on mainland Britain. I speak with particular feeling on this issue because my previous Ministerial post was Secretary of State for Northern Ireland. It may be helpful to put the problem in perspective. Since 1972, there have been some 93 deaths on the British mainland as a result of attacks related to Irish terrorism. In Northern Ireland the figures are even more horrifying. Since 1969, when the current troubles began, there have been no less than 2708 terrorist related deaths. If the ratio of deaths in Northern Ireland to the population of that province were to be calculated in relation to the population of Belgium, the number of deaths in your country over that period would have exceeded 16,000.

3. I hope that these figures will give you an indication of the problem which we face in this country and the importance which we therefore attach to the fight against terrorism from whatever source. This takes many forms, not least the Trevi Forum where

major progress has been made in international co-operation and we have committed ourselves to help each other in a common cause. I hope that during your visit to Scotland Yard later today you will have an opportunity to learn more about our efforts. However, the aspect which is of particular concern in the case of Ryan is the effectiveness of extradition arrangements.

4. You will know that, in common with other European neighbours, our extradition arrangements with your country stretch back to the beginning of this century. These arrangements are founded on a mutual trust of the judicial procedures in the other country and I am not aware that any serious problems have arisen in the past. Perhaps the most complex and controversial Belgian/UK case before Ryan was the request by your country for the extradition of 26 Liverpool football supporters accused of offences connected with the Heysel Stadium riot. I think I can safely say that all the UK authorities concerned in this case, including the police, the prosecuting authorities, the Foreign and Commonwealth Office and my own officials worked closely with their counterparts in your country to ensure that the extradition arrangements worked smoothly.

5. Similarly, in the case of Patrick Ryan there was full cooperation between the prosecuting authorities in this country and in Belgium before the formal request for his extradition was submitted. The British Attorney General, who is responsible for the Crown Prosecution Service in this country, has confirmed that he is satisfied that the extradition documents were prepared properly to meet the requirements of Belgian law. The advice of the Belgian Public Prosecutor was sought, given and followed in the preparation of the extradition request and I do not think that there can be any doubt on this score. Moreover, our Embassy in Brussels kept in close touch with your authorities while the request was being considered and were given every reason to hope for a favourable outcome. It was, therefore, with some surprise and deep dismay that we learned last Friday that the request had been turned down after consideration by the Belgian Cabinet, and that Ryan was to be deported to the Republic of Ireland. This

decision was very disappointing to the British Government and it is apparent from the reaction of the media and members of our House of Commons that the British public find the behaviour of the Belgian Government very difficult to understand.

6. Apart from our disappointment over the decision, we are also very concerned about the way in which it was communicated to the British Government. Earlier contacts with the authorities in your country had indicated that we would be given advance notice of the decision, whatever the outcome. In fact, our Ambassador in Brussels was not officially informed of the decision until after it had been communicated to the Irish Ambassador, and shortly before Ryan began his journey from prison. The lack of advance notice undoubtedly contributed to the difficulties which we now face in securing his extradition from the Republic of Ireland.

7. So far, we have received only a brief explanation from your Government for the decision to turn down the request. This refers to the imprecise nature of the charges but is not explicit. This reaction is difficult to reconcile with the close consultation to which I previously referred and the advice given by your authorities to our prosecuting authorities. I understand that a more detailed response, formally replying to the extradition request, will be sent to us. We await this with interest. In the meantime, the ~~impression has formed in this country~~ <sup>media have formed the</sup> that this was a political decision on the part of your Government, possibly based on a fear of reprisals if Ryan were extradited to the United Kingdom. <sup>If this were true</sup> ~~The British Government~~ <sup>would</sup> ~~find this~~ <sup>it</sup> very disturbing. In the fight against international terrorism it is vital that all countries, and particularly our partners in the European Community, present a united front. Any weakness will be exploited by the terrorists to achieve their ends.

8. Patrick Ryan is now a free man in the Republic of Ireland, having apparently discharged himself from a clinic, despite the stories circulating in Belgium at the end of last week that he was in a very weak state of health. Unless the Irish can be persuaded

to surrender Ryan in the wake of your Government's decision not to grant extradition, there will be no opportunity to bring him before a British court to face the serious charges which lie against him. Under our judicial system, he and his legal representatives would have had a full opportunity to challenge the evidence and to give an explanation for the items which were discovered in his flat in Belgium. The British Government find it <sup>a matter of great concern</sup> unacceptable that the decision of the Belgian Government has precipitated a situation which <sup>may</sup> prevents this country from bringing a suspected terrorist to justice.

9. I hope that as a result of your visit, you will take the opportunity to share with your colleagues in Belgium the deeply held views of the British Government and people. Unfortunately, this case cannot be retrieved so far as the Belgian Government is concerned, but we earnestly hope that steps will be taken to prevent a repetition of a similar crisis in the future.



Is that not the reason why the property and land were sold at such a knock-down price and taxpayers were denied a sizeable income which they could have had, if a proper assessment had been made?

**Mr. Sainsbury:** In his last remark the hon. Gentleman seemed to be assuming that certain rumours in the press and speculative valuations that have originated in the City must necessarily be true. He may like to take some independent advice on that. I assure him that the chartered surveyors came to the Department with a valuation of the land that was included in the sale of the company—the company was sold as a whole—which took into account the factors to which he referred. The report on one valuation stated:

"The land is within the Metropolitan Green Belt and redevelopment would be resisted. Our valuation assumes primarily agricultural or recreational use but with hope value of obtaining limited industrial or warehouse consents over a period."

#### NATO Nuclear Planning Group

**16. Ms. Ruddock:** To ask the Secretary of State for Defence if he will make a statement of the outcome of the Scheveningen meeting of the North Atlantic Treaty Organisation nuclear planning group.

**Mr. Younger:** At the nuclear planning group meeting on 27 and 28 October, Ministers reaffirmed the essential contribution made by nuclear weapons to NATO's strategy of deterrence and underlined their determination to take those actions required to keep the Alliance's forces, nuclear and conventional, up to date where necessary. While no decisions were taken or required at the meeting, Ministers noted the progress being made and agreed to continue a step-by-step approach to the work in hand. A copy of the communique issued after the meeting, and agreed by all Ministers, has been placed in the Library of the House.

**Ms. Ruddock:** Is it true that at that meeting the Secretary of State helped to crush Belgium's protest that it was too soon to discuss deploying new nuclear weapons in western Europe? Through those actions, is he not ruling out any further disarmament agreement such as the INF that would be available from the Soviet Union and would remove another entire range of nuclear weapons from our continent?

**Mr. Younger:** There is no truth in what the hon. Lady said. There was no need for me to alter any Belgian view, because the Belgian Minister made it perfectly clear that he did not disagree with the content of the report. It was merely a matter of the timing of when we should approve it.

As the hon. Lady probably knows, we have succeeded—against all the advice that she has given us over the years—in obtaining the INF treaty, and if we continue to ignore her advice I hope that we shall obtain many more such treaties in the future.

#### PRIME MINISTER

##### Engagements

**Q1. Mr. Winnick:** To ask the Prime Minister if she will list her official engagements for Tuesday 29 November.

**The Prime Minister (Mrs. Margaret Thatcher):** This morning I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall be having further meetings later today.

This evening I hope to have an audience of Her Majesty The Queen.

**Mr. Winnick:** Why is it that after almost every speech by the Chancellor of the Exchequer or the Prime Minister telling us that the economy is in good shape we hear news such as that of the massive trade deficit and even higher interest rates that penalise industry and home buyers? Are we not paying the price for the substantial decline of manufacturing industry in recent years while every encouragement has been given to the spivs, the financiers and the speculators in the City?

**The Prime Minister:** The hon. Gentleman omits to say that we have higher incomes than ever before, that we have a higher national income than ever before and that we have higher expenditure on social services than ever before. The nation is doing well, as I am sure the House will demonstrate tonight by a massive majority behind the Chancellor.

**Q2. Mr. Kirkhope:** To ask the Prime Minister if she will list her official engagements for Tuesday 29 November.

**The Prime Minister:** I refer my hon. Friend to the reply that I gave some moments ago.

**Mr. Kirkhope:** Does my right hon. Friend agree that the failure of the Belgian Government to extradite Patrick Ryan was utterly shameful? Does she further agree that the apparently deliberate lethargy of the Irish Government in response to our requests for his extradition casts grave doubts on their commitment to the fight against terrorism?

**The Prime Minister:** I can well understand my hon. Friend's sense of frustration. Our request for Mr. Ryan's extradition from Belgium was prepared with the active co-operation of the Belgian authorities to meet all the requirements of Belgian law. We are utterly dismayed by the Belgian Government's decision to refuse extradition.

As regards the Republic of Ireland, fresh warrants for Mr. Ryan's arrest were obtained and transmitted to Dublin straight away last Friday night, together with all the additional documentation required by the Irish Attorney-General. Despite this, no action was taken by the Irish Attorney-General to serve provisional warrants or to endorse the original warrants.

The failure to secure Ryan's arrest is a matter of very grave concern to the Government. It is no use Governments adopting great declarations and commitments about fighting terrorism if they then lack the resolve to put them into practice.

**Mr. John D. Taylor:** As the Government's policy appears to be to maintain stability of exchange rates between sterling and European currencies, why will not the Government join the European monetary system?

**The Prime Minister:** The main priority of the Government is to get downward pressure on inflation. One cannot have two principal priorities.

**Mr. Mates:** Further to what my right hon. Friend has said, will she please make the strongest representations today to the Irish Government about their abject surrender for short-term political gain when one of the

most wanted terrorists has been let free? Does this not show that despite the fine words that the Irish Government speak about the Anglo-Irish Agreement and about co-operation, there are many who will still believe that the Irish Republic is a safe haven for some terrorists seeking to escape the consequences of their actions?

**The Prime Minister:** As I said earlier, the Irish Attorney-General's failure to secure Ryan's arrest is a matter of very grave concern to the Government. I entirely agree with my hon. Friend that, although the Government of the Republic of Ireland make fine-sounding speeches and statements, they do not always seem to be backed up by the appropriate deeds.

**Mr. Ashdown:** While not wishing to subscribe to the overheated rhetoric that we have heard from Conservative Members—[*Interruption.*]

**Mr. Speaker:** Order. These interruptions take up time.

**Mr. Ashdown:** May I ask whether the Prime Minister is aware that her concern over the handling of the Ryan affair is very widely shared by many hon. Members and by people in many parts of the country? Does she agree that this matter comes at a particularly disturbing time in view of the review of the Anglo-Irish Agreement which many in Britain who wish Ireland well want to see operating successfully?

**The Prime Minister:** I agree with the hon. Gentleman that fighting terrorism requires combined action on the part of all Governments to try to bring those who are accused of grievous crimes before the proper courts for them to pronounce justice. I hope that we shall receive support for that from all parts of the House.

**Sir Jim Spicer:** Will my right hon. Friend give an undertaking that neither her Government nor any British Government will accept a ruling by any court anywhere that will hinder us in the fight against terrorism?

**The Prime Minister:** I think that my hon. Friend is indirectly referring to a judgment given by the European Court of Human Rights. I assume that from his question. The European Court of Human Rights accepted that the purpose of the arrests fell within the provisions of the European convention on human rights. That is an important and welcome decision. Where the court disagrees with the Government is over the length of time that a suspect may be held without being brought before a court. Obviously, we shall consider the judgment carefully and in doing so we shall consider the human rights of victims and potential victims of terrorism as well as the human rights of those suspected of terrorist involvement. We shall ensure that the police have the powers that they need to tackle terrorism vigorously.

**Q3. Mr. Terry Fields:** To ask the Prime Minister if she will list her official engagements for Tuesday 29 November.

**The Prime Minister:** I refer the hon. Gentleman to the reply that I gave some moments ago.

**Mr. Fields:** Does the Prime Minister recall her effusive praise and that of her party for the hospital workers in the aftermath of the Brighton bombing? Midwives are now leaving the Health Service and nurses, sisters and auxiliaries are discontented with the review. She is

allowing her jackbooted Secretary of State for Health trample all over the nurses. Is it not obvious that the review is phoney and needs to be overhauled in the interests of the Health Service and those who are employed in it?

**The Prime Minister:** As the hon. Gentleman is aware, nurses have had a 45 per cent. increase in salaries in 10 terms during the lifetime of this Government. The hon. Gentleman spoke about nurses being in dispute. The vast majority of nurses and midwives are working normally and are satisfied with the generous award that they have received. This is hardly surprising because it gives them an increase averaging 17.9 per cent. at a cost to the taxpayer of almost an extra £1 billion. I am proud to be able to take the credit for that extra pay for nurses.

Bexley

**Q4. Mr. Evennett:** To ask the Prime Minister if she has any plans to make an official visit to Bexley.

**The Prime Minister:** I have at present no plans to do so.

**Mr. Evennett:** Naturally, my right hon. Friend's reply will disappoint her many supporters in the London borough of Bexley. However, will my right hon. Friend ignore the whingeing and whining from the Opposition Front Bench speakers on economic policy, because they do not understand economics? Will she come down to Bexley to see the successful results of her economic policy in action? Is she aware that, in the past year, unemployment in Bexley has fallen by 25 per cent.?

**The Prime Minister:** I am glad to hear that the changes that the Conservative Government have brought about have given a considerable increase in prosperity to my hon. Friend's constituency—the more so because many years ago, in 1950 and 1951, I fought the constituency of Erith and Crayford, and it was nothing like as good then.

**Q5. Mr. Nigel Griffiths:** To ask the Prime Minister if she will list her official engagements for Tuesday 29 November.

**The Prime Minister:** I refer the hon. Gentleman to the reply that I gave some moments ago.

**Mr. Griffiths:** Does the Prime Minister still think that the Chancellor of the Exchequer is "brilliant" on mortgage rates, interest rates and the record trade deficit, because nobody else does?

**The Prime Minister:** I disagree with the hon. Gentleman. I think that Edinburgh is a flourishing city—more flourishing than it has been for years.

**Q6. Mr. Shersby:** To ask the Prime Minister if she will list her official engagements for Tuesday 29 November.

**The Prime Minister:** I refer the hon. Gentleman to the reply that I gave some moments ago.

**Mr. Shersby:** Is my right hon. Friend aware that her leadership in calling for a world summit on the climate in London next March will be welcomed by everyone who is interested in the need to protect the ozone layer? Will she express the thanks of the House to ICI for its investment of £30 million in two new chemical plants to produce ecologically safe substitutes for chlorofluorocarbons?

**The Prime Minister:** I thank my hon. Friend for that question. We have called another conference for 7 March in London to take further the previous decision on chlorofluorocarbons because of the effect that they are having on depleting the ozone layer. At the moment, the production of these chemicals has been taken down to 50 per cent. of its previous level and we wish to take it down much further—until we have only 15 per cent.—and eventually to eliminate it. It is complicated because, as my hon. Friend said, we must have proper scientific substitutes for the work that those chemicals do. I gladly join him in congratulating ICI on the great initiative that it has undertaken to find those solvents.

**Mr. Kinnoch:** What advice has the Prime Minister to give to first-time home buyers—to those outside London who this year have had to find an average £40 a month extra in mortgage repayments, to those inside London, who have had to find an extra £70 a month for their mortgage repayments and to those who dread the mortgage rises yet to come? As someone who, like me, is in favour of home buying, what does she advise them?

**The Prime Minister:** I find it difficult to believe the last part of the hon. Gentleman's question. I wonder why he fought so much against the sale of council houses. No one wishes to put up mortgage repayments. I point out that, except for those who recently purchased houses, the asset value of people's houses has gone up enormously in the past two years.

**Mr. Kinnoch:** Is it not obvious from that answer that the Prime Minister has only one thing to say to home buyers: "Tough luck, you're on your own"?

**The Prime Minister:** Nonsense. Home ownership has gone up enormously under this Government and will continue to go up. As I am sure the right hon. Gentleman must know, people who have bought their houses have seen the asset value of those houses increase colossally.

**Mr. Key:** Does my right hon. Friend agree that the first duty of any dean and chapter of a cathedral is the maintenance of Christian worship? Does she also agree, however, that, as so many of our cathedrals are in need of substantial renovation to their fabric, they should at least be accorded the status given to parish churches and be eligible for restoration grants from the taxpayer?

**The Prime Minister:** As my hon. Friend is aware, the Government make a good deal of money—or perhaps a certain amount of money—available for the restoration of parish churches and all of it is taken up. As my hon. Friend is aware, a number of cathedrals have had special appeals and have been very successful in raising the money. I think that they have been stronger because they have raised the money privately than they would have been if they had just got a grant from Government bodies. I hope that they will continue, but we would not like the amount of money available to parish churches to be less because of the demand from cathedrals.

SECRET



FILE 38 KK  
cc PC

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

26 November 1988

**ANGLO/IRISH SECURITY COOPERATION**

Thank you for your letter of 24 November with the proposal that the Minister of State, Mr. Stewart, should have talks in Dublin with the Irish Justice Minister on 30 November on Anglo/Irish Security Cooperation. I think the Prime Minister would be content for Mr. Stewart to mention in the course of those discussions the matters covered in her own recent exchange of messages with Mr. Haughey.

We have not yet received a reply from the Taoiseach on the Prime Minister's latest message but I shall let you know when we do.

I am copying this letter to Lyn Parker (Foreign and Commonwealth Office) and to Trevor Woolley (Cabinet Office).

(C. D. POWELL)

Mike Maxwell, Esq.,  
Northern Ireland Office.

SECRET

PRIME MINISTER

ANGLO-IRISH SECURITY COOPERATION

The attached minute says (at unnecessary length):

- Ian Stewart is going to Dublin to talk about security cooperation to the Irish Justice Minister and urge greater efforts by the Irish;
- the meeting will not be effective unless he can refer to the issues touched upon in your message to the Taoiseach;
- we know that the Irish Justice Minister has been briefed on these by the Taoiseach;
- agree that Mr. Stewart may mention them?

C.D.P.

Yes ms

(C. D. POWELL)

25 November 1988

copy

36(a-d)



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

00  
Charles Powell Esq  
10 Downing Street  
LONDON  
SW1

24, November 1988

Dear Charles

ANGLO-IRISH SECURITY COOPERATION

We have several mechanisms which we can use when we are seeking to improve security cooperation with the Irish. They include meetings between the Chief Constable of the RUC and the Commissioner of the Garda, and between their respective Forces at all levels; the regular contact between British and Irish Ministers which is afforded by meetings of the Intergovernmental Conference; dealings between officials through the Secretariat; our Ambassador's contacts in Dublin; and of course the Prime Minister's own direct contacts with the Taoiseach. In addition, however, it has proved very useful for the Minister of State in NIO to have a close working relationship with the Irish Minister of Justice. In order to maintain this channel, Mr Stewart has arranged to visit Mr Collins in Dublin on 30 November.

My Secretary of State wishes to make use of this opportunity to impress once again upon the Irish (as he will himself be doing at the December meeting of the Conference) the importance of avoiding exaggerated public claims that security cooperation is now all that

it should be. We can have no objection to the Irish saying - as we have ourselves said in recent months - that both Governments are totally committed to the fight against terrorism, and that relations between the two police forces are now very satisfactory. But, unless such claims are carefully worded, they can very easily leave the impression that the practical results which are being achieved are also entirely satisfactory - which, of course, they are not. Certainly there has been useful progress in recent months, especially in the recovery of terrorist weapons and explosives; but an enormous amount remains to be done in that respect. More fundamentally, there is still a long way to go in such areas as building up the professional and specialist competence of the Garda, modernising communications and equipment and overcoming political inhibitions. Until there has been a lot more progress in those directions, practical results are bound to be well short of potential.

In recent weeks there has been a distinct tendency for Irish Ministers, in their public utterances, to blur this distinction between commitment and relationships on the one hand and practical achievement on the other - and, moreover, to claim that British Ministers share their belief that cooperation is now fully satisfactory. If this tendency continues unchecked we may be forced sooner or later to contradict the claims in public, which we are obviously anxious to avoid. It is therefore important that we should first make it clear to them, once more, that we do not regard the practical achievements of cooperation as anything like fully sufficient yet, and why; and then go on to warn them of the danger of a public disagreement if they persist in claiming without qualification that cooperation is now fully satisfactory.

There is no good reason why this cannot be done in a dispassionate and amicable way. It is likely, however, that when the subject is broached with Mr Collins he will be inclined to demur if he is told

that a great deal remains to be done to improve the means of cooperation; and Mr Stewart will need to be ready to cite examples. Some of these can be drawn from the items on which we have been pressing for progress in the restricted discussions on security at recent Conference meetings, such as better secure communications and realistic provision for overflights during operations to clear explosive devices on the border. But the most telling examples are the topics covered in the Prime Minister's letters to the Taoiseach of 26 August and 2 November: specifically improvements in the Garda's capacity to generate and transmit high-grade intelligence; specialist training; and direct contact in emergencies between the British Army and the Garda.

In view of the Prime Minister's wish (which you conveyed in your letter to me of 30 September) that she should be consulted before any reference was made to her exchange of messages with Mr Haughey during discussions with the Irish, Mr King would be grateful to know if she is content that Mr Stewart should be able to mention the subject matter of those messages during his forthcoming discussion with Mr Collins. Nick Fenn has established with Dermot Nally that Mr Collins is privy to that correspondence and that it will raise no difficulty with the Taoiseach if Mr Stewart mentions it.

Nally added the proviso that the Taoiseach should first have sent his reply to Mrs Thatcher's most recent message, which he has evidently intended to do before leaving for Rhodes on 1 December. This is a little awkward, as the latest indications are that he will not have recovered sufficiently to travel to Rhodes and there must be some doubt whether he will have been able, either, to reply to the Prime Minister's letter by 30 November. In these circumstances I suggest that, if the Prime Minister is content for her part that correspondence with the Taoiseach may be referred to during Mr Stewart's conversation with Mr Collins, we will then make a last-minute check with you and with Nally just before Mr Stewart's departure for Dublin to establish whether the Taoiseach has in fact sent his reply.

SECRET

1

I am copying this letter to Lyn Parker, FCO and to Trevor Wooley,  
Cabinet Office.

Yours sincerely

Mike Maxwell

M T H MAXWELL

SECRET

- 4 of 4 pages -

25.71

PNB

IRISH REVIEW OF EXTRADITION ARRANGEMENTS

PAPER BY BRITISH SIDE

Introduction

At a meeting of Working Group II on 5 October, it was agreed that the British side would put forward suggestions for consideration in the context of the report on the working of Part III of the Extradition Act 1965, as amended, to which the Irish Government are committed under section 6 of the Extradition (Amendment) Act 1987. This paper fulfils that purpose.

2. It is in the interests of both governments to ensure that effective arrangements are in place for dealing with fugitive offenders. Extradition is a vital (although not the only) factor in this. It is therefore necessary to ensure that the process works smoothly and effectively and that each case does not become an individual cause celebre providing scope for wedges to be driven between us. The only persons to benefit from this state of affairs is the criminal. The British side is grateful for the advances which have been made recently - not least in mutual understanding of our respective positions - and we note that as some problems have arisen they have been overcome. However, and while bearing in mind the sensitivity of the subject in the Republic, we still feel that there are useful changes that are necessary if the system is to work effectively. The following is a summary of suggestions from the British side. Some of them have been discussed before, particularly between the two Attorneys General.

Jurisdiction for extradition cases

3. There is a history of difficulties arising from consideration of cases by District Courts in the Republic, particularly those

involving terrorist offences. Such cases are often highly controversial. Even before McVeigh there were a number of other cases including Glenholmes, Flanagan, McDonald and McClafferty where the decision of the District Justice surprised the authorities. The British side notes that following the Minister for Justice's statement to the Dail on the McVeigh case some Deputies expressed the view that jurisdiction over extradition should be removed from the District Courts, and that the Irish Government undertook to consider the possibility.

4. Against this background, the British side again suggests that there would be merit in changing the arrangements whereby extradition cases are heard in the local District Court. Extradition could be regarded as a special category of judicial work to be dealt with in the first instance in the High Court. Alternatively cases could be reserved for the Dublin District Court (or a single other designated District Court) which could develop expertise and experience in considering such cases.

5. A similar arrangement exists in the United Kingdom for extradition requests from countries outside the commonwealth under the Extradition Act 1870 (shortly to be amended by the Criminal Justice Act 1988). Many of these cases are complex and involve the application of bilateral treaties and consideration of whether conduct abroad gives rise to extradition offences. For this reason, such cases are referred to the Chief Magistrate or one of the stipendiary magistrates in the Bow Street Magistrates' Court in London where considerable expertise has been built up by the Bench and the court officers. The arrangement works well.

Provision for detention pending appeal

6. The absence of a full appeal procedure for the State and provision to detain a fugitive offender pending such an appeal has long been seen by many as a deficiency in the backing of warrants

CONFIDENTIAL

legislation, in both the UK and the Republic. It tilts the scales in favour of the fugitive, since he only has to have a legal decision in his favour once for him to go free (and, of course, many of those whose return is sought can be expected to disappear from view if by any chance they are released). It also maximises the damage done by a decision which may be open to question.

7. Legislation to remedy this now exists in the UK, although it is not yet in force. Part II of schedule 1 to the Criminal Justice Act provides for appeals by the requesting State (through the Chief Officer of Police) by way of the case stated procedure. The result will be to give the magistrate the power to detain or release on bail when immediate notice of intention to appeal has been given to the court. Thus, the State will be enabled to appeal against adverse decisions of magistrates, and, in serious cases or those in which it is possible that the person sought will abscond, the fugitive will be detained in custody pending the outcome of the appeal.

8. So far as the Republic is concerned, it is understood that the Irish state can appeal against an adverse decision of the District Court by way of case stated as in the case of McVeigh. However, it is also understood that there is no power to detain in custody (or release on bail) pending the outcome of such an appeal. It will be recalled that following the decision of the District Justice in the McVeigh case he was immediately released from custody. Further embarrassment was caused when he was briefly rearrested by the Garda on 7 October. If detention powers had been available, it seems likely that McVeigh would have been subject to a detention order, bearing in mind his previous conviction in the Republic for firearms offences. This would have enabled the decision of the District Justice to be challenged in a higher court, as desired by the Irish Attorney General, without releasing from custody a fugitive wanted for serious terrorist offences in Great Britain.

9. Having regard to the powers which will soon be available in the UK to facilitate the consideration of cases in which fugitives are sought by the Irish State, it is hoped that consideration can be given to introducing similar provisions in Irish legislation.

Evidential provisions

10. It seems to the British side that section 7 of the Backing of Warrants (Republic of Ireland) Act 1965 gives effect to what must have been the intention of the backing of warrants procedure, that once there is a warrant apparently good on its face, the court of the requested State must accept it and not seek to go behind it. On the other hand, the corresponding provision of the Irish Extradition Act 1965 (section 55(1)) enables the court to admit documents without further evidence if certain requirements are satisfied, but with the qualification "unless the court sees good reason to the contrary." In the view of the British side, this gives the court an opportunity to require supplementary evidence, which may not be easily produced and not be strictly relevant to the merits of the case. In the light of the difficulties which have been experienced, notably (but not only) in the McDonald case, the Irish Government may wish to consider whether there would be merit in seeking to amend the provisions of section 55 by bringing them more closely into line with the Backing of Warrants (Republic of Ireland) Act 1965. This would establish full reciprocity in an important element of the backing of warrants procedure.

11. The British side also notes that in Part II of the Irish Extradition Act (Section 25(a) and 37) a warrant or other document shall, if duly certified, be taken as having been duly issued. This is also the approach taken in the UK Criminal Justice Act 1988 which will deal with foreign extradition. It seems odd therefore that the provision in section 55(1) of the Irish Act allows the courts more latitude to question documentation.

Removal of specified point of departure

12. Section 47(1) of the Irish Extradition Act 1965 provides that the District Court shall, subject to certain provisions, make an order for the fugitive's delivery "at some convenient point of departure from the State." There is no such requirement for extraditions under Part II of the Act. Irish courts have subsequently held that this means that the place of handover must be named on the order. To date the place in Northern Ireland cases specified has been Killeen/Carrickarnon. But there seems no obvious reason why this should be the only interpretation: the point of departure could be left unspecified or an alternative given.

13. Both Governments recognise that the present system affords a major propaganda opportunity to the critics of extradition. It does not help the public perception of the process. There is also a serious risk to the security forces on both sides who are tasked with protecting the handover. And Gardai and RUC personnel need to be taken off other important duties in considerable numbers. Both Governments should therefore do all in their power to reduce these disadvantages to a minimum. Ideally the British side would prefer the extradition order not to have to specify the handover point at all. Although the equivalent provision in the Backing of Warrants (Republic of Ireland) Act 1965 specifies that the fugitive be delivered to a police officer from the requesting State at some convenient point of departure, courts in the UK have never interpreted it as meaning that a place has to be specified in the Order.

14. If this is not possible an interim solution would be for the extradition order to specify an airfield from which the fugitive could be flown to Northern Ireland. There can be no objection in principle to this since this is already what happens in respect of transfers to the mainland. Failing this, the police on both sides should get together to determine which crossing points bring the fewest difficulties, thus minimising the risks associated with the

Millen route which is particularly unsuitable for the security forces in Northern Ireland.

Extension of provisional arrest period

15. At present a provisional warrant under section 49 of the 1965 Act is valid only for 3 days. A workable mechanism for provisional arrest is an essential feature of extradition arrangements. Although it is the aim of the UK authorities to have final warrants in the Republic in respect of each and every fugitive who might be there, there must always be a possibility that an unexpected case will arise. It is the view of the British side that in this eventuality 3 days is not a sufficient period for the documentation to be prepared and the final warrants backed, all the more so now that the procedures in the Extradition (Amendment) Act 1987 have to be complied with.

16. The international norm for a provisional arrest warrant to be valid can vary from 14-60 days but is very rarely as short as 3 days. The British side would therefore hope that the period should be extended to considerably nearer the norm. The British side would also wish to be assured that section 49 of the 1965 Act does work in practice, and that if not it can be amended; there have been occasions when provisional warrants have not been sought by the Irish authorities following UK requests.

Other points

17. The British side recognise that all the suggestions made above (save for that in paragraph 14) would require legislation. But there is, it seems to us, scope for certain other improvements in the following areas:

- (i) a more formal system - including regular review meetings if necessary - of reporting developments in cases in the Republic might lead to a better 'feel' for the process. Contacts between the respective legal authorities are good at present but any improvement could only be beneficial. A more formal system would also facilitate consideration of on the read-across of individual judgments etc to other cases;

- i) completion of the backing of warrants checklist would set the seal on our improved knowledge of the requirements of the Irish courts.

#### The 1987 Amendment Act

18. The British side continues to regard section 2 of the 1987 Amendment Act as unnecessary and an impediment to the smooth flow of cases. The difficulties are of course exacerbated in cases where for whatever reason the Irish Attorney General takes a long time in deciding whether to allow a warrant to be backed. It is wrong in principle for the prosecuting authorities in the requesting jurisdiction to have their work done again by those in the requested State. The burdens of operating the new provisions have led to a reduction in the number of non-terrorist requests and necessitate a heavy commitment of resources. A very large number of hours has been spent by staff of the prosecuting authorities in preparing detailed summaries of facts and law and answering further detailed questions from the Irish Attorney General's Office. The demands on staff in the Attorney General's Office in London, coordinating this work, have also been extremely heavy. And despite the requirement in section 2(2) of the 1987 Act, it is still possible that the sufficiency of evidence might be tested in court. Given the fact that requests are never made without sufficient evidence for a prosecution, and given the degree of mutual trust on this point which now exists between us, the British side feels strongly that section 2 should be repealed.

#### Conclusion

19. These suggestions are intended to be helpful and are made in a constructive spirit. The British side welcomes the progress made in 1988 and would be grateful for the opportunity of discussing how it might be built on to the benefit of both Governments and our common fight against terrorism. We have a common interest in putting fugitive offenders behind bars, whether by means of extradition or the extraterritorial route. We wish both routes to work with maximum efficiency.

(DC/MR/6624-24.11.88)

IRELAND: Rektions

Pt 19





10 DOWNING STREET  
LONDON SW1A 2AA

From the Private Secretary

ahj 16 November 1988

I enclose a copy of a letter which the Prime Minister has received from President Reagan.

I should be grateful if you would provide a draft reply which the Prime Minister might send to President Reagan (in conjunction with the Northern Ireland Office) by Wednesday 30 November.

I am sending a copy of this letter and enclosure to Jenny Murphy (Northern Ireland Office).

(P. A. BEARPARK)

Lyn Parker, Esq.,  
Foreign and Commonwealth Office.

21

RESTRICTED

Following for Charles Powell, Airborne from Andy Bearpark, No.10:

Following is text of letter to Prime Minister from Ronald Reagan received here seven minutes ago. As instructed no further action will be taken until your advice received.

/"Dear

PABsp

RESTRICTED

VZCZCCBL699

AAAA

151700Z NOV 88

FM CABINET OFFICE LONDON

TO AIRBORNE 001 IMMEDIATE

BT

R E S T R I C T E D

AIRBORNE 001

FOLLOWING FROM ANDY BEARPARK, NO 10 FOR CHARLES POWELL, AIRBORNE.

FOLLOWING HIS TEXT OF LETTER TO PRIME MINISTER FROM RONALD REAGAN RECEIVED HERE SEVEN MINUTES AGO. AS INSTRUCTED NO FURTHER ACTION WILL BE TAKEN UNTIL YOUR ADVICE RECEIVED.

BEGINS:

DEAR MADAME PRIME MINISTER,

ON NOVEMBER 15, THE U K AND IRELAND WILL OBSERVE THE THIRD ANNIVERSARY OF THE ANGLO-IRISH AGREEMENT AND BEGIN A MANDATED REVIEW OF THE WORKINGS OF THE INTERGOVERNMENTAL CONFERENCE. WE SHOULD LIKE TO TAKE THIS OCCASION TO SALUTE THE COURAGEOUS EFFORTS WHICH BOTH GOVERNMENTS AND PEOPLE OF GOOD WILL ON BOTH SIDES ARE MAKING TO DEAL CONSTRUCTIVELY AND REALISTICALLY WITH VERY DIFFICULT PROBLEMS AND OFFER YOU OUR ENCOURAGEMENT AND SUPPORT FOR THE FUTURE. THE UNITED STATES REMAINS A FIRM SUPPORTER OF THE AGREEMENT AND THE INTERNATIONAL FUND FOR IRELAND AND THEIR OBJECTIVES OF PROMOTING ECONOMIC AND SOCIAL ADVANCE AND ENCOURAGING RECONCILIATION.

FROM THE BEGINNING, THE UNITED STATES HAS SUPPORTED THE AGREEMENT AND THE FUND WHICH WE BELIEVED WOULD ENHANCE COOPERATION BETWEEN BRITISH AND IRISH OFFICIALS WHO WERE WORKING FOR THE BENEFIT OF THE PEOPLE OF IRELAND AND NORTHERN IRELAND. THE UNITED STATES CONTRIBUTED 120 MILLION DOLLARS TO THE FUND DURING ITS FIRST THREE YEARS AND WILL MAKE AN ADDITIONAL CONTRIBUTION IN 1989.

AMERICA'S CONFIDENCE IN THE AGREEMENT AND THE FUND HAS BEEN JUSTIFIED. THE AGREEMENT HAS FACILITATED THE EFFORTS OF IRELAND AND THE U K TO PROMOTE JUSTICE, STABILITY, PROSPERITY, AND RECONCILIATION IN NORTHERN IRELAND. THE AGREEMENT HAS BEEN ESPECIALLY EFFECTIVE IN PROMOTING COOPERATION BETWEEN THE BRITISH AND IRISH GOVERNMENTS IN THEIR EFFORTS TO ELIMINATE DISCRIMINATION AND TO COMBAT TERRORISM. THE INTERNATIONAL FUND IS WORKING EFFECTIVELY TO CREATE JOBS AND PROMOTE RECONCILIATION PROJECTS.

AS YOU BEGIN THE REVIEW, YOU WILL HAVE A SPECIAL OPPORTUNITY TO REFLECT ON THE SOLID ACCOMPLISHMENTS OF THE AGREEMENT TO DATE WHICH HAVE BEEN MADE AGAINST DIFFICULT ODDS AND STRONG OPPOSITION. YOU WILL ALSO BE ABLE TO CONSIDER HOW IT CAN BE USED TO FURTHER IMPROVE THE QUALITY OF LIFE FOR THE PEOPLE OF IRELAND AND NORTHERN IRELAND. PROGRESS IN DEALING WITH THIS ISSUE HAS OFTEN BEEN SLOW, BUT THE SERIOUSNESS OF THE PROBLEMS COMPEL ALL OF US, PARTICULARLY THOSE IN THE UNITED STATES WITH STRONG FRIENDSHIPS AND TIES TO BOTH IRELAND AND THE UNITED KINGDOM, TO HELP AND SUPPORT YOUR EFFORTS.

SINCERLY YOURS,

/S/

RONALD REAGAN

ENDS

GRS0500

NNNN

VZCZCBL699

AAAA

151700Z NOV 88

FM CABINET OFFICE LONDON

TO AIRBORNE 001 IMMEDIATE

BT

R E S T R I C T E D

AIRBORNE 001

FOLLOWING FROM ANDY BEARPARK, NO 10 FOR CHARLES POWELL, AIRBORNE.

US Declassified

FOLLOWING IS TEXT OF LETTER TO PRIME MINISTER FROM RONALD REAGAN RECEIVED HERE SEVEN MINUTES AGO. AS INSTRUCTED NO FURTHER ACTION WILL BE TAKEN UNTIL YOUR ADVICE RECEIVED.

BEGINS:

DEAR MADAME PRIME MINISTER,

ON NOVEMBER 15, THE U K AND IRELAND WILL OBSERVE THE THIRD ANNIVERSARY OF THE ANGLO-IRISH AGREEMENT AND BEGIN A MANDATED REVIEW OF THE WORKINGS OF THE INTERGOVERNMENTAL CONFERENCE. I SHOULD LIKE TO TAKE THIS OCCASION TO SALUTE THE COURAGEOUS EFFORTS WHICH BOTH GOVERNMENTS AND PEOPLE OF GOOD WILL ON BOTH SIDES ARE MAKING TO DEAL CONSTRUCTIVELY AND REALISTICALLY WITH VERY DIFFICULT PROBLEMS AND OFFER YOU OUR ENCOURAGEMENT AND SUPPORT FOR THE FUTURE. THE UNITED STATES REMAINS A FIRM SUPPORTER OF THE AGREEMENT AND THE INTERNATIONAL FUND FOR IRELAND AND THEIR OBJECTIVES OF PROMOTING ECONOMIC AND SOCIAL ADVANCE AND ENCOURAGING RECONCILIATION.

FROM THE BEGINNING, THE UNITED STATES HAS SUPPORTED THE AGREEMENT AND THE FUND WHICH WE BELIEVED WOULD ENHANCE COOPERATION BETWEEN BRITISH AND IRISH OFFICIALS WHO WERE WORKING FOR THE BENEFIT OF THE PEOPLE OF IRELAND AND NORTHERN IRELAND. THE UNITED STATES CONTRIBUTED 120 MILLION DOLLARS TO THE FUND DURING ITS FIRST THREE YEARS AND WILL MAKE AN ADDITIONAL CONTRIBUTION IN 1989.

AMERICA'S CONFIDENCE IN THE AGREEMENT AND THE FUND HAS BEEN JUSTIFIED. THE AGREEMENT HAS FACILITATED THE EFFORTS OF IRELAND AND THE U K TO PROMOTE JUSTICE, STABILITY, PROSPERITY, AND RECONCILIATION IN NORTHERN IRELAND. THE AGREEMENT HAS BEEN ESPECIALLY EFFECTIVE IN PROMOTING COOPERATION BETWEEN THE BRITISH AND IRISH GOVERNMENTS IN THEIR EFFORTS TO ELIMINATE DISCRIMINATION AND TO COMBAT TERRORISM. THE INTERNATIONAL FUND IS WORKING EFFECTIVELY TO CREATE JOBS AND PROMOTE RECONCILIATION PROJECTS.

AS YOU BEGIN THE REVIEW, YOU WILL HAVE A SPECIAL OPPORTUNITY TO REFLECT ON THE SOLID ACCOMPLISHMENTS OF THE AGREEMENT TO DATE WHICH HAVE BEEN MADE AGAINST DIFFICULT ODDS AND STRONG OPPOSITION. YOU WILL ALSO BE ABLE TO CONSIDER HOW IT CAN BE USED TO FURTHER IMPROVE THE QUALITY OF LIFE FOR THE PEOPLE OF IRELAND AND NORTHERN IRELAND. PROGRESS IN DEALING WITH THIS ISSUE HAS OFTEN BEEN SLOW, BUT THE SERIOUSNESS OF THE PROBLEMS COMPEL ALL OF US, PARTICULARLY THOSE IN THE UNITED STATES WITH STRONG FRIENDSHIPS AND TIES TO BOTH IRELAND AND THE UNITED KINGDOM, TO HELP AND SUPPORT YOUR EFFORTS.

SINCERLY YOURS,  
/S/  
RONALD REAGAN

ENDS  
GRS0500  
NNNN

15-11-88

PRIME MINISTER'S  
PERSONAL MESSAGE

SERIAL No. T174/88

SUBJECT CC MASTER  
OPS

DEAR MADAME PRIME MINISTER:

ON NOVEMBER 15, THE UK AND IRELAND WILL OBSERVE THE THIRD ANNIVERSARY OF THE ANGLO-IRISH AGREEMENT AND BEGIN A MANDATED REVIEW OF THE WORKINGS OF THE INTERGOVERNMENTAL CONFERENCE. I SHOULD LIKE TO TAKE THIS OCCASION TO SALUTE THE COURAGEOUS EFFORTS WHICH BOTH GOVERNMENTS AND PEOPLE OF GOOD WILL ON BOTH SIDES ARE MAKING TO DEAL CONSTRUCTIVELY AND REALISTICALLY WITH VERY DIFFICULT PROBLEMS AND OFFER YOU OUR ENCOURAGEMENT AND SUPPORT FOR THE FUTURE. THE UNITED STATES REMAINS A FIRM SUPPORTER OF THE AGREEMENT AND THE INTERNATIONAL FUND FOR IRELAND AND THEIR OBJECTIVES OF PROMOTING ECONOMIC AND SOCIAL ADVANCE AND ENCOURAGING RECONCILIATION.

FROM THE BEGINNING, THE UNITED STATES HAS SUPPORTED THE AGREEMENT AND THE FUND WHICH WE BELIEVED WOULD ENHANCE COOPERATION BETWEEN BRITISH AND IRISH OFFICIALS WHO WERE WORKING FOR THE BENEFIT OF THE PEOPLE OF IRELAND AND NORTHERN IRELAND. THE UNITED STATES CONTRIBUTED \$120 MILLION TO THE FUND DURING ITS FIRST THREE YEARS AND WILL MAKE AN ADDITIONAL CONTRIBUTION IN 1989.

AMERICA'S CONFIDENCE IN THE AGREEMENT AND THE FUND HAS BEEN JUSTIFIED. THE AGREEMENT HAS FACILITATED THE EFFORTS OF IRELAND AND THE UK TO PROMOTE JUSTICE, STABILITY, PROSPERITY, AND RECONCILIATION IN NORTHERN IRELAND. THE AGREEMENT HAS BEEN ESPECIALLY EFFECTIVE IN PROMOTING COOPERATION BETWEEN THE BRITISH AND IRISH GOVERNMENTS IN THEIR EFFORTS TO ELIMINATE DISCRIMINATION AND TO COMBAT TERRORISM. THE INTERNATIONAL FUND IS WORKING EFFECTIVELY TO CREATE JOBS AND PROMOTE RECONCILIATION PROJECTS.

AS YOU BEGIN THE REVIEW, YOU WILL HAVE A SPECIAL OPPORTUNITY TO REFLECT ON THE SOLID ACCOMPLISHMENTS OF THE AGREEMENT TO DATE WHICH HAVE BEEN MADE AGAINST DIFFICULT ODDS AND STRONG OPPOSITION. YOU WILL ALSO BE ABLE TO CONSIDER HOW IT CAN BE USED TO FURTHER IMPROVE THE QUALITY OF LIFE FOR THE PEOPLE OF IRELAND AND NORTHERN IRELAND. PROGRESS IN DEALING WITH THIS ISSUE HAS OFTEN BEEN SLOW, BUT THE SERIOUSNESS OF THE PROBLEMS COMPEL ALL OF US, PARTICULARLY THOSE IN THE UNITED STATES WITH STRONG FRIENDSHIPS AND TIES TO BOTH IRELAND AND THE UNITED KINGDOM, TO HELP AND SUPPORT YOUR EFFORTS.

SINCERELY YOURS,

/s/

RONALD REAGAN

US Declassified

ELICITS WHO WERE  
WOULD CHANGE  
S SUBMITTED THE

AND SOCIETY AND  
FOR FREDERICK AND  
BY THE SUBMITTER OF  
AND SUBMITTED FOR  
BY DELICIOUS  
DEPT. AND PEOPLE  
PROVISION TO SUPPLY  
AND BEING  
SUBJECT THE THIRD

150-10000  
11/11/1911

EMBASSY OF THE UNITED STATES OF AMERICA  
LONDON

November 15, 1988

*Ack'd 15/11*

Dear Prime Minister:

I have been asked to deliver the attached  
message to you from President Reagan.

Sincerely,

*R.G.H. Seitz for*

R.G.H. Seitz  
Charge d'Affaires  
ad interim

Enclosure

The Rt. Hon. Margaret Thatcher, M.P.,  
Prime Minister,  
10 Downing Street,  
London, S.W.1.

CONFIDENTIAL & PERSONAL



Foreign and Commonwealth Office

London SW1A 2AH

9 November 1988

CDP  
OK

Dear Mike,

Foreign Secretary's visit to Dublin

You may find it helpful to have the attached note of the Foreign Secretary's private conversations with Mr Haughey and Mr Lenihan during his visit to Dublin, at which no officials (on either side) were present.

I am sending a copy of this letter and its attachment to Charles Powell.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'L Parker'.

(L Parker)  
Private Secretary

Mike Maxwell Esq  
PS/NIO

CONFIDENTIAL & PERSONAL



CONFIDENTIAL & PERSONAL

The Foreign Secretary's call on the Taoiseach

Health

The Foreign Secretary expressed sympathy over Mr Haughey's recent illness and conveyed the best wishes of the Prime Minister. She would be writing to him soon. (Sir Geoffrey commented afterwards that Mr Haughey was still a sick man, though he might be getting better).

East-West Relations

The Taoiseach expressed admiration for the Prime Minister's performance in Poland, and the way in which she had handled the interlocking problems presented by the visit. There was some unremarkable discussion of East-West relations.

European Community

Mr Haughey expected no particular histrionics at Rhodes. He took a rather narrow view of its agenda: the internal market and East-West relations. He dismissed the Greek ideas for discussing the Community's role in the world. The Foreign Secretary said that Heads of Government would want to look also at the broader questions of East-West relations and Mr Gorbachev, and at West-West relations following the US elections.

CONFIDENTIAL & PERSONAL



CONFIDENTIAL & PERSONAL

It was good that there would not be discussion of tax approximation or monetary development. It was important to keep European debate in proper perspective. There must be no Europe-wide imposition of workers' representation. The Taoiseach said that he could go along with something in this field but not with the imposition of a rigid system. He agreed with Sir Geoffrey that there was no logic in a single imposed tax structure. He respected the way that the Prime Minister had launched a Community-wide debate by the speech at Bruges. The pragmatic British view was well understood in Ireland.

Mr Haughey stressed that he would look for British support for Community measures to help peripheral regions. He had valued Mrs Chalker's support for the proposal that Community funds could in appropriate cases be supplemented from the private sector. Sir Geoffrey confirmed that there would be no problem about continued British support on this last point.

#### Anglo-Irish Relations

Mr Haughey observed that things were not going well in the North. The Foreign Secretary explained the need to press ahead with developing cross-communal relationships. He hoped that the Irish would encourage the constitutional parties to talk to each other.

CONFIDENTIAL & PERSONAL



CONFIDENTIAL & PERSONAL

There was brief discussion of the Article 11 review. The Foreign Secretary stressed that it was a caricature to portray the British Government as interested only in security and the Irish Government as only concerned with the acceptability of institutions. Each had a shared interest in both. We would go on emphasising security because it was crucial. We would keep our security arrangements and our law under constant review in response to terrorist violence. There was no hidden package, but the confirmation of a strategy: determination that terrorism must be defeated within the law and that therefore the law must be re-examined where it was abused by terrorists. We would take the Irish into our confidence on each issue as it arose at the earliest possible stage.

Mr Lenihan did not dissent from all this: he repeated the pitch he had made in the Plenary talks for three judge courts and extraterritorial jurisdiction. He also paid tribute to Dr Mawhinney's proposals on educational reform, on which the Taoiseach appeared unsighted.

There was a brief discussion of particular cases. Sir Geoffrey repeated that the Guildford Four case was exclusively a matter for the Home Secretary.

CONFIDENTIAL & PERSONAL



CONFIDENTIAL & PERSONAL

Private Discussion with the Tanaiste

The Foreign Secretary had some separate private discussion with Mr Lenihan. Much of this was inconsequential. He took the opportunity to go over in private our key points on political development, security and confidence and the Article 11 review.

At lunch Mr Lenihan said he hoped that we had noticed how little official comment or criticism the Irish had made on our recent decisions, even on the right to silence. There would be no comment on the Winchester judgment because Irish people recognised that the three prisoners had been up to no good. If they were not planning to murder Mr King, what were they there for?

CONFIDENTIAL & PERSONAL

35 K-B

SECRET PRISEC

125334  
MDHIAN 0864

SECRET  
PRISEC  
FM DUBLIN  
TO DESKBY 081830Z FCO  
TELNO 540  
OF 081745Z NOVEMBER 88

cc PS/No 10  
PS/Defence Secretary  
PS/Northern Ireland Secretary  
+ back to me *high Pater*  
9/xi

PERSONAL FOR PRIVATE SECRETARY FROM AMBASSADOR

YOUR TELNO 189: PRIME MINISTER'S MESSAGE TO THE TAOISEACH

SUMMARY

1. ACTION TAKEN.

DETAIL

2. I BRIEFED THE SECRETARY OF STATE IN DUBLIN ON 7 NOVEMBER ABOUT THE MODALITIES OF DELIVERING THIS MESSAGE. HE EXPLAINED TO THE TANAISTE THAT THE LETTER HAD BEEN SIGNED BEFORE THE PRIME MINISTER'S DEPARTURE FOR POLAND AND HAD BEEN DELAYED SO AS NOT TO CROSS WIRES WITH HIS OWN VISIT HERE. ON MR LENIHAN'S ADVICE I ASKED TO CALL PERSONALLY ON THE TAOISEACH TO DELIVER THE MESSAGE. I WAS TOLD THIS MORNING HOWEVER THAT MR HAUGHEY WAS NOT WELL ENOUGH TO RECEIVE ME AND I THEREFORE DELIVERED THE MESSAGE TO DERMOT NALLY, SECRETARY TO GOVERNMENT.
3. I SPOKE ON THE LINES OF SIR GEOFFREY HOWE'S BRIEF AND COMMENDED THE TWO PROPOSALS FOR CROSS BORDER COMMUNICATIONS.
4. NALLY SAID THAT THERE SHOULD BE NO DIFFICULTY OF PRINCIPLE ABOUT MAKING RAPID PROGRESS ON MORE SECURE COMMUNICATIONS BETWEEN THE RUC AND THE GARDA ON THE LINES SUGGESTED BY THE PRIME MINISTER. HE DID NOT KNOW WHAT MIGHT BE THE FINANCIAL OR TECHNICAL CONSTRAINTS. I REMINDED HIM OF MR HAUGHEY'S UNDERTAKING IN HIS LETTER OF 29 JULY THAT "THERE WILL BE NO LACK OF NECESSARY RESOURCES TO PUT INTO EFFECT WHATEVER NEW MEASURES ARE CALLED FOR".
5. NALLY FEARED THAT THE SECOND PROPOSAL FOR ARMY-GARDA COMMUNICATIONS WOULD ENCOUNTER DIFFICULTIES OF PRINCIPLE. THE PROBLEM WAS AS OLD AS HE WAS. I SAID THAT THE ISSUE WAS OPERATIONAL: IF A TERRORIST CROSSED THE BORDER AND THE UNITS PURSUING HIM HAPPENED TO BE FROM THE ARMY IT WAS OPERATIONALLY ESSENTIAL TO ENSURE THAT THE PROPER IRISH AUTHORITIES WERE ALERTED AS SOON AS

b

SECRET PRISEC

125334  
MDHIAN 0864

POSSIBLE. I HOPED THAT THIS COULD BE SYMPATHETICALLY CONSIDERED.

6. NALLY UNDERTOOK TO CONVEY THE MESSAGE TO THE TAOISEACH WITHOUT DELAY.

FENN

YYYY

DISTRIBUTION

MAIN

LIMITED  
HD/RID  
PS

PS/PUS  
MR BOYD

NNNN

SECRET AND PERSONAL



34  
file  
cc file

10 DOWNING STREET  
LONDON SW1A 2AA

From the Private Secretary

6 November 1988

Dear Lynn,

I enclose the Prime Minister's message to Mr. Haughey properly addressed and signed. I should be grateful if it could now be despatched.

I am copying this letter and enclosure to Mike Maxwell (Northern Ireland Office).

Yours sincerely,  
Charles Powell

CHARLES POWELL -

Lyn Parker, Esq.,  
Foreign and Commonwealth Office.

SECRET AND PERSONAL

SECRET

From: THE PRIVATE SECRETARY

33

*celk*



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

Charles Powell Esq  
Private Secretary to the Prime Minister  
10 Downing Street  
LONDON  
SW1A 2AA

*PAB  
seen.*

*3* November 1988

*Dear Charles*

**MESSAGE TO THE TAOISEACH**

My Secretary of State has seen your letter of ~~2~~ 2 November covering the proposed message to the Taoiseach. He is content with the text but feels strongly that the letter should open with the Taoiseach's Christian name, not his appointment, and has discussed this with the Foreign Secretary by telephone.

I am copying this to Lyn Parker in the FCO.

*Yours sincerely  
Mike Maxwell*

M T H MAXWELL

SECRET

SH/4050



IRELAND

Relative pr 19

SECRET AND PERSONAL

32A  
~~31~~(A-C)



revised version

PRIME MINISTER'S

PERSONAL MESSAGE

10 DOWNING STREET

SERIAL No: T168/88 Revised LONDON SW1A 2AA

Seasster cc mature

THE PRIME MINISTER

2 November 1988

Dear Charlie,

I was so sorry to hear about your spell in hospital. I hope you are now fully recovered.

Thank you for your letter of 29 September about cross border security cooperation. I was pleased to learn what is happening over the provision of specialised training for the Garda and pre-emptive intelligence gathering; and I am most grateful for your continued personal interest in both these matters.

I note that you have referred the other issues mentioned in my letter to you of 26 August to the Minister of Justice and the Garda Commissioner. I agree that some of these are matters on which progress may perhaps be made most effectively by direct contacts between our two police forces; but I hope that we can both keep a close eye on progress.

In my letter to you of 26 August I said that I would be writing to you again about a number of other matters which we were then pursuing. You will have heard that we have been conducting a review of our security arrangements to see how we could make our response to terrorism more effective. This review has covered both operational issues and the law. We are deliberately not bringing all our decisions together in a major package, but will let our intentions become clear over time.

SECRET AND PERSONAL

The steps we have already taken include the announcement of our intention to introduce legislation that will help the authorities in Britain and in Northern Ireland to get at terrorist finances; the ban on the broadcasting of direct statements by representatives of proscribed organisations or statements by others which support or invite support for them; and the proposal to allow courts to draw inferences from a suspect's decision to refuse to answer questions. It is our intention to enact similar legislation in Britain on this last point as soon as the legislative programme permits. There will probably be one or two more announcements to come. We have tried to ensure that you receive advance notice of all these steps.

There are two other matters, affecting our cooperation which I hope you will look at further.

The first is the need for rapid and secure communications between the Garda and the RUC across the border. To some extent, we have this at Headquarters level. But I understand that communication is not yet on a secure basis at divisional and station level. Secure communication of this kind is essential if there is to be a rapid and effective response to terrorist action, particularly near the border. I understand that new and secure equipment is currently being tried out. I hope that we can agree that, if it proves to be effective, it should quickly be put into service.

There is also the question of communications in emergencies by the British Army with the Garda. I know this has been discussed in the Conference but so far without result. While obviously all normal contact should be between the Garda and the RUC, there are bound to be emergencies when the British Army will need to make immediate contact with the Garda for help in a particular incident. It is quite easy to construct a scenario in which this would be essential. If we had a case where this was necessary and it emerged that the Garda were not allowed to respond to a message from the Army,

there would inevitably and understandably be a strong public reaction. We must find a way in which this emergency communciation can operate.

We have a joint interest in the control of home made explosives (HME) and therefore in the report of the economic/industrial survey on inert fertilisers. Unfortunately it looks as though changes here will be more difficult and much more expensive than we hoped. But I am sure that we must keep up the search for practical solutions. Preventing terrorists from having access to HME could save a lot of lives.

We will both have some difficult issues to face in the next few months. There is bound to be considerable public and media interest in the first of the Stalker/Sampson inquests, which will start on 14 November, and in some of our legislative proposals when they are considered in Parliament. We can expect similar interest in other developments arising from our security review, in extradition and in the review of Article 11 of the Agreement. If we are to avoid unnecessary problems arising between our two Governments, we will need to ensure that our Ministers and officials keep in close touch.

I look forward to seeing you in Rhodes.

*Warm regards,*

*Yours sincerely*

*Raymond*

Mr. Charles Haughey, T.D.

covering SECRET



alc  
RL

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

2 November 1988

Dear Mike,

MESSAGE TO THE TAOISEACH

The Prime Minister has seen the message to the Taoiseach with some amendments to the draft enclosed with your letter of 1 November, mainly to shorten it. I am sending the top copy to Lyn Parker in the Foreign Office to despatch unless you have any major comment.

Yours sincerely,  
Charles Powell

(C. D. POWELL)

Mike Maxwell, Esq.,  
Northern Ireland Office.

covering SECRET

SECRET AND PERSONAL

32(A-C)



10 DOWNING STREET  
LONDON SW1A 2AA

THE PRIME MINISTER

SUBJECT CCMASTER  
OPS

2 November 1988

PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. T168/88

Dear Taoiseach,

I was so sorry to hear about your spell in hospital. I hope you are now fully recovered.

Thank you for your letter of 29 September about cross border security cooperation. I was pleased to learn what is happening over the provision of specialised training for the Garda and pre-emptive intelligence gathering; and I am most grateful for your continued personal interest in both these matters.

I note that you have referred the other issues mentioned in my letter to you of 26 August to the Minister of Justice and the Garda Commissioner. I agree that some of these are matters on which progress may perhaps be made most effectively by direct contacts between our two police forces; but I hope that we can both keep a close eye on progress.

In my letter to you of 26 August I said that I would be writing to you again about a number of other matters which we were then pursuing. You will have heard that we have been conducting a review of our security arrangements to see how we could make our response to terrorism more effective. This review has covered both operational issues and the law. We are deliberately not bringing all our decisions together in a major package, but will let our intentions become clear over time.

SECRET AND PERSONAL

The steps we have already taken include the announcement of our intention to introduce legislation that will help the authorities in Britain and in Northern Ireland to get at terrorist finances; the ban on the broadcasting of direct statements by representatives of proscribed organisations or statements by others which support or invite support for them; and the proposal to allow courts to draw inferences from a suspect's decision to refuse to answer questions. It is our intention to enact similar legislation in Britain on this last point as soon as the legislative programme permits. There will probably be one or two more announcements to come. We have tried to ensure that you receive advance notice of all these steps.

There are two other matters, affecting our cooperation which I hope you will look at further.

The first is the need for rapid and secure communications between the Garda and the RUC across the border. To some extent, we have this at Headquarters level. But I understand that communication is not yet on a secure basis at divisional and station level. Secure communication of this kind is essential if there is to be a rapid and effective response to terrorist action, particularly near the border. I understand that new and secure equipment is currently being tried out. I hope that we can agree that, if it proves to be effective, it should quickly be put into service.

There is also the question of communications in emergencies by the British Army with the Garda. I know this has been discussed in the Conference but so far without result. While obviously all normal contact should be between the Garda and the RUC, there are bound to be emergencies when the British Army will need to make immediate contact with the Garda for help in a particular incident. It is quite easy to construct a scenario in which this would be essential. If we had a case where this was necessary and it emerged that the Garda were not allowed to respond to a message from the Army,

SECRET AND PERSONAL

C

there would inevitably and understandably be a strong public reaction. We must find a way in which this emergency communication can operate.

We have a joint interest in the control of home made explosives (HME) and therefore in the report of the economic/industrial survey on inert fertilisers. Unfortunately it looks as though changes here will be more difficult and much more expensive than we hoped. But I am sure that we must keep up the search for practical solutions. Preventing terrorists from having access to HME could save a lot of lives.

We will both have some difficult issues to face in the next few months. There is bound to be considerable public and media interest in the first of the Stalker/Sampson inquests, which will start on 14 November, and in some of our legislative proposals when they are considered in Parliament. We can expect similar interest in other developments arising from our security review, in extradition and in the review of Article 11 of the Agreement. If we are to avoid unnecessary problems arising between our two Governments, we will need to ensure that our Ministers and officials keep in close touch.

I look forward to seeing you in Rhodes.

Kind regards,

Yours sincerely

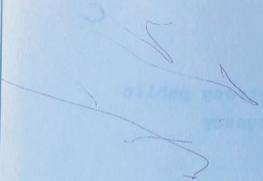
Raymond Dalitz

Mr. Charles Haughey, T.D.

SECRET AND PERSONAL

IRELAND

Palabas p 19



10. 11.  
covering SECRET

PRIME MINISTER

MESSAGE TO THE TAOISEACH

You will recall that it was decided to suspend your earlier message to the Taoiseach until he came out of hospital. Since the earlier version is now somewhat out of date I attach a new one for your signature.

Agree to sign?

C.D.P.

(C. D. POWELL)

1 November 1988

covering SECRET



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

COM 2/xi

Charles Powell Esq  
PS/Prime Minister  
10 Downing Street  
LONDON SW1

1, November 1988

Dear Charles

In your letter to Stephen Wall of 24 October, you accepted that the letter to the Taoiseach which the Prime Minister had already signed on 18 October would have to be held back because of Mr Haughey's illness; and you asked that NIO should provide a revised draft which took account of developments in the meantime. I attach a draft which retains much of the previous text where there is no necessity to alter it, but which updates

- (a) the paragraph dealing with the recent announcements of which we have given the Irish advance warning and the briefing which we have been giving them on the Prevention of Terrorism Bill;
- (b) the final paragraph which warns of icebergs ahead and stresses the need to keep in close touch.

I am sending copies of this letter to Stephen Wall (FCO) and Trevor Woolley (Cabinet Office).

Yours sincerely  
Mica Maxwell

M T H MAXWELL

SW2AMZ

SECRET & PERSONAL

8

DRAFT LETTER FROM PRIME MINISTER TO TAOISEACH

I was so sorry to hear that <sup>about your spell in</sup> you had had to go into hospital. I hope you are <sup>now</sup> fully recovered now.

Thank you for your letter of 29 September about cross border security cooperation. I was pleased to learn <sup>what is happening over</sup> about the developments in relation to the provision of specialised training for the Garda and pre-emptive intelligence gathering; and I am most grateful for your continued personal interest in both these matters. ~~I strongly endorse your hope that the initiatives you are taking will bring positive results.~~

I note that you have referred the other issues mentioned in my letter to you of 26 August to the Minister of Justice and the Garda Commissioner. <sup>I agree that</sup> As you say, some of these are matters on which progress may perhaps be made most effectively by direct contacts between our two police forces; but ~~they are all of them important~~ and I hope that we can both keep a <sup>close eye on</sup> watching brief ~~over progress so that, if necessary, we can intervene to make sure that the momentum is kept up.~~

In my letter to you of 26 August I said that I would be writing to you again about a number of other matters which we were then pursuing. <sup>You will have heard that</sup> ~~As you will be aware~~ we have been

conducting a review of our security arrangements to see how we could make our response to terrorism more effective. We have looked, and we are still looking, both at operational issues and at the law. It was never our intention to bring all our decisions together in a major package, but rather to let them become clear over time.

*has review has covered both*  
*we are deliberately not bringing*  
*our intentions*  
*will*

The steps we have already taken include the announcement of The Home Secretary has already announced our intention to introduce legislation that will help the authorities in Britain and in Northern Ireland to get at terrorist finances. Irish officials have had an oral briefing in London about this and further information will be supplied through the Conference machinery. You will also be aware that we used the Conference machinery to give your people advance information about the Home Secretary's decision to ban the broadcasting of direct statements by representatives of proscribed organisations or statements by others which support or invite support for them; Tom King also gave Brian Lenihan advance notice of his proposals to allow courts to draw inferences from a suspect's decision to refuse to answer questions. Although, for the reasons Tom explained in his announcement, this change will affect any person suspected of committing a criminal offence in Northern Ireland, we expect that its effect will be particularly useful in relation to terrorist suspects. It is our intention to enact similar legislation in Britain as

*BT*  
*and to respond to other allow*  
*on this law*

soon as the legislative programme permits. There will probably be one or two more announcements to come. ~~and I will see that your people are also given advance information about these.~~

*We have tried to ensure that you receive advance information of all these things. These things,*

There are two other matters, ~~both vital to effective cross-border cooperation, to which I would be grateful if you could also give your personal attention in the same positive way as you have dealt with training and preemptive intelligence.~~

*effecting or have you all look at this.*

The first is the need for rapid and secure communications between the Garda and the RUC across the border. To some extent, ~~I think that we have now got this at Headquarters level, but~~ I understand that communication is not yet on a secure basis at divisional and station level. Secure communication of this kind is essential if there is to be a rapid and effective response to terrorist action, particularly near the border. I understand that new and secure equipment is currently being tried out. I hope that we can ~~both~~ agree that if it proves to be effective it should quickly be put into service.

There is also the question of communications in emergencies by the British Army with the Garda. I know this has been discussed in the Conference but so far without result. While obviously all normal contact should be between the Garda and the RUC, there are bound to be emergencies when

the British Army will need to make immediate contact with the Garda for help in a particular incident. It is quite easy to construct a scenario in which this would be essential. If we had a case where this was necessary and it emerged that the Garda were not allowed to respond to a message from the Army, there would inevitably and understandably be a strong public reaction. We must find a way in which this emergency communication can operate.

We have a joint interest in the control of home made explosives (HME) and therefore in the report of the economic/industrial survey on inert fertilisers. Unfortunately it looks as though changes here will be more difficult and much more expensive than we hoped. But I am sure that we must keep up the search for practical solutions. Preventing terrorists from having access to HME could save a lot of lives.

We will both have some difficult issues to face in the next few months. ~~For example,~~ there is bound to be considerable public and media interest in the first of the Stalker/Sampson inquests, which will start on 14 November, and in some of our legislative proposals when they are considered in Parliament. We can expect similar interest in other developments arising from our security review, in extradition and in the review of Article 11 of the Agreement. If we are to avoid unnecessary problems arising

between our two Governments ~~in relation to these matters~~, we  
will need to ensure that <sup>our</sup> Ministers and officials ~~on both~~  
~~sides~~ keep in close touch ~~about them~~.

1      look forward to seeing you  
in London.

7947



Foreign and Commonwealth Office

London SW1A 2AH

31 October 1988

cm

010  
Dear Brian,

Republic of Ireland: Ministerial contacts and visits

There have been one or two recent instances<sup>\*</sup> in which neither we nor HMA Dublin has been informed of proposed contacts between Ministers and their Irish counterparts, or of invitations which Ministers have received to visit the Republic of Ireland. We have no wish to stand in the way of such contacts - indeed, we are keen to encourage them - but it is essential that we and the Ambassador in Dublin are consulted at an early stage in the arrangements.

May I therefore remind you that the FCO should be informed of:-

- (a) any invitations Ministers may receive to visit the Republic of Ireland, whether or not the Minister wishes to accept the invitation;
- (b) any invitations to Irish Ministers to visit the United Kingdom;
- (c) any other proposed bilateral contacts between Ministers and their Irish opposite numbers, including exchanges of correspondence.

I am copying this letter to Private Secretaries of other Members of the Cabinet with a request that they should circulate copies to other Private Secretaries in their departments.

Yours ever,  
L. Parker

(L. Parker)  
Private Secretary

Brian Hawtin Esq  
PS/MOD

\* MOD were not, I hasten  
to add, the offenders!

0 1. XL

AM B

30

MSJ CVW



10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

24 October 1988

LETTER TO THE TAOISEACH

Thank you for your letter of 24 October conveying the advice of our Ambassador in Dublin about delivery of the Prime Minister's message to Mr Haughey. I am sure that the Prime Minister would not want it delivered to anyone else. I agree, therefore, that we have no option but to hold it back for the time being, and put in a slightly revised version when the Taoiseach is back at work. I should be grateful if the Northern Ireland Office could let me have a further version - amended as little as possible - by 31 October.

Bf

I am copying this letter to Mike Maxwell (Northern Ireland Office) and Trevor Woolley (Cabinet Office).

Charles Powell

Stephen Wall Esq  
Foreign and Commonwealth Office



SECRET AND PERSONAL <sup>20(A-B)</sup>  
Foreign and Commonwealth Office

London SW1A 2AH

24 October 1988

*Prime Minister*  
*In the light of this*  
*advice we have little*  
*alternative but to hold the*  
*letter back until the Taoiseach*  
*returns to work. CBR.*

*Aca Charles.*

Letter to the Taoiseach

Your letter to Mike Maxwell (NIO) of 18 October covering the Prime Minister's message to the Taoiseach said that the timing of its delivery might depend on the advice of HM Ambassador in Dublin on Mr Haughey's state of health.

Mr Fenn has been advised by Mr Nally that Mr Haughey has been taking no papers this last week. He is unlikely to be fit enough to tackle substantial business until the end of this week at the earliest (when he is due to give breakfast to M Delors on Friday 28 October). Monday 31 October is an Irish Bank Holiday. The earliest practicable date for the resumption of normal business is likely to be 1 November.

It would of course be possible for Mr Fenn to deliver the message to Mr Nally. It could then either await the Taoiseach's return (by which time it would be a little out of date) or it could be dealt with by Mr Lenihan (which would reduce its impact).

In the circumstances it might be better to hold the message for the time being. If there are any operational matters which need to be tackled this week, this could perhaps be done separately at a lower level. A slightly revised message could then issue when the Taoiseach is back in circulation. This could allude to the personal interest he has taken in pre-emptive intelligence and training, mention the further action taken in the meanwhile and conclude with the very important political message in the last paragraph of the present text (this would however need to be amended to take account of the action that has now been taken over access to the media and the right of silence).

In any new letter, paragraph 1 may also need amendment. The Taoiseach's letter of 29 September stated that he would continue to take a close personal interest in efforts to improve pre-emptive intelligence and Garda training. Only the other (operational) matters mentioned in the Prime Minister's letter of 26 August had been referred to the Ministry of Justice and the Garda Commissioner.

SECRET AND PERSONAL



SECRET AND PERSONAL *b*

Finally, the Prime Minister has in the past used the form "Dear Charlie" in addressing letters to Mr Haughey. Since he values a close personal relationship with the Prime Minister, he might see the more formal "Dear Taoiseach" used in the most recent letter as a step backwards.

I am sending copies of this letter to Mike Maxwell (NIO), Brian Hawtin (MOD) and Trevor Woolley (Cabinet Office).

*Yours,*  
*Stephen Wall*

(J S Wall)  
Private Secretary

C D Powell Esq  
PS/No 10 Downing Street

SECRET AND PERSONAL

B

SECRET AND PERSONAL

FILE LR



10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

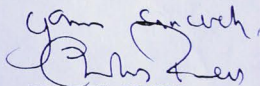
18 October 1988

See Mike,

MESSAGE TO THE TAOISEACH

The Prime Minister has agreed to send a further letter to the Taoiseach but wanted it to be rather more concise than the draft enclosed with your letter of 17 October. I enclose the version which she has signed (top copy to the FCO). Unless your Secretary of State has any serious reservations, I should be grateful if it could be despatched. The timing of its delivery might depend upon the advice of H.M. Ambassador in Dublin, in relation to Mr. Haughey's state of health.

I am copying this letter and its enclosure to Lyn Parker (Foreign and Commonwealth Office), Brian Hawtin (Ministry of Defence) and to Trevor Woolley (Cabinet Office).

  
CHARLES POWELL

Mike Maxwell, Esq.,  
Northern Ireland Office.

SECRET AND PERSONAL

KK

PRIME MINISTER'S

PERSONAL MESSAGE

SERIAL No. T1590/88



SLH

SUBJECT  
cc master  
ops

10 DOWNING STREET  
LONDON SW1A 2AA

18 October 1988

THE PRIME MINISTER

Dear Taoiseach,

Thank you for your letter of 29 September about various aspects of cross border security co-operation. I was very pleased to learn of your initiatives on training, including the decision to send some of your police and officers on a course here. I note that the proposals which I made on pre-emptive intelligence and more thorough examination of north-bound traffic have been referred to the Minister of Justice and the Garda Commissioner. We look forward to hearing from them. But I hope you will also continue to take a direct and personal interest in these vital matters.

In my letter of 26 August I said that I would write further about other aspects of security. You will have heard that we have been conducting a review of our security arrangements to see how we can make our response to terrorism more effective, both operationally and in related aspects of law and security. We are not proposing to bring everything together in a major package. But our intentions will become apparent over time and some of them will require legislation. I recognise your interest and have asked Tom King to ensure that you are kept informed.

There are two further matters affecting our co-operation which I hope you will look at further. The first is the need for rapid and secure communications between the Garda and the RUC across the border. This exists in part between

headquarters, but not yet on a secure basis at divisional and station level. It is essential for rapid response to terrorist action, particularly near the border. I understand that new and secure equipment is being tried out at present. I hope you will give this your full support.

There is also the question of communications in emergencies by the British Army with the Garda. I know this has been discussed in the Conference but so far without result. While obviously all normal contact should be between the Garda and the RUC, there are bound to be emergencies when the British Army will need to make immediate contact with the Garda for help in a particular incident. It is quite easy to construct a scenario in which this would be essential. If we had a case where this was necessary and it emerged that the Garda were not allowed to respond to a message from the Army, there would inevitably and understandably be a strong public reaction. We must find a way in which this emergency communication can operate.

I should be grateful if you could look at these two matters in the same positive way as you have dealt with pre-emptive intelligence and training.

You will have seen the report of the economic/industrial survey on inert fertilisers. Unfortunately it looks as though changes here will be more difficult and much more expensive than we hoped. I do not think we can give up. Denial of home-made explosives to the terrorists could save many lives. We shall try to come forward with some practical proposals soon.

In addition, we shall very shortly be passing you details of the measures we intend to take to help us get at terrorist finances.

Finally, may I say that we may have a difficult few weeks ahead of us. The inquests into matters covered by the

Stalker-Sampson enquiry will be getting under way. Certain aspects of our security review will begin to become public and the new Prevention of Terrorism Bill will be introduced in Parliament. You will also have difficulties to contend with on your side with the need to renew your extradition machinery. Handling all these issues will require useful consultation, if we are to avoid unnecessary problems between our two Governments. We shall do our best.

I was so sorry to hear you are  
in hospital again - my best wishes for  
a rapid recovery

Yours sincerely

Margaret Thatcher

---

Mr. Charles Haughey, T.D.

PRIME MINISTER

## CROSS BORDER SECURITY CO-OPERATION

When you sent the Taoiseach a message some weeks ago on pre-emptive intelligence and training you said that you would be writing further about other aspects of cross border security co-operation.

Since then, the Taoiseach has replied to your message (reply attached) and you will need to take account of that in a further letter.

I attach a suggested message. It is rather shorter than the draft proposed by the Northern Ireland Secretary which I attach in case you want to communicate with Mr. Haughey at greater length. No

In either case you will want to add something at the end about the Taoiseach's illness. I suggest:

"I was so sorry to hear that you are in hospital again. It is most trying for you. I hope you will make a rapid recovery.

With every good wish." ✓

C D P

C. D. POWELL17 October 1988

SLHBAH



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

Charles Powell Esq  
10 Downing Street  
London

17 October 1988

*John Crowley*

*CBP  
17/10*

Thank you for your letter of 30 September.

2. I now attach a revised draft letter to the Taoiseach for the Prime Minister's signature. It is based closely on the earlier version which the Secretary of State forwarded with his minute of 20 September, but

- a. it takes account of and welcomes the Taoiseach's latest letter;
- b. it makes clear that the Secretary of State will be taking a close interest in the operational matters which the Taoiseach regards as best handled by direct police to police contact; and
- c. it includes a reference to terrorist finance, in which Mr Lenihan expressed interest when he met the Home Secretary recently.

3. Moreover, my Secretary of State thinks that there would be merit in underlining the fact that we want to bring home to the Irish the extent of our common interest in stability and progress, and the fact that we are prepared to work closely together to secure this; and to signal to the Taoiseach that the next few weeks, with the Stalker/Sampson inquests, the Prevention of Terrorism Bill, and the emergence of some of the fruits of the security review on our side and the Irish need to renew their extradition machinery on the other, will create problems for both Governments. It is in his view vital that we do all in our power to preempt the knee-jerk reaction that has characterised some of the recent exchanges.

4. Copies of this letter go on the same personal basis as before to Lyn Parker (Foreign and Commonwealth Office), Sir Percy Cradock and to the Director General of the Security Service.

*Yours sincerely  
MTH Maxwell*

M T H MAXWELL

## DRAFT LETTER FROM PRIME MINISTER TO TAOISEACH

In my letter to you of 26 August I responded to the helpful papers which you had sent me, following our discussion at Hanover, dealing with the crucially important question of how to improve the flow of high quality intelligence about terrorist plans and intentions. I now also have your further letter of 29 September in which you set out the progress you have made.

2. I am most grateful for the continuing interest you are taking in this vital area, and I would only repeat that we remain ready to offer any assistance on the training side that would be helpful. I am content that the operational aspects of cooperation I mentioned in my earlier letter should be handled through direct police to police contact, and through the Conference, and I am asking Tom King to keep me closely informed on the progress made.

3. In my earlier letter I mentioned that I would be writing to you again shortly about other aspects of security which I feel it is important that we should have in our minds. As you know, we have been reviewing our security arrangements in Northern Ireland following the Ballygawley outrage. I recognise that you have a close interest in our security policy, and Tom King has told you and Brian Lenihan that we are not proposing to bring everything together in a major package. What we are considering are all the ways in

which we can make our response to terrorism more effective both in operational matters and in the whole related aspects of the law and security. Tom has made clear that he will seek to keep you informed of progress on anything that would be of concern to you. I would here stress again our complete commitment to a security policy that operates within the law.

In our review two further aspects affecting our cooperation have been highlighted. The first is the need for rapid and secure communications between the Garda and the RUC across the border. This exists in part and between headquarters, but not yet on a secure basis at divisional and station level. I understand that trials of possible new and secure equipments are being carried out at this moment. I hope that we can put our full weight behind the earliest possible completion of the trials, and if successful the rapid provision of such equipment.

There is then also the matter of communications in emergencies by the British Army and the Garda. I know that this has been discussed in the Conference without so far any agreement being reached. The background is clear; in Northern Ireland the role of the Army is to support the RUC in the maintenance of law and order. While the principle of police primacy is clearly established, and the Army operates strictly within the law and under overall police direction, it does undertake a range of tasks beyond the capability of the police and frequently in circumstances where a police presence is unnecessary and for which they are not trained.

S E C R E T   &   P E R S O N A L

This is not in conflict with our policy of increasing the proportion of military patrols which include an RUC presence; that relates to patrols which are likely to involve direct contact with the public. I share your view that police participation in all such operations is highly desirable, and we shall continue this. But there are many anti-terrorist patrols and operations which do not involve significant contact with the public and for which the already stretched resources of the RUC are not needed.

That being so it is nonetheless accepted that normally all communications should be between the two police forces. However, there may be emergencies when it is vital for the British Army to make immediate contact with the Garda for help in a particular incident. Let me illustrate what I mean. Imagine if the Ballygawley bus outrage had by chance occurred close to the border, and if the survivors had come under machine-gun fire from across the border. In such a desperate situation, when there would be the most urgent need for the support of the Garda, the Garda must be able to respond to a message direct from the British Army. In such circumstances were it to be known that the Garda were not allowed to respond to such a message it would be incomprehensible to the overwhelming majority of people in both our countries who are united in their detestation of terrorism. It would, moreover, appear to be a total contradiction of a key element in the Anglo-Irish Agreement. We must find the way in which this emergency communication can operate. Tom King has been discussing ways in which this could be done, and I would be very grateful for your support in achieving this.

page 3 of 5

S E C R E T   &   P E R S O N A L

S E C R E T   &   P E R S O N A L

A further point concerns inert fertilisers. Now that we have seen the report of the economic/industrial survey, we both understand the considerable difficulties that are involved. But we cannot simply give up. Despite PIRA's recent acquisition of SEMTEX in large quantities, the denial of home-made explosives to the terrorist is a high prize and could in future save many lives. Tom King will be returning to this subject shortly, and I hope that we can look at the problems in a positive way.

I hope that we can successfully resolve these matters between us which I do believe will make a very positive contribution to our joint efforts to defeat terrorism.

Perhaps I may add two further points. First, at their meeting on 14 September, Douglas Hurd undertook to keep Brian Lenihan informed of progress on measures designed to get at terrorist finances. We shall of course do this, as well as ensuring that the Anglo-Irish Secretariat is kept in the picture. I thought however that you would like to know that we envisage

- a. powers to investigate the finances of doubtful organisations and individuals;
- b. powers to restrain their finances while the investigation is under way; and
- c. powers for the courts to confiscate the resources involved following a conviction.

Finally and more generally, let me say that I shall do all I can to foster a still closer working relationship whenever we face common problems. I look forward to the time when we are both clearly seen to be supporting common objectives whenever there are interests inimical to us both (as, in my view, the Anglo-Irish Agreement envisaged). I am conscious that we may have a difficult few weeks ahead of us both. As examples, the Stalker/Sampson inquests will be getting under way, certain items which emerge from our security review will start to become public, and the new Prevention of Terrorism Bill will be introduced in Parliament. You on your side will also have difficulties to contend with. Handling all these issues will require close consultation and careful handling. I hope very much that we can address all these points at all levels carefully and sensitively to ensure that we eliminate the chances of difficulties between our two Governments.

7628

cc/pc

FCS/88/166CDP  
BxSECRETARY OF STATE FOR NORTHERN IRELAND

1. Thank you for your letter of <sup>3</sup> ~~3~~ <sup>10</sup> October <sup>Arg.</sup> arguing for a UK intervention in the ECJ case on Irish travellers' allowances. I have no objection, but I am sure we should warn the Irish in advance, through the Secretariat. Though the substance of our intervention will come as no surprise, we should perhaps try to offer them some mollificatory explanation for the fact that it comes at such a late stage.
2. I am copying this minute to other members of OD(E), and to Sir Robin Butler.

(GEOFFREY HOWE)

Foreign and Commonwealth Office  
5 October 1988



PRIME MINISTER

CROSS BORDER SECURITY CO-OPERATION: MR. HAUGHEY'S LETTER OF  
29 SEPTEMBER

*at hand*

Mr. Haughey's letter is good on training but much less good on other aspects. The proposal for joint investigation of PIRA's southern command is pushed down to the Minister of Justice and the Garda Commissioner without any sign that they have been asked to get on with it. So far we have had no approaches from them or reference to the idea. Nor is there any response to the request for more rigorous examination of north-bound traffic. And although Mr. Haughey says that he will see there is constant monitoring of the area of pre-emptive intelligence, the implication is that he feels he has done his bit and that his personal involvement in this sector is now at an end.

In view of this, we should I think refer to the 29 September letter in your next message, making essentially three points.

- (a) We are delighted at his initiatives in the training field, including the decision to attend a British course;
- (b) We note that our proposals on pre-emptive intelligence and more thorough examination of north-bound traffic have been referred to the Minister of Justice and the Garda Commissioner. We look forward to hearing from them.
- (c) We must remain in close personal touch on these matters and regularly review progress.

PERCY CRADOCK

4 October 1988



SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

Rt Hon Geoffrey Howe QC MP  
Foreign Secretary  
Foreign and Commonwealth Office  
Downing Street  
LONDON  
SW1A 2AL

NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

capc  
BF: // Await NIO rfm  
↑  
↓  
rco? ch

3 October 1988

Dear Foreign Secretary,

You will recall that the Irish budget of March 1987 included provisions to inhibit shopping in Northern Ireland by residents of the South. We drew the restrictions to the European Commissions' attention, and said we believed them illegal. Late last year the Commission began proceedings in the European Court against the Irish Government. The question now arises of whether we should intervene in those proceedings. The deadline for doing so was 30 September, though I understand we have in practice ten days' further grace.

The arguments for and against are chiefly political and presentational. The Irish action will almost certainly be found contrary to EC law; the main arguments have already been advanced in the Commission's Application to the court. In favour of intervening, there are the clear interests of our own traders, especially in the border towns of Northern Ireland, but also elsewhere there and in Great Britain - which we ought to defend - and be seen to have defended, especially if, unexpectedly, something goes wrong with the case. It was for similar reasons that we intervened earlier this year in a case where the Irish sought to uphold protectionist arrangements for milk distribution.

I see arguments against intervention, of course; no-one is more alive than I to the risk of impact on Anglo-Irish relations.

If the Republic is obliged to lift its restrictions, the effect of a resumed cross-border trade on Mr Haughey's economic strategy might be substantial. That prospect - even though it is likely without our intervention - may not dispose Mr Haughey, or his party, favourably towards us. There is also a risk that news of our intervention will be reported disproportionately as a setback to relations.

But I think we can go too far down the road of not offending the Irish. They have not shown such circumspection. The restrictions in question here were imposed quite without consultation, and, beyond doubt, in the full awareness that they were almost certainly illegal, and that we should be obliged to react against them. I think we stand to gain respect from Mr Haughey by intervening, and perhaps to deter him from similar actions in the future, to the ultimate benefit of relations. We could explain to the Irish through the range of channels open to us that our intervention was to be taken on its own merits as the minimum we had to do to be seen to be protecting our own citizens, and not as being intended wider in any hostile spirit.

Consequently, I believe we should deposit with the European Court in this case a short statement of our agreement with the Commission's arguments (with any amplification our lawyers think desirable) and of the harm caused to UK citizens. It we are to do so we must move quickly. Unless I hear from you or copy recipients by October 4, I shall take steps to deposit such a document.

I am copying this to members of OD(E), and to Sir Robin Butler.

*Yours sincerely*

*Simon Sparrow.*

ff

TK

10 October 1988

03. X.



PMBS

PS TO PRIME MINISTER  
CONFIDENTIAL

154126  
MDLIAN 1505

CONFIDENTIAL  
FM DUBLIN  
TO PRIORITY FCO  
TELNO 478  
OF 301000Z SEPTEMBER 88  
AND TO PRIORITY NIO(B)  
INFO ROUTINE WASHINGTON  
INFO SAVING EC POSTS

PS TO PRIME MINISTER  
NO 18 DOWNING ST

ANGLO-IRISH RELATIONS: VIEW FROM DUBLIN

SUMMARY

1. MR HAUGHEY'S MINORITY ADMINISTRATION IS SECURE FOR THE TIME BEING. PARTY POLITICAL ARGUMENT AOVER NORTHERN IRELAND PRODUCES PRESSURE ON THE TAOISEACH TO 'DO SOMETHING''. HIS HOPES ARE PINNED ON THE UNREALISTIC NOTION OF DIRECT TALKS WITH THE UNIONISTS. CONTINUING PROBLEMS OVER SECURITY AND EXTRADITION MAY LEAD TO AN UNHELPFUL APPROACH TO THE ARTICLE 11 REVIEW. THERE IS THE DANGER OF A NEW LITANY OF HORROR, BUT THIS CAN BE AVOIDED IF WE TAKE TROUBLE OVER PRESENTATION.

DETAIL

2. YOU MAY WISH TO HAVE SOME ASSESSMENT OF THE OUTLOOK FOR ANGLO-IRISH RELATIONS AS SEEN FROM DUBLIN AS WE APPROACH THE ARTICLE 11 REVIEW.

SOUTHERN POLITICS

3. A GENERAL ELECTION THIS AUTUMN REMAINS POSSILBE BUT UNLIKELY. IF THE OPPOSITION BROUGHT DOWN THE MINORITY FIANNA FAIL ADMINISTRATION, MR HAUGHEY WOULD WIN THE RESULTING ELECTION: SO THEY WILL NOT BRING HIM DOWN. IF THE TAOISEACH WENT TO THE COUNTRY WITHOUT GOOD REASON, HE COULD NOT BE CONFIDENT OF WINNING: SO HE WILL NOT GO TO THE COUNTRY. PARLIAMENTARY ACCIDENT IS ALWAYS POSSIBLE, BUT THE RATIONAL ASSUMPTION IS THAT WE SHALL BE DEALING WITH MR HAUGHEY FOR THE REST OF THIS YEAR.

4. THE BROAD ECONOMIC CONSENSUS BETWEEN THE MAJOR PARTIES PERSISTS. IN SPITE OF DISAGREEMENT OVER ELECTORAL BOUNDARIES AND THE TAX BASE, IT SEEMS LIKELY THAT MR DUKES WILL CONTINUE TO SUPPORT THE GOVERNMENT'S ECONOMIC STRATEGY INTO NEXT YEAR. THE ONLY REAL ISSUE ON WHICH THE MAJOR PARTIES DISAGREE IS NORTHERN IRELAND:

A. FINE GAEL STRONGLY SUPPORT DEVOLUTION ON THE LINES OF THE ANGLO-IRISH AGREEMENT. FIANNA FAIL DREAM OF DIRECT TALKS WITH THE UNIONISTS (SEE PARA 7 BELOW):

B. ALL THE OPPOSITION PARTIES ATTACK THE GOVERNMENT FOR NOT DOING ENOUGH TO HARRY US ON NORTHERN IRELAND QUESTIONS.

5. THIS PRODUCES UNCOMFORTABLE PRESSURES ON THE TAOISEACH TO BE SEEN TO BE 'DOING SOMETHING' - PRESSURES WHICH ARE WELL ILLUSTRATED IN TODAY'S PRESS. MR DUKES, PRESENTING FINE GAEL'S PROPOSALS FOR THE ARTICLE 11 REVIEW, CALLED ON BOTH GOVERNMENTS TO RENEW THEIR COMMITMENT TO DEVOLUTION (SEE SEPARATE REPORT). MISS KENNEDY (PDS) STRESSED THE CONFUSION WHICH AROSE WHEN THE TWO GOVERNMENTS APPEARED TO FAVOUR DIFFERENT TYPES OF DIALOGUE. SHE DEMANDED MORE FREQUENT SUMMITS BETWEEN THE TAOISEACH AND THE PRIME MINISTER.

#### NORTHERN POLITICS

6. IN SPITE OF THIS COMMITMENT IN THE ANGLO-IRISH AGREEMENT, MR HAUGHEY DOES NOT SUPPORT THE POLICY OF DEVOLUTION - OSTENSIBLY BECAUSE HE DOES NOT THINK IT CAN SUCCEED, ACTUALLY BECAUSE HE FEARS IT MIGHT. HE ADOPTS A POSTURE OF ELABORATE SCEPTICISM.

7. INSTEAD, HE OFFERS DIRECT TALKS WITH THE UNIONISTS AT ANY TIME, AT ANY LEVEL, IN ANY PLACE, ON ANY SUBJECT, APPARENTLY WITHOUT ANY IDEA OF WHAT HE WOULD SAY AT SUCH TALKS IF THEY HAPPENED. EVERY DISCUSSION WITH IRISH OFFICIALS HAS TO END WITH THEIR CONCLUSION THAT NOTHING CAN BE ACHIEVED WITHOUT SUCH TALKS.

8. THIS IS A RESPECTABLE ASPIRATION FOR ANY IRISH GOVERNMENT, BUT IT GIVES RISE TO THREE PROBLEMS:

A. IT IS DISCONCERTING TO FIND THE GOVERNMENT WITH WHICH WE ARE DEALING IS BASING ITS POLICY UPON FANTASY:

B. THE GOOD IS ENEMY OF THE BEST. THE NOTION OF SUCH TALKS DISTRACTS THE NORTHERN CONSTITUTIONAL PARTIES FROM THE MORE MANAGABLE PROSPECT OF TALKS WITH THE SECRETARY OF STATE FOR NORTHERN IRELAND - AND WITH EACH OTHER - ABOUT THE GOVERNMENT OF THE PROVINCE:

C. IT RAISES EXPECTATIONS IN THE REPUBLIC WHICH CANNOT BE SATISFIED.

SECURITY AND THE RULE OF LAW

9. THE UPSURGE OF IRA VIOLENCE DISMAYS BOTH GOVERNMENTS AND OUGHT TO ENCOURAGE SECURITY COOPERATION BETWEEN THEM. THERE IS USEFUL PRACTICAL COOPERATION ON THE GROUND. SOME PROGRESS HAS RECENTLY BEEN MADE IN HIGH LEVEL EXCHANGES AND WE HAVE WISELY REPLACED A SERIES OF BLANKET DEMANDS WITH A MORE SELECTIVE APPROACH, CONCENTRATING ON THE QUESTIONS OF HIGHEST PRIORITY ON WHICH PROGRESS SEEMS POSSIBLE. THE CONSTRAINTS ARE FAMILIAR: LIMITED IRISH RESOURCES, IRISH POLITICAL INHIBITIONS AND THE IRISH FEAR THAT BRITISH SECURITY FORCES MAY BE TEMPTED TO CUT CORNERS.

10. THERE IS PLENTY OF SCOPE FOR MISUNDERSTANDING. THE STALKER/SAMPSON AFFAIR HAS NOT BEEN LAID TO REST. THE GIBRALTAR INQUEST CONTINUES. THE EXTRAORDINARY IRISH REACTION TO THE WITHDRAWAL OF CHARGES AGAINST GURADSMAN HOLDEN ILLUSTRATES THE FRAGILITY OF OUR COOPERATION. THE GUILDFORD FOUR MAY RE-OPEN THE WOUND OF THE BIRMINGHAM SIX.

#### EXTRADITION

11. THE RECENT EXTRADITIONS OF GERARD HARTE AND ROBERT RUSSELL HAVE SHOWN THAT FIANNA FAIL CAN EXTRADITE TERRORISTS. THERE IS EVEN ONE CURRENT (NON-TERRORIST) CASE WHERE THE IRISH ATTORNEY HAS AUTHORISED THE BACKING OF WARRANTS UNDER THE 1987 LEGISLATION. THE CRUDE THREAT IN THE IRISH STATEMENT OF 26 SEPTEMBER HAS BACKFIRED IN TERMS OF DOMESTIC POLITICS.

12. BUT THE STATEMENT SHOWED THAT EXTRADITION REMAINS A NEURALGIC POINT. OPPOSITION PARTIES MAY CRITICISE THE GOVERNMENT BUT THE REAL POLITICAL PRESSURES ON THE TAOISEACH COME FROM WITHIN HIS OWN PARTY AND FROM OTHER GREEN REPUBLICAN ELEMENTS. HE IS OPENLY ATTACKED FOR BETRAYING REPUBLICAN PRINCIPLES IN ALLOWING EXTRADITION AT ALL. EVERY NEW CRITICISM OF BRITISH SECURITY POLICY STRENGTHENS THIS PRESSURE. MR HAUGHRY IS NOT THE MAN TO IGNORE IT.

13. THE IRISH LEGISLATION FALLS TO BE RENEWED AT THE END OF THE YEAR. THE TAOISEACH PROMISED US IN 1987 THAT IF IT DID NOT WORK HE WOULD MEND IT. BRITISH EXPECTATIONS MAY BE THAT IT IS NOT WORKING WELL ENOUGH AND THEREFORE NEEDS REPAIR. THE TEMPTATION IN THE REPUBLIC WILL BE TO AMEND IT IN THE OPPOSITION DIRECTION. WE KNOW THAT SOME MINISTERS URGED THE SUSPENSION OF EXTRADITION IN RESPONSE TO THE RELEASE OF GUARDSMAN HOLDEN.

14. THE ATTORNEY GENERAL TOLD ME ON 26 SEPTEMBER THAT SINCE THE NEW

LEGISLATION WOULD HARDLY HAVE BEEN TESTED WHEN IT CAME UP FOR RENEWAL, THE OUTCOME OF THE IRISH REVIEW WAS LIKELY TO BE CONTINUATION OF THE STATUS QUO. IRISH POLITICIANS OF ALL PERSUASIONS WILL WANT TO WAIT FOR THE 1987 LAW TO BE PUT TO THE TEST IN THE SUPREME COURT BEFORE REACHING CONCLUSIONS. THIS NEED NOT PREVENT US FROM SUGGESTING IMPROVEMENTS, BUT WE SHOULD NOT EXPECT EARLY MOVEMENT. POLITICAL CAPITAL MIGHT BETTER BE EXPENDED ON OTHER ISSUES.

#### ARTICLE 11 REVIEW

15. AS THE PROSPECT FADES OF USING THE REVIEW TO ENGAGE THE UNIONISTS IN SUBSTANTIVE TALKS, THE IRISH SEEM ONLY TOO LIKELY TO FALL BACK ON THE NARROW VISION OF ANGLO-IRISH DIVISION, WHO WANT TO USE THE REVIEW AS A STICK TO BEAT US WITH UNDER EACH SECTION OF THE AGREEMENT IN TURN. TWO SIDES CAN PLAY AT THAT GAME: BUT IF WE DO, BOTH SIDES WILL LOSE. PUBLIC RECRIMINATION WILL ENCOURAGE THE IRA TO BELIEVE THAT THEY ARE WINNING, AND THE UNIONISTS TO BELIEVE THAT THE AGREEMENT WILL GO AWAY. WE MUST STEER IRISH ENTHUSIASM INTO MORE CONSTRUCTIVE CHANNELS.

#### THE TANAISTE

16. MR LENIHAN HAS BEEN ABSENT SICK FOR MOST OF THIS YEAR. HE WAS SORELY MISSED IN THE DARK DAYS OF FEBRUARY AND MARCH. IN THE SPRING, I THOUGHT HE WAS DYING. SO, FOR A WHILE, DID HE. BUT IT WAS NOT CANCER AND HE IS NOW BACK IN ACTION, A SHADOW OF HIS FORMER SELF BUT FUNCTIONING. THERE ARE THOSE WHO SAY THAT HIS CURRENT VISIT TO THE UNITED STATES IS A LAP OF HONOUR. I PREFER TO BELIEVE THE OFFICIAL LINE THAT IT IS DIABETES NOW UNDER CONTROL. HE IS A KEY FIGURE AND A CALMING INFLUENCE. HIS PERMANENT DEPARTURE WOULD BE A TRAGIC BLOW.

#### CONCLUSION

17. ALL ASPECTS OF THE ANGLO-IRISH RELATIONSHIP ARE UNDER STRAIN. ALL OF THEM ARE HOLDING. THERE IS PLENTY OF GROUND FOR MUTUAL MISUNDERSTANDING IN THE WEEKS AHEAD. THE MOST OBVIOUS CONCLUSION FROM THE AFFAIR OF GUARDSMAN HOLDEN IS THAT IF WE ARE NOT CAREFUL ANGLO-IRISH RELATIONS THIS AUTUMN WILL BE AS DIFFICULT AS THEY WERE IN THE SPRING.

18. AS THE SECRETARY OF STATE FOR NORTHERN IRELAND TOLD THE INSTITUTE OF DIRECTORS IN BELFAST ON 26 SEPTEMBER, THIS IS ALSO A TIME OF OPPORTUNITY. THERE IS REAL PROGRESS IN THE IGC ON FAIR EMPLOYMENT, ECONOMIC DEVELOPMENT, CONFIDENCE ISSUES AND ON CERTAIN SECURITY

CONFIDENTIAL

154126  
MDLIAN 1505

PROBLEMS. WE HAVE IN HAND A MEASURED RESPONSE TO THE BESTIALITIES OF THE IRA. RENEWED EFFORTS ARE UNDER WAY TO ENGAGE THE NORTHERN PARTIES IN POLITICAL DISCUSSION.

19. THE GOVERNMENT IN DUBLIN IS NOT AN EASY ALLY BUT IT NEED NOT BE AWRECKER. PLAIN SPEAKING IN PRIVATE WILL OFTEN BE NECESSARY. BUT, IN OUR OWN INTERESTS, WE SHALL SOMETIMES HAVE TO GO TO EXTRAORDINARY LENGTHS TO KEEP THEM INFORMED, TO EXPLAIN AND COMMEND OUR DECISIONS TO THEM IN ADVANCE AND TO TRY WHEREVER POSSIBLE TO TAKE ACCOUNT OF THEIR SENSIBILITIES. DERMOT NALLY, SECRETARY TO GOVERNMENT, GAVE ME ON 29 SEPTEMBER A VIGNETTE OF THE "DEEP ANGER" WHICH HAD INSPIRED THE EXTRAORDINARY IRISH STATEMENT ON GUARDSMAN HOLDEN ON 26 SEPTEMBER. HE QUOTED THE TAOISEACH: "HERE THEY GO AGAIN, ANNOUNCING DECISIONS WHICH THEY KNOW WILL CAUSE ME PROBLEMS WITHOUT PROPER WARNING OR EXPLANATION. WILL THEY NEVER LEARN? I WILL NOT BE TRIFLED WITH".

20. THIS IS THE POINT OF WHICH WE SHOULD TAKE NOTE. IT IS WORTH TAKING TROUBLE TO AVOID THIS KIND OF EMOTIONAL REACTION. WE SHALL NOT ENGAGE THEIR COOPERATION UNLESS WE TRY.

FENN

FCO PLEASE PASS TO SAVING ADDRESSEES

YYYY

DISTRIBUTION 161

MAIN 109

.NORTHERN IRELAND	ECD(E)
LIMITED	ECD(I)
RID	LEGAL ADVISERS
NAD	POD
INFO	PS
NEWS	PS/MRS CHALKER
PUSD	PS/PUS
SCD	SIR J FRETWELL
RESEARCH	CHIEF CLERK
PLANNERS	MR BOYD
NTD	MISS PESTELL

PAGE 5  
CONFIDENTIAL

ADDITIONAL 42

NORTHERN IRELAND

SAVING 10

EC POSTS

NNNN

MS202



25

file

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

30 September 1988

I enclose a copy of the Taoiseach's reply to the Prime Minister's message about pre-emptive intelligence and surveillance. The Prime Minister would wish it to be seen by only a very limited number of people indeed and would not want any reference to the message made in discussions with the Irish authorities without prior consultation with her. We shall need to consider to what extent the draft of the further message to the Taoiseach prepared by your Secretary of State needs to be amended or enlarged to take account of the Taoiseach's letter.

I am copying this letter and enclosure on the same strictly personal basis to Lyn Parker (Foreign and Commonwealth Office), to Sir Percy Cradock and to the Director General of the Security Service.

Charles Powell

Mike Maxwell Esq  
Northern Ireland Office.

24

mf

PRIME MINISTERNORTHERN IRELAND

I attach the Taoiseach's reply to your message about the performance of the Garda on pre-emptive intelligence and surveillance. It refers to some new initiatives being taken by the Irish Government.

In handing it over, Mr Nally emphasised that the message was personal to you and should be handled on a very restricted basis. Obviously it will need to be seen by one or two others on our side, so that we can form a judgment on the value of what he is doing and you can respond in your further message to the Taoiseach. I am therefore sending copies to the Northern Ireland Secretary, the Foreign Secretary, the Director General of the Security Service and Sir Percy Cradock, on a strictly personal basis. ∴ No copies to be taken

CDP

Charles Powell30 September 1988



10 DOWNING STREET

Charles, C

The attached telegram was not sent to us this morning and so the Irish Ambassador arrived unexpectedly.

Nigel saw the Ambassador in your place.

FCO have apologized for the confusion over this telegram

Sara  
30/9.

PRIME MINISTER'S

PERSONAL MESSAGE

SERIAL No. T148a/88



T  
SUBJECT  
cc OPS  
MASTER

Oifig an Taoisigh  
Office of the Taoiseach

29 September 1988

The Rt. Hon. Mrs Margaret Thatcher MP FRS  
Prime Minister.

Dear Margaret,

When writing to you on 29 July 1988 I enclosed two papers dealing with the matters in which, at our meeting in Hanover, I undertook to take a close personal interest - the effort to improve pre-emptive intelligence and the matter of Garda training in the whole area of intelligence gathering skills.

I am happy to tell you that some new initiatives are now being taken in the training field.

Arrangements have been made for three F.B.I. Instructors from Washington to run training courses here for up to 30 selected members of the Garda Síochána in various aspects of intelligence gathering. These courses are planned to commence towards the end of next month. Three main areas will be comprehensively covered - intelligence gathering, surveillance and instruction on the specialised equipment that is available in this field and on its uses.

Contact has also been made with the police authorities in the Netherlands, Denmark and Canada to see whether they can offer anything in the line of specialised training that would be helpful to the Gardai.

Oifig an Taoisigh, Tithe an Rialtais, Baile Átha Cliath 2.  
Office of the Taoiseach, Government Buildings, Dublin 2.



Oifig an Taoisigh  
Office of the Taoiseach

- 2 -

In addition, the Garda have been offered a number of places on a course in Special Search Techniques being run by British military personnel at Chatham, from 13 to 25 November 1988. It has been decided to send two Instructors from the Garda Training Centre on this course. "Search Techniques" is already included in the Garda Training curriculum and any new skills or ideas that emerge from the Chatham course can be passed on either to specialist Garda units or to operational Gardai in general.

I am hopeful that positive results will come from these developments and I will continue to keep a close personal interest in this area of specialised training.

The second paper which I sent you, dealing with pre-emptive intelligence, set out the organisational changes that have been introduced with a view to making Garda effort in this area more effective, including the creation of extra Special Surveillance Units dedicated to intelligence gathering. Personnel for one of these extra units have already been selected and are at present undergoing training. In addition, Garda officers are under instruction that renewed emphasis must be placed on the intelligence gathering responsibility of all personnel and the Force in general has been placed under constant pressure to produce results. I believe it is too early to expect dramatic results from what is being done and indeed, as you appreciate, such results are exceedingly difficult to achieve no matter what the effort expended. However, I am satisfied that some



Oifig an Taoisigh  
Office of the Taoiseach

- 3 -

very worthwhile results have been achieved in recent weeks - the finds of arms, ammunition and explosives that are being made quite regularly are in many cases the result of an improved information flow to the Gardai. I will see that there will be constant monitoring of this whole area.

In your letter to me dated 26 August 1988 you raised certain other matters relating to operational cooperation between our respective security forces. I believe that these are matters that can best be dealt with by direct contact between the police themselves, with any necessary encouragement or assistance being provided through the agency of Anglo-Irish Conference meetings, where all aspects of security are regularly discussed. I am conveying these additional points which you raised to the Minister for Justice, who in turn will have them considered by the Garda Commissioner.

*With all good wishes,*

*Yours sincerely,*

*Charles Haughey*

Secret

291901Z

LNMDAN 8684 DLLNAN 5849  
SECRET  
DD 300830Z FCOLN  
FM DUBLI TO FCOLN  
291830Z SEP  
GRS 291



Received 1545hr.

SECRET  
PRISEC  
FM DUBLIN  
TO DESKBY 300830Z FCD  
TELNO 476  
OF 291830Z SEPTEMBER 88  
INFO IMMEDIATE NIO(B)

FOLLOWING FOR PRIVATE SECRETARIES TO PRIME MINISTER, SECRETARY OF STATE AND SECRETARY OF STATE FOR NORTHERN IRELAND.

MY TELNO 412: MESSAGE FROM THE TAOISEACH

1. I WAS SUMMONED TO THE TAOISEACH'S DEPARTMENT TONIGHT TO RECEIVE MR HAUGHEY'S REPLY TO THE PRIME MINISTER'S LETTER OF 26 AUGUST.
2. DERMOT NALLY, SECRETARY TO GOVERNMENT, STRESSED THE PERSONAL AND CONFIDENTIAL NATURE OF THE CORRESPONDENCE. I HAVE NOT BEEN AUTHORISED TO SEE THE LETTER. ACCORDING TO NALLY IT INCLUDES THREE POINTS:
  - A. A PROGRESS REPORT ON TRAINING. THE IRISH HAVE ARRANGED FOR AMERICAN INSTRUCTORS FROM THE FBI TO RUN TRAINING COURSES FOR THE GARDA ON INTELLIGENCE GATHERING AND HAVE ACCEPTED A BRIEF COURSE ON SPECIAL SEARCH TECHNIQUES AT CHATHAM IN NOVEMBER.
  - B. PRE-EMPTIVE INTELLIGENCE. NEW SPECIAL SURVEILLANCE UNITS ARE BEING FORMED. RECENT ARMS FINDS ARE ENCOURAGING.
  - C. THE SUGGESTION THAT THE OTHER MATTERS RAISED BY THE PRIME MINISTER (OPERATIONAL COOPERATION, INTELLIGENCE POOLING AND THE SCRUTINY OF NORTH BOUND TRAFFIC) SHOULD BE URGENTLY PURSUED BY THE TWO POLICE FORCES UNDER THE DIRECTION OF THE CONFERENCE.
3. NALLY STRESSED THAT THIS LAST POINT WAS A PROCEDURAL SUGGESTION. THE TAOISEACH WOULD CONTINUE TO TAKE A CLOSE INTEREST. BUT IT IMPLIES THAT WE SHOULD BE RIGOROUSLY SELECTIVE IN THE SUBJECTS RAISED PERSONALLY BY THE PRIME MINISTER WITH THE TAOISEACH.
4. SINCE I AM COMING TO LONDON ANYWAY ON 30 SEPTEMBER I SHALL DELIVER THE SEALED ENVELOPE PERSONALLY TO POWELL AT NO 10 AT ABOUT 1430.
5. I TOOK THE OPPORTUNITY TO REMONSTRATE OVER THE IRISH GOVERNMENT STATEMENT ON GUARDSMAN HOLDEN AND WILL REPORT ON THIS SEPARATELY.

FENN

PS  
PS/NO.10  
S/S NIO.

Secret

SECRET AND PERSONAL



FILE  
22 EAM ABK

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

24 September 1988

**ANGLO/IRISH RELATIONS**

The Prime Minister has considered the point raised in your letter of 23 September whether she should send a further message to Mr Haughey straight away or wait for him to reply to her earlier message. She is content to let him reply first.

I am copying this letter to the Private Secretaries to the Northern Ireland Secretary, the Defence Secretary and the Home Secretary.

CHARLES POWELL

Lyn Parker, Esq.,  
Foreign and Commonwealth Office

SECRET AND PERSONAL



SECRET AND PERSONAL  
Foreign and Commonwealth Office

Prime Minister

London SW1A 2AH

23 September 1988

You said you would send the Taoiseach a letter message. He meanwhile

Yes

Dear Charles, <sup>wants to reply to your earlier one.</sup> Agree to let him reply first?

COB  
23/9

The Ambassador in Dublin was told this morning that Mr Haughey was disposed to send his letter to the Prime Minister, but was wondering about Mrs Thatcher's intentions. Mr Nally, the Secretary of the Irish Cabinet, also told Mr Fenn that Mr Haughey had been much struck by Mr Hurd's recent statement on terrorist finance. He thought Mr Haughey would welcome a reference to this in the Prime Minister's follow-up letter.

file with COB

Mr Fenn has since been told that Mr Haughey would prefer to reply first, and intends to do so "within the week". In the circumstances, the Foreign Secretary thinks that, contrary to the advice in his minute of 22 September, we should let the Taoiseach reply first to the Prime Minister's letter of 26 August. This would allow us to absorb his message and make an appropriate reference to terrorist finance and any possibility of cooperation on it.

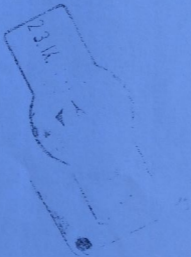
I am copying this letter to the Private Secretaries to the Northern Ireland, Defence and Home Secretaries.

Yours ever,

L Parker

(L Parker)  
Private Secretary

C D Powell Esq  
PS/No 10 Downing Street





PM/88/047

PRIME MINISTERAnglo-Irish Relations: Further Message to the Taoiseach

- WOB*
- See with COP.*
1. I have seen the Northern Ireland Secretary's minute of 20 September. I agree with him in substance. Although the Irish have taken a political stand against communications between the British Army and the Garda, this is something which they should concede on practical grounds.
  2. Our Ambassador in Dublin advises that it would be right for you to write now, rather than await the Taoiseach's reply to your letter of 26 August, since you promised another letter soon. I agree. Although Irish officials have produced a draft, the Taoiseach is not expected to sign the letter just yet. It may however be prudent if you agree, to warn the Irish to hold their reply for the time being.
  3. I am copying this minute to the Northern Ireland and Defence Secretaries.

(GEOFFREY HOWE)

Foreign and Commonwealth Office

22 September 1988

IRIGIANO: Relazioni P. 119.





PRIME MINISTER

overdraw  
Lcc/rc  
20A (AF)

## FURTHER MESSAGE TO THE TAOISEACH

Your letter of <sup>10p</sup> 26 August to the Taoiseach on intelligence matters indicated that you will be writing again on further questions in our minds.

I have been giving a good deal of thought to the approach we might adopt in the light of my discussions with the Irish this year. There are a number of issues we are pursuing, but I think that your letter should concentrate on the most important and urgent. The first is the provision of secure communications right along the border between the RUC and the Garda. The second is to get the Garda to respond to direct emergency communications from the British Army.

There are two other issues which I also think important, but where I believe progress can best be made in other ways. First, there is a question of maintaining contact with terrorists observed crossing the border when our security forces or helicopters can go no further. Better communications will help but there are also welcome developments on the police side which will I hope lead to much increased effectiveness.

Second, in our existing agreement on procedures to deal with explosive devices on or near the border, we already have agreement on some overflight, and I intend to build on this rather than seek a completely new agreement.

Finally, there is the question of direct British Army to Irish Army contact. This is the most difficult item for the Irish in political



terms, and because of the relationship between the Garda and the Irish Army and their respective Ministers; (it may well also be of dubious benefit given the Defence Attache's latest report on the poor condition of the Irish Defence Force). I would like to return to this but not until we have secured the first objectives of RUC/Garda and British Army/Garda communication.

There is however one question on the timing of this letter. I understand that Haughey has a draft reply ready to send to you on the intelligence issues, which is likely to be positive. It has been suggested that we should warn the Irish to hold their reply in view of your future letter, but my own view is that your letter should go now. However, you may wish the Ambassador in Dublin to advise on this.

Copies of this minute go to Sir Geoffrey Howe and to George Younger.

TK

20 September 1988

## DRAFT LETTER FROM PRIME MINISTER TO TAOISEACH

In my letter to you of 26 August I responded to the helpful papers which you had sent me, following our discussion at Hanover, dealing with the crucially important question of how to improve the flow of high quality intelligence about terrorist plans and intentions. I mentioned then that I would be writing to you again shortly about other aspects of security which I feel it is important that we should have in our minds.

As you know, we have been reviewing our security arrangements in Northern Ireland following the Ballygawley outrage. I recognise that you have a close interest in our security policy, and Tom King has told you and Brian Lenihan that we are not proposing to bring everything together in a major package. What we are considering are all the ways in which we can make our response to terrorism more effective both in operational matters and in the whole related aspects of the law and security. Tom has made clear that he will seek to keep you informed of progress on anything that would be of concern to you. I would here stress again our complete commitment to a security policy that operates within the law.

In our review two further aspects affecting our co-operation have been highlighted. The first is the need for rapid and secure communications between the Garda and the RUC across the border. This exists in part and between headquarters, but not yet on a

secure basis at divisional and station level. I understand that trials of possible new and secure equipment are being carried out at this moment. I hope that we can put our full weight behind the earliest possible completion of the trials, and if successful the rapid provision of such equipment.

There is then also the matter of communications in emergencies by the British Army with the Garda. I know that this has been discussed in the Conference without so far any agreement being reached. The background is clear; in Northern Ireland the role of the Army is to support the RUC in the maintenance of law and order. While the principle of police primacy is clearly established, and the Army operates strictly within the law and under overall police direction, it does undertake a range of tasks beyond the capability of the police and frequently in circumstances where a police presence is unnecessary and for which they are not trained.

This is not in conflict with our policy of increasing the proportion of military patrols which include an RUC presence; that relates to patrols which are likely to involve direct contact with the public. I share your view that police participation in all such operations is highly desirable, and we shall continue this. But there are many anti-terrorist patrols and operations which do not involve significant contact with the public and for which the already stretched resources of the RUC are not needed.

That being so it is nonetheless accepted that normally all communications should be between the two police forces. However, there may be emergencies when it is vital for the British Army to

make immediate contact with the Garda for help in a particular incident. Let me illustrate what I mean. Imagine if the Ballgawley bus outrage had by chance occurred close to the border, and if the survivors had come under machine-gun fire from across the border. In such a desperate situation, when there would be the most urgent need for the support of the Garda, the Garda must be able to respond to a message direct from the British Army. In such circumstances were it to be known that the Garda were not allowed to respond to such a message it would be incomprehensible to the overwhelming majority of people in both our countries who are united in their detestation of terrorism. It would, moreover, appear to be a total contradiction of a key element in the Anglo-Irish Agreement. We must find the way in which this emergency communication can operate. Tom King has been discussing ways in which this could be done, and I would be very grateful for your support in achieving this.

A further point concerns inert fertilisers. Now that we have seen the report of the economic/industrial survey, we both understand the considerable difficulties that are involved. But we cannot simply give up. Despite PIRA's recent acquisition of SEMTEX in large quantities, the denial of home-made explosives to the terrorist is a high prize and could in future save many lives. Tom King will be returning to this subject shortly, and I hope that we can look at the problems in a positive way.

F.

I hope that we can successfully resolve these matters between us which I do believe will make a very positive contribution to our joint efforts to defeat terrorism.

MARGARET THATCHER



20 IX



PH 85

SECRET



2011

*the Prime  
c/c*

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

26 August 1988

*Dear Bob,*

ANGLO/IRISH RELATIONS

I enclose the signed original of the Prime Minister's reply to Mr. Haughey's letter of 29 July with which he enclosed two papers on the intelligence aspects of cross-border security co-operation. I should be grateful if the text could be telegraphed to Dublin for delivery as soon as practicable.

I am copying this letter and enclosure to Maurice Patterson (Northern Ireland Office), John Colston (Ministry of Defence), 'C', the Director General of the Security Service and Trevor Woolley (Cabinet Office).

*Yours sincerely,  
C. D. Powell*

C. D. POWELL

R. N. Peirce, Esq.,  
Foreign and Commonwealth Office.

SECRET

SECRET

19A-10

*me KK*



*cc fco  
C1  
DG Sec Sec.  
CO  
N10  
MOD*

10 DOWNING STREET  
LONDON SW1A 2AA

THE PRIME MINISTER

26 August 1988

**PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL NO. T1298/88**

*Subject cc OPS  
made*

*Dear Charlie,*

Thank you for your message of sympathy for the families of the soldiers so brutally murdered in the early hours of last Saturday. It was much appreciated.

Having now had the opportunity to study the two papers which you sent me with your letter of 29 July, I should like to thank you again for the prompt and positive way in which you have carried out your undertaking to look afresh at the critically important intelligence dimension of our security co-operation. I found much to encourage me in your papers and it is in the same spirit that I offer the following comments on particular aspects of them. Their importance and urgency need no emphasis given the sharp rise in IRA attacks in the past few weeks and the quantities of arms in their hands. We are facing a major terrorist offensive and it is crucial that we step up our joint efforts to counter it.

As your papers recognise, my major concern is to see a marked increase in the availability of what has come to be known as pre-emptive intelligence. I am convinced that this is the key to improving the effectiveness of all counter-terrorist effort and not least our co-operation in that field. By pre-emptive intelligence I mean intelligence about terrorist intentions in both short and long term. We

SECRET

need intelligence which enables us to frustrate their plans, seize their operatives, or their arms, or simply save lives, for instance by re-routing a journey. We also need intelligence about their longer-term thinking and capabilities.

As we both know from recent experience, the Provisional IRA have developed over the years into a very dangerous organisation and the concentration of terrorists in Northern Ireland and the Republic is one of the biggest in the world. Those who have managed to escape justice have acquired wide experience of mounting all forms of terrorist activity from procurement to bombings. They will only be beaten by similar expertise on your part and ours. I do not underestimate the value of information obtained by routine police work, for example sightings of known terrorists - the bulk of the information exchanged daily by the RUC and Garda. But this is no substitute for intelligence about terrorist intentions gained by systematic penetration of their organisation. Given the terrorists' awareness of security needs, especially in the border areas, it must be extremely difficult for local Garda to learn much in this field. And while it is important that all police personnel are involved in the acquisition of intelligence, it is only the specialist units, those involved in surveillance, technical operations and agent running, who will be able to get the kind of hard-core pre-emptive intelligence needed. Inevitably, and especially in the case of surveillance, there has also to be a heavy investment of resources such as vehicles, secure radio systems and overtime. I am very encouraged by your determination to devote more resources to penetrating PIRA and by your readiness to concentrate more on the Dundalk area.

It is, of course, for you to decide where your officers can best be sent for training. As you know, we in this country have provided training in the past and would be happy to help again, for instance with surveillance training of the kind provided to seven Garda officers last October, or training in handling information sources, such as was

provided most recently in 1983. Any such help could be arranged, as preferred, either bilaterally or under the aegis of TREVI, which we both value, or possibly with the US or Canada. I personally hope that you will be able to make real use of the training offers we have made, since our courses are directly relevant to the type of task that your people face as well.

Another point I should like to stress relates to operational co-operation. Experience in recent years has convinced us that the exchange of intelligence is not enough. What is needed is an increasing degree of joint investigation; and joint operations to acquire sources of intelligence whether technical or human. We know that on our own we cannot succeed; by working more closely together our strengths can be used to best advantage. In this very sensitive area you can be assured that our involvement in such forms of collaboration would be very carefully protected as it has been on previous occasions.

As the next step to our shared effort I would like to suggest that discussions take place on the pooling of intelligence on important areas of PIRA operations; for instance the structure and operations of PIRA's Southern Command. The Security Service, Metropolitan Police Special Branch and RUC can make contributions and I am sure that with the intelligence available to the Garda a valuable survey could be carried out, which would enable all of us to target individuals more effectively both for investigation and as potential agents.

There is one other point I should like to raise with you. Now that the IRA have acquired large stocks of arms, many hidden in the Republic, it becomes critically important to prevent these arms crossing into Northern Ireland. Can I ask you most earnestly to institute much more rigorous examination of north-bound traffic? Clearly, for us to do much more on our side would simply present a new and ready-made target to the terrorists.

In the end, as we both recognise, it will be results that count. Some useful results are already being achieved on both sides of the border, and I in no way undervalue what has been done, or the positive changes you have outlined. Equally we both recognise that there is a great deal more to be done; in order to do it we have to work ever more closely together. The current crisis underlines the urgency of the need. We have made a start. We must maintain the momentum. I shall want to keep in close touch with developments, as I am sure you will, and I welcome your intention to hold regular reviews of progress.

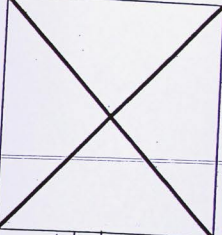
We have a number of other concerns which we are pursuing and on which I shall write to you shortly.

Yours sincerely

Raymond Shalita

Mr. Charles Haughey, T.D.

# A The National Archives

DEPARTMENT/SERIES ..... <i>REM 19</i> .....	Date and sign
PIECE/ITEM ..... <i>2274</i> ..... (one piece/item number)	
Extract details: <i>minute from Cradock to the Prime Minister dated 22 August 1986</i>	
CLOSED UNDER FOI EXEMPTION ..... <i>27(i)</i> .....	<i>6/3/18</i> <i>Milkin</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

## Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,  
eg. HO 405, J 82.

Enter the piece and item references, .  
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.  
This should be an indication of what the extract is,  
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.  
Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.

SECRET

DRAFT LETTER FROM THE PRIME MINISTER TO  
THE TAOISEACH

Having now had the opportunity to study the two papers which you sent me with your letter of 29 July, I should like to thank you again for the prompt and positive way in which you have carried out your undertaking to look afresh at the critically important intelligence dimension of our security co-operation. I found much to encourage me in your papers and it is in the same spirit that I offer the following comments on particular aspects of them. Their importance and urgency need no emphasis with the sharp rise in IRA attacks in the past few weeks. We have a major terrorist offensive on our hands and it is crucial that we step up our joint efforts to counter it.

2. As your papers recognise, my major concern is to see a marked increase in the availability of what has come to be known as pre-emptive intelligence. I am convinced that this is the key to improving the effectiveness of all counter-terrorist effort and not least our co-operation in that field. By pre-emptive intelligence I mean intelligence about

SECRET

SECRET

terrorist intentions which enables us to frustrate their plans and to save lives. You attach the same meaning to the term. But we also need intelligence about the terrorists' longer-term thinking and capabilities. We have to know what is going on in their minds.

3. As we both know from bitter experience, the Provisional IRA have developed over the years into probably the most effective terrorist organisation in the world. Those who have managed to escape justice have acquired wide experience of mounting all forms of terrorist activity from procurement to bombings. They will only be beaten by similar expertise on your part and ours. While it is important that all police personnel are involved in the acquisition of intelligence, it is only the specialist units, those involved in surveillance, technical operations and agent running, who will be able to get the kind of hard-core pre-emptive intelligence needed. Inevitably, and especially in the case of surveillance, there has also to be a heavy investment of resources such as vehicles, secure radio systems and overtime. I am very encouraged by your determination to devote

SECRET

SECRET

more resources to penetrating terrorist groups and by your readiness to concentrate more on the Dundalk area.

4. It is, of course, for you to decide where your officers can best be sent for training.

THIS IS A COPY. THE ORIGINAL IS  
RETAINED UNDER SECTION 3 (4)  
OF THE PUBLIC RECORDS ACT

I personally hope that you will be able to make real use of the training offers we have made, since our courses are directly relevant to the type of task that your people face as well.

5. The other point I would like to stress relates to operational co-operation. Experience in recent years has convinced us that the exchange of intelligence is not enough. What is needed is an increasing degree of joint investigation; and joint operations to

SECRET

SECRET

acquire sources of intelligence whether technical or human. We know that on our own we cannot succeed; by working more closely together our strengths can be used to best advantage. In this very sensitive area you can be assured that our involvement in such forms of collaboration would be very carefully protected as it has been on previous occasions.

6. As the next step to our shared effort I would like to suggest that discussions take place on the pooling of intelligence on important areas of PIRA operations; for instance the structure and operations of PIRA's Southern Command. The Security Service and RUC can make contributions and I am sure that with the intelligence available to the Garda a valuable survey could be carried out, which would enable all of us to target individuals more effectively both for investigation and as potential agents.

7. In the end, as we both recognise, it will be results that count. Some useful results are already being achieved on both sides of the border, and I in no way underestimate what has

SECRET

SECRET

been done, or the positive changes you have outlined. Equally we both recognise that there is a great deal more still to be done; and in order to do it we have to work ever more closely together. The current crisis underlines the urgency of the need. ~~I think~~ We have made a start. We must maintain the momentum. I shall want to keep in close touch with developments, as I am sure you will, and I welcome your intention to hold regular reviews of progress.

SECRET

SECRET



10 DOWNING STREET

LONDON SW1A 2AA

*From the Private Secretary*

12 August, 1988.

*File JDB B42  
17 u PC*

**ANGLO-IRISH SECURITY COOPERATION**

The Prime Minister has considered the Northern Ireland Secretary's recent but undated minute covering a draft reply to the Taoiseach's letter and papers about Anglo-Irish security cooperation. Before deciding on the sort of reply she wants to send, the Prime Minister would like to see an analysis by the experts - perhaps under the auspices of the JIC - of the Taoiseach's two papers, and how far we believe that they really do represent substantial improvement in the Irish performance. Her instinct is that to some extent the papers represent an attempt to soft-soap us into believing that everything that can be done is being done. While we should certainly welcome genuine improvements in the Irish performance, we should have no qualms about identifying points which remain unsatisfactory, and urging the Irish to take further steps.

This will inevitably mean some delay before a reply can issue, but the Prime Minister thinks the matters at stake too important to rush. I suggest that the assessment should be available to the Prime Minister by 1 September. Meanwhile, our Embassy in Dublin might like to let the Taoiseach's office know that the Prime Minister wishes to reflect further on Mr. Haughey's letter and papers, and will reply in early September.

I am copying this letter to the Private Secretaries to the Foreign Secretary, the Home Secretary, the Defence Secretary, and to Sir Robin Butler and Sir Percy Cradock.

C. D. Powell

Martin Donnelly, Esq.,  
Northern Ireland Office.

SECRET

PRIME MINISTERANGLO-IRISH SECURITY CO-OPERATION

You will recall that Mr Haughey sent you a message about the steps he was introducing to enable the Garda to obtain more pre-emptive intelligence and to improve its training. You owe him a reply.

The attached minute by Tom King covers a draft reply which is basically welcoming of the Taoiseach's message. It has not yet been seen by Percy Cradock: but I know that he and the Director-General of the Security Service both feel that the Taoiseach's message is not adequate and simply skates over some inconvenient aspects of the Irish performance. They feel that a welcoming reply would give the wrong impression of our attitude and that we need rather to maintain the pressure which you applied at Hanover.

If you agree, I will minute out that you want first to see an objective analysis by the experts of the papers enclosed with the Taoiseach's message before deciding what the overall tone of the reply should be. But your feeling is that he is attempting to some extent to soft-soap us. While we can welcome genuine improvements and pocket concessions, we need to go on pressing on points which are not yet satisfactory. This may mean some delay in the reply. But it is more important to get it right than make it quick.

Agree?

Y  
L  
W

C.D.?

C. D. POWELL  
11 August 1988

DASAOJ

PRIME MINISTER

## ANGLO IRISH SECURITY COOPERATION

As you were departing for Australia the Taoiseach sent you a <sup>Har</sup> ~~letter~~ with two accompanying papers in response to your discussion at Hanover. You acknowledged his letter at the time and I attach a draft now for a fuller reply.

A lot of the material in the accompanying papers rehearses the present situation and seek to justify some aspects of which we would be critical. However much more important is the fact that he accepts the need for greater effort in the field of surveillance and the need also for more training in intelligence work.

Interspersed with the familiar defensiveness and rationalisation of existing practice, there are important acknowledgements - which we have not had previously in anything like such unambiguous terms - that the Garda do need to understand the nature and significance of high quality intelligence; that it has been shown by events (specifically the arms shipments) that they have not done well enough in that field hitherto; that in order to improve they will need to take practical steps, rather than just resolve generally to do better; that regular progress reviews are essential; and that training is crucial. Moreover the Taoiseach is able to point to some action having already been taken: for example the structural changes that have been made in the Garda, and the closer attention



that is being given to the Dundalk area. I have little doubt that, taken as a whole, these papers are intended by Mr Haughey to be seen as a positive response to your comments at Hanover, and as a definite assurance that things are now going to happen.

I think it is important that you accept them in this spirit, and it will be our job now to build upon the opportunity that you have created. There is certainly a feeling about in the RUC of a much more positive and constructive relationship with the Garda; it is clear that this is directly due to instructions from the Taoiseach, and that they too see this as providing them with their opportunity to make the most of this new better relationship.

I therefore attach a suggested reply to the Taoiseach which maintains the welcoming tone of your initial acknowledgment but takes the opportunity to emphasise the key points which are important to us. In particular I hope we can persuade them in respect of training to take up offers of our courses, which must be the most relevant to the Irish situation, rather than the more general training available in other countries.

I am sending copies of this minute and the draft letter to the Foreign and Commonwealth Secretary, the Home Secretary and the Defence Secretary and to Sir Robin Butler and Sir Percy Craddock, all of whose staffs have been consulted about the terms of the draft reply.

*Martin Donnelly*  
pp TK

DRAFT LETTER FROM PRIME MINISTER TO TAOISEACH

Having now had the opportunity to study the two papers which you sent me with your letter of 29 July, I should like to thank you again for the prompt and positive way in which you have carried out your undertaking to look afresh at the critically important intelligence dimension of our security cooperation. I have found much to encourage me in your papers and it is in the same spirit that I offer the following comments on particular aspects of them. Their importance and urgency needs no emphasis with the sharp rise in IRA attacks in the past few weeks.

2. As your papers recognise, my major concern has been - and is still - to see a marked increase in the availability of what has come to be known as preemptive intelligence, since we are convinced that this is the key to improving the effectiveness of all counter-terrorist effort, and not least our cooperative effort in that field. We indeed need to agree what we mean by it and paragraph two of your paper makes that clear. It is intelligence about the intentions and plans of terrorist groups which is sufficiently specific to enable the security forces to anticipate where, when and in what form a terrorist operation or activity is likely to occur, and therefore to take action to prevent or counter it.

4. This is not the only kind of intelligence which can be of real value. We need intelligence also about the longer term thinking and capabilities of the terrorists. This is not to take away from what is already being achieved in collecting and sharing information about the movements of suspects and suchlike. But that of itself is not enough, as paragraph 5 of your paper is very honest in acknowledging. We have to know what is going on in the terrorists' minds.

5. The recent structural changes in the Garda Siochana which you describe have been well received on our side, and will help further the close cooperation between the police at the most senior levels, and reinforce the good relations at the lower and local levels.

6. However, while structures and contacts have a vital part to play when it comes to making best use of intelligence, it first has to be acquired. I am very encouraged by your comments on the need for really high grade intelligence about terrorists' intentions. This has come in two ways: by sustained surveillance and by penetration of terrorist groups. Neither is at all easy. Each demands great dedication and perseverance and indeed courage. Each also requires a very high degree of professional skill in order to succeed against the growing proficiency of the terrorists - and not only to succeed but to ensure the safety of the operators, their colleagues and their sources. Inevitably, in the case of surveillance especially, there has also to be a heavy investment of resources such as vehicles and radios - and overtime.

E

7. These may seem obvious points but, certainly in Northern Ireland, their full importance has been learnt the hard way by Government and police alike. Experience in dealing with sophisticated modern criminals who have no paramilitary involvement is of course of some help, but is not by itself sufficient. The Provisionals are in a separate league for skill and ruthlessness.

8. This of course underlines the importance of training, and I found your separate paper on this subject very interesting. I accept the point that all police personnel, and not only the specialists, need to be fully aware of the importance of intelligence and trained in how to go about collecting it. Nevertheless it is the specialists, and preeminently those actually engaged in the two key functions of surveillance and penetration, who most need to be very thoroughly trained for their difficult and dangerous work. I therefore warmly welcome your intention to make the fullest use of all the specialist training available, and your decision to form two more Special Surveillance Units no doubt reinforces this.

9. It is of course for you to decide where they can best be sent for training. As you know, we in this country have provided some training in the past and would be only too pleased to help again, for instance with surveillance training of the kind provided to seven Garda officers last October, or training in handling information sources such as was provided most recently in 1983. Any such help could be arranged, as you preferred, either bilaterally or

under the aegis of TREVI, which we both value, or possibly with the United States or Canada. I do personally hope that you will be able to make real use of the training offers that we have made as our courses are very directly relevant to the type of task that your people face as well.

10. In the end, as we both recognise, it will be results that count. Some useful results are already being achieved on both sides of the border. On your side there have been the recoveries of terrorist weaponry listed in the Appendix to your first paper, which are much appreciated. Equally we both recognise that there is a great deal more still to be done. We are far more likely to do it successfully together than apart. I hope and believe that we are now much nearer to getting the foundations right for effective security cooperation; if so, the results will surely follow. I shall want to keep in close touch with developments, as I am sure you will, and I hope we shall have opportunities to review progress together.

13822



Ref. A088/2425

MR POWELL

*B/F Tuscly.*

*(PC has seen & will comment)*

*18/2/8*

I attach the letter to the Prime Minister from the Taoiseach and the two papers which were enclosed with it.

2. I have given personal copies of these papers to the Foreign and Commonwealth Secretary, the Secretary of State for Northern Ireland, the Home Secretary and the Secretary of State for Defence. The other two copies in addition to the Prime Minister's, are in my office and the OD Secretariat. I have given instructions that no other copies are to be made.

3. An assessment is being prepared of the proposals in the papers and this will be coming forward shortly.

4. You arranged for the Prime Minister to send an acknowledgement to the Taoiseach during her overseas visit, and no further action needs to be taken in that respect for the time being.

*R.R.B.*

ROBIN BUTLER

2 August 1988

PA

AAAA  
 291710Z JUL 88  
 FM CABINET OFFICE  
 TO AIRBORNE 001 DESKBY 291800Z  
 BT  
 S E C R E T  
 AIRBORNE 001  
 FOLLOWING FROM DUBLIN

SECRET  
 FM DUBLIN  
 TO DESKBY 291800Z CABINET OFFICE  
 TELNO U/N  
 OF 291710Z JULY 88  
 AND TO DESKBY 247800Z FCO, NIO LONDON

FOLLOWING FOR PRIME MINISTER EN ROUTE FOR SINGAPORE, WITH COPIES TO LONDON FOR SECRETARY OF STATE AND SECRETARY OF STATE FOR NOR HERN IRELAND

GARDA SIOCHANA: PRE-EMPTIVE INTELLIGENCE AND TRAINING

1. I WYS SUMMONED TO THE THE TAOISEACH'S OFFICE ON 29 JULY TO RECEIVE MR HAUGHEY'S PERSONAL LETTER TO THE PRIME MINISTER ABOUT PRE-EMPTIVE INTELLIGENCE AND GARDA TRAINING FOLLOWING THEIR MEETING AT HANOVER. MR HAUGHEY WAS PARTICULARLY ANXIOUS THAT THE PRIME MINISTER SHOULD BE INFORMED TONIGHT THAT HE HAD TRIED TO GET THIS MESSAGE TO HER IN LONDON BEFORE HER DEPARTURE BECAUSE HE WISHED TO STRESS THE URGENCY AND IMPORTANCE WHICH HE ATTACHED TO IT. THE TEXT OF THE TAOISEACH'S COVERING LETTER IS IN MIFT. HE DID NOT WISH THE ENCLOSED PAPERS TO BE TELEGRAPHED.

TRAINING

2. THE PAPER ON TRAINING REVIEWS THE PRESENT ''IMPRESSIVE COMMITMENT'' BUT ACKNOWLEDGES ROOM FOR IMPROVEMENT. IT REPORTS TWO NEW DECISIONS:

A. THE ENHANCEMENT OF THE INTELLIGENCE ELEMENT IN THE TRAINING OF NON-SPECIALISTS.

B. NEW TRAINING FOR SPECIALISTS INCLUDING SELECTED APPROPRIATE SPECIALIST COURSES ABROAD IN CANADA, THE US OR TREVII PARTNERS. THE PAPER CONCLUDES THAT THE IMPORTANCE OF TRAINING OF THIS TYPE IS FULLY RECOGNISED. THE MATTER IS BEING ACCORDED NEW PRIORITY AND WILL BE KEPT UNDER CONTINUING REVIEW.

PREEMPTIVE INTELLIGENCE

3. THE PAPER ON PREEMPTIVE INTELLIGENCE REVIEWS PRESENT PERFORMANCE AND LIST RECENT SUCCESSES, BUT ACCEPTS THAT GARDA EFFORTS COULD BE EXPECTED TO BE MORE PRODUCTIVE, PARTICULARLY IN THE LIGHT OF THE PRE-EKSUND ARMS SHIPMENTS. RECENT CHANGES IN THE STRUCTURE AND SENIOR MANAGEMENT OF THE GARDA HAVE BEEN DESIGNED TO IMPROVE THE EFFECTIVENESS OF INTELLIGENCE-GATHERING. THE THREE SPECIAL SURVEILLANCE UNITS ARE TO BE INCREASED TO FIVE, AND EFFORTS ARE TO BE INTENSIFIED TO SECURE THE PENETRATION OF SUBVERSIVE ORGANISATIONS. THE COMMISSIONER AND HIS SENIOR OFFICERS ARE TO MONITOR CLOSELY THE PERFORMANCE OF ALL GARDA SECURITY AND INTELLIGENCE SERVICES.

PREEMPTIVE INTELLIGENCE

3. THE PAPER ON PREEMPTIVE INTELLIGENCE REVIEWS PRESENT PERFORMANCE AND LIST RECENT SUCCESSES, BUT ACCEPTS THAT GARDA EFFORTS COULD BE EXPECTED TO BE MORE PRODUCTIVE, PARTICULARLY IN THE LIGHT OF THE PRE-EKSUND ARMS SHIPMENTS. RECENT CHANGES IN THE STRUCTURE AND SENIOR MANAGEMENT OF THE GARDA HAVE BEEN DESIGNED TO IMPROVE THE EFFECTIVENESS OF INTELLIGENCE-GATHERING. THE THREE SPECIAL SURVEILLANCE UNITS ARE TO BE INCREASED TO FIVE, AND EFFORTS ARE TO BE INTENSIFIED TO SECURE THE PENETRATION OF SUBVERSIVE ORGANISATIONS. THE COMMISSIONER AND HIS SENIOR OFFICERS ARE TO MONITOR CLOSELY THE PERFORMANCE OF ALL GARDA SECURITY AND INTELLIGENCE SERVICES.

4. THE ORIGINAL LETTER AND THE TWO PAPERS WILL BE SENT BY SPECIAL COURIER TO SIR ROBIN BUTLER ON TUESDAY 2 AUGUST.

5. THESE NEW IRISH MEASURES MUST OF COURSE BE JUDGED BY THEIR RESULTS. BUT THE TAOISEACH HAS MADE A REAL EFFORT TO RESPOND TO THE PRIME MINISTER'S CONCERN, PARTICULARLY IN HIS COMMITMENT TO PROVIDE THE RESOURCES NECESSARY TO ACHIEVE URGENT IMPROVEMENTS. I RECOMMEND THAT SHE SHOULD SEND A BRIEF ACKNOWLEDGEMENT, INCLUDING:

- A. THANKS FOR HIS LETTER.
- B. BEST WISHES FOR THE SUCCESS OF THESE NEW MEASURES.
- C. UNDERTAKING TO STUDY THE PAPERS IN DETAIL ON HER RETURN.
- D. RENEWING THE OFFER OF TRAINING IN BRITAIN IF THIS WOULD BE HELPFUL.

FENN

NOTE FROM COMMS RELAY. TELEGRAM NOT RECEIVED UNTIL 291829Z JUL

GRS 0453  
NNNN

13: A-B

PA. 'T'

PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. T1178/88

SUBJECT CC MASTER  
OP

ZCZC  
AAAA  
292040Z JUL 88  
FM AIRBORNE  
TO CABINET OFFICE 005 DESKBY 300830Z  
BT

S E C R E T  
FOLLOWING PERSONAL FOR HM AMBASSADOR DUBLIN FROM CHARLES POWELL,  
AIRBORNE, WITH COPIES FOR FOREIGN SECRETARY AND NORTHERN IRELAND  
SECRETARY.

SUBJECT TO ANY COMMENTS FROM THE FOREIGN SECRETARY AND THE NORTHERN  
IRELAND SECRETARY, PLEASE PASS THE FOLLOWING MESSAGE FROM THE PRIME  
MINISTER TO THE TAOISEACH:

''DEAR CHARLIE,

THANK YOU VERY MUCH FOR YOUR MESSAGE WHICH REACHED ME WHILE I WAS  
ON MY WAY TO THE FAR EAST. I AM GRATEFUL TO YOU FOR FOLLOWING UP  
THE VERY IMPORTANT ISSUES WHICH WE DISCUSSED IN HANOVER IN THIS  
WAY. I LOOK FORWARD TO SEEING THE DETAILED PAPERS ON MY RETURN TO  
LONDON. MEANWHILE I WISH YOU EVERY SUCCESS WITH THE NEW MEASURES  
WHICH YOU ARE INTRODUCING. IF THERE IS ANY WAY IN WHICH WE CAN  
HELP WITH TRAINING, I HOPE YOU WILL LET ME KNOW.

WITH BEST WISHES,  
YOURS SINCERELY,  
MARGARET''  
GRS00000  
NNNN

292040 B  
005

SECRET

IMMEDIATE DESKBY 300830Z

FOLLOWING PERSONAL FOR HM AMBASSADOR DUBLIN FROM CHARLES  
POWELL, AIRBORNE, WITH COPIES FOR FOREIGN SECRETARY AND  
NORTHERN IRELAND SECRETARY

Subject to any comments from the Foreign Secretary and  
the Northern Ireland Secretary, please pass the following  
message from the Prime Minister to the Taoiseach:

"Dear Charlie,

Thank you very much for your message which reached me while  
I was on my way to the Far East. I am grateful to you  
for following up the very important issues which we discussed  
in Hanover in this way. I look forward to seeing the detailed  
papers on my return to London. Meanwhile I wish you every  
success with the new measures which you are introducing.  
If there is any way in which we can help with training,  
I hope you will let me know.

With best wishes,

Yours sincerely,

Margaret"

C.D.P.



10 DOWNING STREET

Prime Minister

This is now agreed  
by all & Sunday,  
I think hits the  
right note. Mr. Haughey  
is out of Dublin until  
Monday, but we will  
send the text over  
tomorrow. To reach him,  
you should put:  
"Dear Charlie"  
yours ever, Margaret Thatcher" :DP



PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. T120/88

Oifig an Taoisigh  
Office of the Taoiseach

SUBJECT CC MASTER  
OPS

29 July, 1988.

The Rt. Hon. Mrs. Margaret Thatcher, M.P., F.R.S.,

Dear Margaret

At our meeting in Hanover I undertook to take a personal interest in two specific matters to which you attributed special importance - better pre-emptive intelligence and the importance of Garda training in the whole intelligence-gathering area.

The enclosed papers set out the position in relation to each of the issues and also the line that it is intended to follow in order to secure improvements.

I have emphasised to all officers concerned here, at the highest Garda Síochána and Department of Justice levels, that attention is to be focussed on achieving improvements in both areas, as a matter of great urgency. Also, I have made it clear that there will be no lack of necessary resources to put into effect whatever new measures are called for.

The issues concerned will continue to have my close personal attention.

Yours sincerely

Charles Haughey

CONFIDENTIAL

Pre-emptive Intelligence

1. In 1970 Garda Siochana strength was 6500. Current strength is in the region of 11,000. There have been improvements in other Garda resources - in transport equipment and communications - on a comparable scale. The organisation of the Force has been improved by the creation of a number of special units, each tasked with the attainment of a particular objective. While some of this very substantial strengthening of the Force was required to meet the challenge of escalating "ordinary" crime rates, in very large measure it was introduced as a direct response to the continuing security threat and to meet extra commitments undertaken specifically in relation to Border security.
2. In recent years, at meetings of the Anglo-Irish Conference

and at other meetings held as part of the machinery of the Anglo-Irish Agreement, the organisation of the Garda Siochana and the measures it employs in the discharge of its security-related functions and responsibilities have come under scrutiny. They have been, in some instances, the subject of criticism. In general the criticism relates, not to the commitment or to the level of resources employed, but to the ways in which these resources are organised and utilised. In the last analysis the criticism comes down to this - that the Garda effort is not producing what is needed in the form of "pre-emptive intelligence". It is understood that in the parlance of British security services "pre-emptive intelligence" means something very specific - intelligence that leads to the discovery of caches of arms and explosives or to the arrest and conviction of subversive "Active Service Units" by enabling them to be caught red-handed in the preparation or perpetration of terrorist crimes.

3. A vast amount of security-related intelligence passes, on a daily basis, between the Garda Siochana and the RUC.

Arrangements made as a result of the Anglo-Irish Agreement served to strengthen and streamline the very healthy degree of co-operation that already existed. The strains and problems created by events of recent months have not been permitted to interfere in any way with the day-to-day exchange of practical intelligence at the operations level of the two police forces. It is understood that, for the most part, this intelligence relates to sightings and the movements of activists in subversive organisations. This is the essential data on which police intelligence must depend very heavily. While much of the material that is passed may prove to be of no consequence, this cannot detract from the importance of the exercise. What might appear to be a routine scrap of information could turn out to be of vital importance.

4. While a great volume of the intelligence gathered by the Garda Siochana may not meet the "pre-emptive" definition

mentioned above, the Gardai, acting on intelligence, have had many significant successes over the years. Some of the successes of recent months are listed in an Appendix to this document.

5. While Garda successes must be acknowledged, together with the fact that the acquisition of pre-emptive intelligence, as defined, is an exceptionally difficult task, it is accepted that there are grounds for holding that Garda efforts could be expected to be more productive. Concerns in this respect have been focussed and greatly heightened by the dearth of intelligence provided in relation to the landing and movement of the four shipments of arms which are believed to have preceded the interception of the EKSUND shipment.
  
6. Realisation of the seriousness of deficiencies in the performance of Garda intelligence services coincided with an opportunity to make major changes at the senior management levels of the Force. The holders of the nine

Garda positions of Commissioner rank now include five officers who have been appointed to their positions since November 1987. These include a new Commissioner, a new Deputy Commissioner and three new Assistant Commissioners. Allied to the new appointments there has been a major re-organisation of the force, designed primarily to improve the Garda capability of response to the challenge of major crime and terrorist/subversive activity in particular. The principal objectives of the re-organisation are:-

to channel all intelligence into a central pool where it will be subjected to centralised, expert analysis

to improve the effectiveness of the Special Detective Unit (Special Branch) and other specialist units by providing them with better defined objectives and more demanding measures of effectiveness

to improve the effectiveness of the substantial additional Garda resources that are assigned to

Border Divisions - this is being approached by means of a review of present strategies and the results being achieved with a view to introducing any changes that are deemed desirable.

7. As an example of this new scrutiny of Garda performance in Border Divisions, special attention has been directed at the Dundalk area, initially to assess precisely the extent and nature of the problem that needs to be addressed there. Resources as required will be made available to concentrate on specific identified objectives. Some at least of the Garda successes of recent months, referred to at paragraph 4, can be attributed to the improved concentration of Garda efforts.
  
8. As regards more specific means of intelligence gathering, there already exists, within the Garda Síochána, three Special Surveillance Units, each of fifteen members plus appropriate supervisory officers. The number and size of these Units is in accordance with recommendations made in

a joint Garda/RUC report on security requirements. As their title denotes, these Units have the function of mounting special surveillance on designated individuals or groups. The Units are mobile - for use wherever there is need of their special skills. It would be normal at present to have one Unit deployed on the Border, one in the Dublin area and one available for any particular requirement that arises. It has been decided, in the interests of improving the intelligence-gathering capability of the Garda Siochana, to increase the number of these Units to five. The selection and training of personnel for the first extra Unit is to commence immediately.

9. It is appreciated that probably the most valuable means of securing pre-emptive intelligence is by penetration of a subversive organisation. The Garda Siochana are alive to this and there is no good reason to believe that they are any less adept at the skills involved than any other police force. They have had their successes in the past.

Subversive organisations, of course, are well aware of the threat posed to them by informers. They have become highly skilled at protecting themselves from penetration and totally ruthless in dealing with those whom they believe to be informers. Such measures have closed off certain avenues of information and have made efforts at penetration increasingly difficult. It can be taken that the Gardai are not being put off by these difficulties, that the value of this means of access to intelligence is fully realised and that frustration of Garda efforts in this direction will serve only to stimulate greater effort. This is a matter of exceptional sensitivity which must be left to the police experts in the field. The matter has, however, been discussed with the Garda Commissioner to encourage greater effort and to provide the assurance that all the resources required for success will be made available.

10. It is the intention that, over the coming months, there will be regular reviews, involving the Commissioner and

his most senior officers, of the performance of all Garda  
security and intelligence services.

**APPENDIX**

1. 27 January 1988 - Arms find at Five Fingers' Strand, Malin, Co. Donegal

90 Kalashnikov rifles  
5 General Purpose heavy machine guns  
100 lbs. of Semtex commercial explosive  
approx. 5,000 rounds of ammunition

2. 23 February 1988 - Arms find at Portmarnock, Co. Dublin

30 AKM rifles  
501 lbs. of Semtex commercial explosive  
12 rocket propelled grenades  
64 hand grenades  
34,000 rounds of ammunition

3. 27 and 28 February 1988 - Arms find at Ballivor, Co. Meath

2 rifles  
2 handguns  
2 grenades  
3,000 rounds of ammunition  
20 magazines

4. 10 March 1988 - Arms find at Patrickswell, Co. Limerick

4 rifles  
1 shotgun  
3,500 rounds of ammunition  
assorted bomb components

5. 6 March 1988 - Garda role in detecting massive bomb North of the Border

On the basis of information supplied by the Gardai, Northern Ireland security forces found a 1600 lb. bomb about 100 yards north of the Border. The bomb was made up of home made explosives in 16 plastic bags and covered with camouflage netting. [There is no doubt that this Garda action prevented a major atrocity. The bomb was in a position close to where the RUC collect VIP's travelling northwards about 1/4 mile from the scene where Lord Justice Gibson and his wife were killed in April 1987.]

6. 31 May 1988 - Carlingford, Co. Louth

In a planned search, Gardai found 25 timing devices and a number of magnets concealed on the seashore. [It is clear that these bomb components were in readiness to be moved over the Border.]

7. 8 June 1988 - Finds at Ballivor, Co. Meath

In a planned search of a farm, Gardai found a bunker measuring 11' X 6' X 7' deep. The following items were found in an adjoining premises:

- 1 pistol
- 1 shotgun
- 40 detonators
- 6 mortars
- 1 grenade
- 3 pipe bombs
- fuse wire and parts for timing devices
- rocket launcher sights
- 8 bayonets

8. 1 July 1988 - Find of bomb making factory at Cootehill, Co. Cavan.

The following items were found concealed in a hayshed and a small out-house:

- eight mortar bombs made up in oxy-acetylene cylinders (each filled with 50lbs. of HME)
- eight steel launch tubes
- nine empty oxy-acetylene cylinders with tops cut off
- four lengths of steel piping suitable for launch tubes
- one mortar base plate with stand for eight mortars
- one electric welder, one welding mask, welding rods and various tools

9. 7 July 1988 - Arms find at Borris-in-Ossory, Co. Laois

In the course of a search conducted on the basis of information received, Gardai found the following in the boot of a car:

- 1 rocket launcher and 2 rockets
  - 1 AK47 rifle
  - 1 Heckler and Koch rifle
  - 1 .22 rifle
  - 1 sawn-off shotgun
- 2,000+ rounds of assorted ammunition

10. 14 July 1988 - Borris-in-Ossory, Co. Laois

Acting on information received, Gardai took possession of a heavy machine gun of Russian origin. This machine gun fires 12.67 m.m. ammunition and is believed to be similar to the weapon used north of the Border recently to bring down a British Army helicopter.

Various arrests were made arising out of the finds described above.

Garda Siochana Training in Intelligence Gathering Skills

In the fight against modern terrorism and subversion, the procurement of intelligence in relation to the plans and activities of the persons and organisations involved, is vitally important. Intelligence gathering at the highest professional level calls for the development of very specialist skills and the establishment of specialised units and structures. The Garda Siochana, while making full provision for these within its organisation, places emphasis on the fact that every member of the Force, irrespective of rank or posting, is expected to play a part in the intelligence gathering task. There are different levels of expectation in this respect from different areas of the Force and training in intelligence gathering skills is provided at a level appropriate to the needs and potential of each area. Training ranges from that needed by the uniformed beat policeman to that needed by the most senior Special Branch administrator.

Basic training provided for the uniformed Garda stresses the concept that the Garda, in the course of everyday policing activity, is the "eyes and ears" of the Force. Gardai are given information on the organisation, objectives and modus operandi of the different subversive organisations. They are trained to be observant and told what to look for. On assignment to stations they are briefed on the subversive activists who operate within their District so that they can recognise them and report on any activity that comes to notice. While Gardai at this level are not, and are not intended to be, specialist intelligence gatherers, their total acceptability in the communities where they work enables them to procure quite a considerable volume of useful information. All intelligence gathered in this way is passed to the Divisional Collator for assessment, recording and forwarding, where appropriate, to the central Security Division.

Training provided to all officers on promotion covers, in greater detail, information about subversive organisations and

the threat which they pose and provides instructions on the methods and strategies to be employed in combatting them. The importance of intelligence gathering in countering subversive and terrorist activity is stressed and emphasis is placed on the duty that supervisory ranks have of ensuring that subordinates remain fully alert to their responsibilities in this regard.

More specific and specialised training is provided for detectives and in particular for all ranks attached to the Special Detective Unit (i.e. "Special Branch"). Intensive training is provided to members of this latter group in sophisticated intelligence gathering techniques, in surveillance skills, agent handling etc.

Specialist training of this nature is provided also for two other groups - the Special Surveillance Units established in accordance with a joint Garda/RUC report on security requirements and the extra detectives (approx. 80 in number) who have been assigned to Garda Border Divisions, as

recommended in this report.

There is a programme of "in-service" (i.e. refresher) training for all ranks. This training also is used to re-iterate the gravity of the threat posed by subversive and terrorist activity and to exhort Gardai to be active and alert in combatting it.

While the foregoing represents an impressive commitment by the Gardai to training in intelligence-gathering skills and counter-subversive duties of all kinds, there is, no doubt, room for more to be done.

Following consultation with senior Garda Management, it has been decided that action should be on two fronts:

- (a) by reviewing and improving the training already being provided for non-specialists in the intelligence gathering field, and

- (b) by exploring new avenues of training for specialists in the field with emphasis on sending officers abroad to attend selected appropriate specialist courses.

Following review of the relevant content of the courses provided, it is proposed to give affect to (a) largely through the medium of the "in-service" training that is provided regularly to all members of the Force. A new emphasis will be placed on the importance of the intelligence gathering function together with an even greater insistence that supervisory ranks must constantly pay attention to this area and display greater interest in the achievement of results.

Under (b) it is appreciated that new techniques and measures to combat terrorist activities are being developed and perfected by many countries, including Canada, the United States and by a number of our Trevi partners. The Garda authorities are making urgent enquiries to identify the courses that are available and that will most closely meet Garda requirements and it is the intention that a number of

PERSONAL - NOT TO BE COPIED

- 6 -

specialist Garda officers will be sent abroad on selected courses in the coming weeks.

The importance of training of this type is fully recognised.

The matter is being accorded new priority and will be kept under continuing review.

PERSONAL - NOT TO BE COPIED

CONFIDENTIAL

032463  
MDLIAN 0957

CONFIDENTIAL  
FM DUBLIN  
TO PRIORITY FCO  
TELNO 351  
OF 070930Z JULY 88  
INFO PRIORITY NIO(B), NIO(L)

ANGLO-IRISH RELATIONS POST HANOVER

SUMMARY

1. IRISH PERCEPTION THAT THE FRANK EXCHANGE OF VIEWS BETWEEN THE PRIME MINISTER AND THE TAOISEACH HAD BEEN BENEFICIAL. MR HAUGHEY WILL RESPOND ON SECURITY COOPERATION REASONABLY SOON, POSSIBLY THIS WEEK. IRISH CONCERN AT UK PRESSURE FOR CHANGES ON EXTRADITION.

DETAIL

2. I CALLED ON NALLY, SECRETARY TO THE GOVERNMENT, ON 6 JULY TO ASK ABOUT IRISH REACTIONS TO THE TAOISEACH'S MEETING WITH THE PRIME MINISTER.

3. I BEGAN BY ASKING AFTER THE TAOISEACH'S HEALTH. NALLY SAID THAT HE WAS NOW WORKING AGAIN, BUT HE WAS IN SOME PAIN AND SUFFERING FROM THE AFTER EFFECTS OF THE ANAESTHETICS ADMINISTERED TO HIM DURING TREATMENT. HE HAD GREATLY APPRECIATED THE PRIME MINISTER'S MESSAGE TO HIM.

4. THE TAOISEACH WAS CURRENTLY FINALISING HIS SPEECHES FOR HIS FORTHCOMING VISIT TO AUSTRALIA. AS ALREADY REPORTED (MY TELECON WITH BOWDEN, RID) NALLY SAID THAT MR HAUGHEY HAD ASKED IF WE HAD ANY INFORMATION ON ANY ORGANISATION(S) IN AUSTRALIA SIMILAR TO NORAIID IN THE USA (HE MENTIONED AUSTRALIAN AID FOR IRELAND). NALLY SAID THE TAOISEACH DID NOT WISH TO BE ACCUSED AGAIN OF FAILING TO CONDEMN VIOLENCE, AND IF APPROPRIATE HE WAS MINDED TO INCLUDE AN APPROPRIATE PASSAGE IN HIS AUSTRALIAN SPEECHES. I AM GRATEFUL FOR THE INFORMATION ALREADY RECEIVED FROM RID WHICH I SHALL PASS TO NALLY.

5. ON THE HANOVER BILATERAL, NALLY SAID THAT ALL CONCERNED INCLUDING THE TAOISEACH WERE VERY GLAD THAT THE MEETING WITH THE PRIME MINISTER HAD TAKEN PLACE. THE FRANK BUT NOT UNFRIENDLY EXCHANGE OF VIEWS HAD BEEN HIGHLY BENEFICIAL. THE TAOISEACH HAD GIVEN A PERSONAL UNDERTAKING TO EXAMINE CERTAIN ASPECTS OF SECURITY COOPERATION (ON WHICH HE DID NOT ELABORATE). HE HAD CALLED A MEETING OF THOSE RESPONSIBLE

IMMEDIATELY ON HIS RETURN TO DUBLIN AND TOLD THEM WHAT HE WANTED. NALLY COULD NOT FORECAST THE OUTCOME BEFORE THE TAOISEACH HAD CONSIDERED THEIR RECOMMENDATIONS, WHICH ARE ALMOST READY. THE TAOISEACH WOULD REPLY SOON. NALLY HOPED THIS WOULD BE BEFORE THE TAOISEACH'S DEPARTURE TO AUSTRALIA ON 9 JULY BUT COULD NOT COMMIT MR HAUGHEY IN VIEW OF HIS NOT BEING 100 PER CENT FIT, AND OF THE ALL DAY CABINET MEETINGS CURRENTLY IN PROGRESS TO DECIDE EXPENDITURE CUTS FOR NEXT YEAR. I SAID IT WOULD BE GREATLY APPRECIATED IN LONDON IF A REPLY WAS FORTHCOMING BEFORE MR HAUGHEY'S DEPARTURE TO AUSTRALIA.

6. ON THE ANGLO-IRISH AGREEMENT, NALLY SAID THE IRISH HAD FORMED THE IMPRESSION THAT THE PRIME MINISTER DID NOT HOLD GREAT HOPES THAT THE TALKS ON DEVOLUTION WITHIN NORTHERN IRELAND WOULD SUCCEED. BOTH SIDES APPEARED TO BE AIMING FOR A LOW-KEY REVIEW OF THE AGREEMENT, BUT NEITHER HAD YET RULED OUT A WIDER REVIEW OF ITS OPERATION. THE TAOISEACH WENT ALONG WITH OFFICIAL BRIEFING ON THIS, BUT HAD NOT CLOSED HIS MIND TO SOMETHING WIDER. TO DO SO WOULD BE INCONSISTENT WITH HIS OFFER OF A DIALOGUE WITH THE UNIONISTS WITHOUT PRECONDITIONS. MR HAUGHEY DID NOT BELIEVE THAT THE REVIEW SHOULD INTERFERE WITH POSSIBLE DIALOGUE IN OTHER AREAS IE OUTSIDE THE FRAMEWORK OF THE AGREEMENT. (BUT IN A SEPARATE CONVERSATION ON 6 JULY, DERMOT GALLAGHER MADE IT VERY CLEAR THAT ANY TALKS WITH THE UNIONISTS WOULD NOT CALL IN TO QUESTION EITHER THE CONTINUING EXISTENCE OF THE SECRETARIAT AT MARYFIELD OR THE AGREEMENT ITSELF). HOWEVER THE TAOISEACH WAS UNDER NO ILLUSIONS ABOUT THE DIALOGUE WITH THE UNIONISTS. NALLY CONFIRMED THAT CONTACTS WITH THEM WERE CONTINUING AT OFFICIAL LEVEL, BUT THE RESULTS WERE NOT SPECTACULAR AND THERE WAS NO SIGN OF MOVEMENT SINCE THE STATEMENT BY MOLYNEUX AND PAISLEY RULING OUT EARLY TALKS WITH DUBLIN. (NALLY ADDED THAT ARCHBISHOP EAMES WAS NOT (NOT) A VALID INTERLOCUTOR AS FAR AS THE IRISH WERE CONCERNED).

? 7. NALLY ADDED THAT THE SDLP'S TALKS WITH SINN FEIN HAD ALSO ESTABLISHED DIALOGUE IN AN AREA WHERE DIALOGUE WAS NEEDED AND WHERE ONE HAD NOT EXISTED PREVIOUSLY. THE DIALOGUE MIGHT HAVE LED TO THE CURRENT REEXAMINATION OF STRATEGY WITHIN SF. IF THIS WAS HANDLED WELL IT MIGHT WEAKEN SF. OVERALL THERE WAS GREAT FLUIDITY BUT LITTLE DIRECTION IN THE CURRENT SERIES OF DISCUSSIONS. HE WAS NOT OPTIMISTIC ABOUT THE CHANCES THAT ANYTHING CONCRETE WOULD EMERGE.

8. ON EXTRADITION, I SAID THAT IT WAS IMPORTANT IN THE LIGHT OF THE MCVEIGH CASE, FOR OFFICIALS FROM BOTH SIDES TO BE SEEN TO BE MAKING PROGRESS. WE HAD ASKED FOR A MEETING OF WORKING GROUP 2. THE IRISH HAD NOT SO FAR BEEN ABLE TO AGREE TO THIS, ALTHOUGH I BELIEVED THAT

THE TWO ATTORNEYS GENERAL MIGHT BE MEETING SHORTLY.

9. NALLY REPLIED THAT PROGRESS WOULD ONLY BE MADE BY CASE STATED IN THE HIGH COURT. THE IRISH HAD ALREADY TAKEN THE NECESSARY ACTION THERE. LEGISLATION WOULD NOT DETERMINE THE DECISIONS OF PARTICULAR JUDGES IN INDIVIDUAL CASES. THERE WAS SOME CONCERN ON THE IRISH SIDE THAT THE UK SIDE WAS PRESENTING THEM WITH A LIST OF PROPOSALS FOR LEGISLATION. IT WAS FOR THE IRISH TO DECIDE ON WHAT IF ANY LEGISLATIVE CHANGES WERE NECESSARY (NALLY PERSONALLY THOUGHT THAT EXTRADITION CASES WOULD BE REMOVED FROM DISTRICT COURTS TO THE HIGH COURT) AND THEN TO CONSULT US. THIS THEY WOULD DO, BUT IT WOULD BE COUNTER-PRODUCTIVE IF WE WERE SEEN TO BE PRESENTING THEM WITH PROPOSALS FOR CHANGES IN THEIR OWN LAWS. I TOOK NOTE, BUT SAID THE OVERRIDING, AND AGREED, OBJECTIVE, WAS TO GET EXTRADITION ARRANGEMENTS THAT WORKED.

10. SINCE DICTATING PARAGRAPH 2 ABOVE, NALLY HAS TOLD ME THAT THE TAOISEACH WISHES TO CONSIDER THE RECOMMENDATIONS OF OFFICIALS ON SECURITY COOPERATION VERY CAREFULLY, BUT THAT HE REGRETTED THAT HE WOULD NOT BE ABLE TO COMPLETE THIS BEFORE LEAVING FOR AUSTRALIA ON ACCOUNT OF HIS OTHER COMMITMENTS. NALLY HOPED THAT WE WOULD UNDERSTAND THAT MR HAUGHEY'S TIMETABLE PRECLUDED A THOROUGH CONSIDERATION OF THE REPORT BEFORE HE WENT TO AUSTRALIA. NALLY BELIEVED THAT ONE OUTCOME OF THE REVIEW WOULD BE A DOUBLING OF SURVEILLANCE ACTIVITY.

THORP

YYYY

DISTRIBUTION 155

MAIN

111

.NORTHERN IRELAND  
LIMITED  
RID  
NAD  
INFO  
NEWS  
PUSD  
SCD  
RESEARCH  
PLANNERS

ECD(E)  
ECD(I)  
LEGAL ADVISERS  
POD  
PS  
PS/MRS CHALKER  
PS/PUS  
SIR J FRETWELL  
CHIEF CLERK  
MR BOYD

CONFIDENTIAL

0.463  
MDLIAN 0957

NTD

MISS PESTELL

ADDITIONAL 44

NORTHERN IRELAND

NNNN

PAGE 4  
CONFIDENTIAL



10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

1 July 1988

I enclose a message from the Prime Minister to Mr. Haughey. I should be grateful if the text could be telegraphed to Dublin for delivery as soon as possible. I should also be grateful if the Embassy in Dublin could send some flowers or fruit to Mr. Haughey in hospital, and let No. 10 have the bill in due course.

Charles Powell

Lyn Parker, Esq.,  
Foreign and Commonwealth Office.

PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. T102/88

SUBJECT cc OPS  
MASTER

file DSG

cc/O



10 DOWNING STREET

THE PRIME MINISTER

1 July 1988

Dear Charlie,

I was so sorry to hear that you have been taken ill, and send you my best wishes for a full and speedy recovery.

Yours sincerely  
Margaret

Mr. Charles Haughey, T.D. \_\_\_\_\_

SA

B. R.

PRIME MINISTER

MR. HAUGHEY

Mr. Haughey is in a hospital with kidney stones. He is likely to be there for a few days and it is of course a very painful complaint. You might like to send him a brief message and some flowers. Agree to sign the attached.

CDI

Charles Powell

1 July 1988

UNCLASSIFIED

004417  
MDHIAN 5301

UNCLASSIFIED  
FM DUBLIN  
TO IMMEDIATE FCO  
TELNO 339  
OF 291105Z JUNE 88  
AND TO IMMEDIATE NIO(B)

MY TELNO 335: HANOVER BILATERAL: IRISH REACTIONS

SUMMARY

1. TAOISEACH TIGHT-LIPPED. IRISH NEWSPAPERS UNSURE WHAT TO MAKE OF THE SUMMIT.

DETAIL

2. THE TAOISEACH AND IRISH GOVERNMENT SOURCES HAVE STUCK CLOSELY TO THE TERMS OF THE COMMUNIQUE, AND HAVE GIVEN A GENERALLY POSITIVE IMPRESSION OF THE BILATERAL WITH THE PRIME MINISTER AT HANOVER. HE IS TO MAKE A STATEMENT TO THE DAIL ON 30 JUNE. ON HIS RETURN TO DUBLIN, MR HAUGHHEY EMPHASISED THAT THE CONTENTS OF BILATERAL DISCUSSIONS MUST REMAIN CONFIDENTIAL IF SUCH MEETINGS WERE TO BE VALUABLE. HE HAS HOWEVER SAID THAT HE WAS SATISFIED WITH THE OUTCOME (SEMICOLON) THAT NEITHER GOVERNMENT HAD YET COME TO THE QUESTION OF THE ARTICLE 11 REVIEW: THAT THE AMNESTY REPORT (MY TELNO 336) "BROADLY FOLLOWED" THE IRISH GOVERNMENT'S VIEWS: AND THAT THE IRISH EFFORT AT SECURITY COOPERATION WAS AT AN "EXCEPTIONAL" AND UNPRECEDENTED LEVEL.

3. THE IRISH NEWSPAPERS SEEM UNSURE WHAT TO MAKE OF ALL THIS IN THE LIGHT OF THE PRIME MINISTER'S REPORTED COMMENTS THAT SECURITY COOPERATION IS STILL UNSATISFACTORY. THE IRISH TIMES EDITORIAL EXPRESSES THE PIOUS HOPE THAT THE DEVELOPMENT OF THE EC WILL "MAKE THE BORDER IRRELEVANT" AND "LEAVE EXPOSED THE WITHERING FUTILITY OF A CONFLICT IN WHICH BOMBS ARE PLANTED IN SCHOOL BUSES". THE IRISH INDEPENDENT AND IRISH PRESS CONCENTRATE ON THE LISNASKEA BOMB. THE IRISH INDEPENDENT SAYS THAT THIS HAS OVERSHADOWED HANOVER. THE IRISH PRESS, IN AN IMPLICIT (AND ASTONISHING) COMMENT ON HANOVER, SAYS OF LISNASKEA THAT "WITH THESE TACTICS THE IRA DOES NOT NEED THE COMBINED FORCES OF BRITISH AND IRELAND TO WIPE THEM OUT. THEY WILL OBLITERATE THEMSELVES BECAUSE NO SELF-RESPECTING PERSON, HOWEVER NATIONALIST IN OUTLOOK WILL SUPPORT THE "LIBERATION" OF A LANDSCAPE WHICH IS LITTERED WITH THE BODIES OF INNOCENT CIVILIANS - ESPECIALLY CHILDREN".

UNCLASSIFIED

004417  
MDHIAN 5301

4. ONLY THE CORK EXAMINER EXAMINES THE HANOVER BILATERAL IN DETAIL. IT SPEAKS OF THE MEETING AS HAVING BEEN A "FAR MORE CORDIAL AFFAIR THAN THE LAST SUCH MEETING....THE ANIMOSITIES OF RECENT TIMES HAVE BEEN LARGELY ERODED....MUCH TO BE HAPPY ABOUT". IT CALLS FOR A FAR-REACHING REVIEW OF THE WORKINGS OF THE ANGLO-IRISH AGREEMENT, APPARENTLY TO BRING ABOUT A MAJOR SHIFT IN THE POSITION OF THE UNIONISTS IN THE DIRECTION OF A UNITED IRELAND: SO FAR, IT SAYS, THERE IS A PERCEPTION IN THE REPUBLIC THAT THE AGREEMENT HAS ACHIEVED LITTLE EXCEPT IN "MINOR AREAS" (SUCH AS FAIR EMPLOYMENT) WHILE THE BRITISH PLACE TOO MUCH EMPHASIS ON SECURITY. THE IRISH INDEPENDENT TAKES AN UPBEAT LINE ON THE MEETING: "HAUGHEY AND THATCHER PATCH UP ACCORD".

THORP

YYYY

DISTRIBUTION 154

MAIN 110

.NORTHERN IRELAND	ECD(E)
LIMITED	ECD(I)
RID	LEGAL ADVISERS
NAD	POD
INFO	PS
NEWS	PS/MRS CHALKER
PUSD	PS/PUS
SCD	SIR J FRETWELL
RESEARCH	CHIEF CLERK
PLANNERS	MR BOYD
NTD	MISS PESTELL

ADDITIONAL 44

NORTHERN IRELAND

NNNN

PAGE 2  
UNCLASSIFIED

CONFIDENTIAL



file pc

10 DOWNING STREET  
LONDON SW1A 2AA

From the Private Secretary

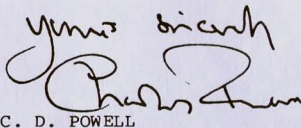
29 June 1988

Dear David,

ANGLO-IRISH RELATIONS

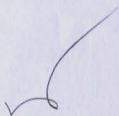
I telephoned Mr Nally in Dublin this morning to say that reports in the British press which suggested that the Prime Minister had made some comment about cross-border co-operation following her meeting with Mr Haughey were not accurate. In the course of a number of television interviews after the European Council but before her meeting with Mr Haughey she had been asked about security co-operation and had indeed said that we were not satisfied with it. But, as agreed with Mr Haughey, she had made no public comment following the meeting other than to say that it had been a serious and thorough discussion. Mr Nally said that he was grateful for this clarification. Mr Haughey himself had been buttonholed at Dublin Airport on return and told by journalists that the Prime Minister had made various public comments following the meeting: he had replied firmly that he was sure this was not the case.

I am sending a copy of this letter to Lyn Parker (Foreign and Commonwealth Office) and Trevor Woolley (Cabinet Office).

Yours sincerely  
  
C. D. POWELL

David Watkins, Esq.  
Northern Ireland Office

CONFIDENTIAL



Original Papers

EURO POL:

Emo Council Pt. 29.



The 13A-F  
13A-F

10 DOWNING STREET  
LONDON SW1A 2AA

From the Private Secretary

28 June 1988

Dear David,

PRIME MINISTER'S MEETING WITH THE TAOISEACH

The Prime Minister had a talk with the Taoiseach, lasting some one and a quarter hours, at the end of the European Council in Hanover today. Mr. Dermot Nally, the Irish Cabinet Secretary, was also present. I enclose a copy of the joint statement issued to the press at the end of the meeting. I should be grateful if circulation of this record could be severely restricted.

The Prime Minister invited the Taoiseach to speak first.

Mr. Haughey said that there were many problems and difficulties in Anglo Irish relations at present. He recognised the Prime Minister's feeling of disappointment, indeed of anger. But he also wanted to reassure her on a few basic issues. In particular, he wanted to disabuse her of any notion that he lacked commitment to the defeat of violence in all its manifestations. As he had said in his latest message, this was a matter of deep personal conviction for him. Violence bedevilled every aspect of Anglo-Irish relations, and ultimately the violent men were a greater danger to the Republic than to the United Kingdom. He hoped that the Prime Minister would accept his assurances on his attitude to violence. But of course this commitment had to be implemented and here there was scope for disagreement between the Republic and the United Kingdom. He had to deal with a difficult situation in the Republic. On matters of security co-operation, his Government had to carry public opinion which was deeply involved in the Irish Nationalist cause. This meant that it was not always possible to do what Britain wanted. Indeed, in some cases would be counter-productive and cause a back-lash. But with that important proviso, he was willing to do everything necessary, desirable and feasible to put into effect his commitment to defeat violence.

Mr. Haughey continued that there was an enormous, qualitative difference in cross-border security co-operation compared with five or ten years ago. Basically we now had good and successful co-operation. Sometimes things went wrong and there was a tendency then to pin the blame on lack

SECRET AND PERSONAL

of co-operation. For instance, if there was some appalling incident like Lisburn, it was only human nature for people in the United Kingdom to get angry and blame inadequate cross-border co-operation. In fact, in many of these cases there was no cross-border aspect at all. Moreover, he sometimes wondered whether the Prime Minister was being given an accurate picture of just how much the Irish Government was now doing in the field of security. They had reorganised the Garda and appointed three new young and active Assistant Commissioners. The Irish Minister of Justice had outlined a number of other changes which were in hand at the recent meeting of the Inter-Governmental Conference. For instance, when they had learned of the arms shipments to the PIRA from Libya, they had searched 50,000 homes. That was the equivalent of 1 million house searches in the UK. Within the limits of their resources, the Irish Government were doing as much as they possibly could.

Turning to the Anglo-Irish Agreement, Mr. Haughey recalled that he had not been a party to it and did not altogether like it. But he had decided that as a matter of honour his Government were fully bound to implement it and so they had done. There were a lot of problems on extradition. Quite frankly, the Prime Minister and Dr. Fitzgerald had made a mistake in trying to change the extradition arrangements. The 1965 Act had recently been working smoothly and the Irish Supreme Court had come round to doing away with the political justification for terrorist crimes. That said, a reasonable agreement had been worked out between the two Attorney Generals, only to be upset by the unfortunate McVeigh case. The Irish Government would try to rectify this by taking the matter to the High Court. They were also considering legislation which would bring all such cases to the High Court in future.

Coming back to security co-operation, Mr. Haughey concluded that a lot of things were said and done which were counter-productive. The Republic was doing its best with limited resources, but to be constantly bully-ragged in a destructive way was bad for morale. There were often contradictory signals from north of the border about security co-operation; and even when the Irish Government explained that certain proposals would be counter-productive, they were nonetheless put forward time and again. All in all there had been a number of unfortunate incidents and generally speaking they had not emanated from the Irish side. But he was now determined to get back to good co-operation.

The Prime Minister said that she would like to concentrate first on security co-operation. Mr. Haughey had said that he had difficulties with public opinion on this. She had difficulty with bombs, guns, explosions, people being beaten to death and naked hatred. She had to see ever more young men in the security forces killed. We knew that the terrorists went over the border to the Republic to plan their operations and to store their weapons. We got no satisfactory intelligence on their movements. Once they crossed the border they were lost. Indeed, we got far

C

better intelligence co-operation with virtually all other European countries than with the Republic. If it was a question of resources, then we were ready to offer equipment and training. Or, if this was politically difficult, there were others who could offer such help. The Canadian Prime Minister has recently volunteered assistance. Her fear was that it was not just a question of resources but rather the lack of whole-hearted commitment at every level of the Irish Government and the Garda. She did not agree that the Republic was more at risk than the United Kingdom from the PIRA. The unpleasant fact was that the PIRA knew that they had a safe haven in the Republic and a great deal of sympathy from people there. Dealing with terrorism was not just a question of saying that you would deal with it: it needed action. There was no room for amateurism. We simply had to have more pre-emptive intelligence about the PIRA, which in turn meant that the Garda needed much more training in surveillance and intelligence gathering. This really mattered if we were to beat the PIRA, and we were not doing so at the moment.

Mr. Haughey said that the Prime Minister's remarks confirmed his suspicion that she was not being given an accurate picture of all that the Republic was doing. They had reorganised the Garda on the border and appointed a new Chief Superintendent in Dundalk. More to the point, the Garda patrolled right up to the border unlike the RUC. What she had said about the lack of pre-emptive intelligence was just not true. Anyway, there were plenty of failures of intelligence in Northern Ireland and he did not like the way there was a tendency always to shift the blame onto the Republic. The Garda had received training from the United Kingdom, and those who had been trained were now themselves training others. But he noted how much importance the Prime Minister attached to these two issues of pre-emptive intelligence and better training, and he would enquire personally into them on his return.

The Prime Minister said that she wondered whether Mr. Haughey realised that the biggest concentration of terrorists anywhere in the world save Lebanon was to be found in the island of Ireland. The border was virtually open so far as terrorists were concerned. They came and went across it at will. The intelligence we received from the Republic about their movements and activities was a trickle. A concerted and systematic effort to improve it was needed. If that was not forthcoming, she did not know what the alternatives were. But some sort of action to make the border less open would be unavoidable. She accepted that the Republic's resources were limited but she was not convinced that they were using them to the best effect. The massive search operation to which Mr. Haughey had referred was a case in point. It would have been more effective to make greater use of technology and surprise rather than such a public sweep. Pre-emptive intelligence and better training were the single most important requirements and something just had to be done about them. Feelings were running high in the United Kingdom and people were just not prepared to stand by and see the present situation continue.

D.

The Prime Minister continued that the results of the Anglo Irish Agreement so far had been disappointing. We had entered into the Agreement to give confidence to the minority in the North and to discourage them from giving support to the PIRA. We had subsequently taken a whole range of measures to meet their concerns. But the attitude of the SDLP had been a grievous disappointment and meant that the main objective of the Agreement had not been achieved, while at the same time the Unionists had become disaffected. This did not mean that she was any less determined to preserve the Agreement: to give it up would mean handing victory to the terrorists. The Northern Ireland Secretary was continuing his contacts with the parties on devolution and was showing exemplary patience. It was for the Unionists themselves to decide whether to talk direct to the Irish Government. But she was puzzled about Mr. Haughey's attitude. The Agreement set devolution as the objective in Northern Ireland and the Irish Government was committed to support this. He surely could not really believe that all would be peace and light if there was a united Ireland, as his recent message suggested. The reality was there would be the worst civil war ever. Anyway, most Nationalists in the North would prefer to continue to live there because they were much better provided for than in the Republic. Indeed, we continued to get a substantial flow of Irish immigrants to the United Kingdom who were a significant burden on the welfare system.

Mr. Haughey spoke warmly of the Northern Ireland Secretary's patience and perseverance. He did not think his own contacts with the Unionists, if they were to take place, would do any harm. He did not see any inconsistency between his suggesting such contacts and the spirit of the Anglo-Irish Agreement. He disagreed with the Prime Minister's remarks about a united Ireland but would not make an issue of it. He wondered whether the Prime Minister had yet given any thought to the review of the working of the Inter Governmental Conference. The Prime Minister said that she had not yet focussed on this and that it would be tactically unwise to say anything in public about it at this stage.

Mr. Haughey said that he was sorry to find the Prime Minister so despondent about the situation and was disappointed that she did not give the Republic credit for what it was doing. He did not deny that they could do more. But constant belittling of their effort simply made people feel it was not worth trying. He acknowledged there were deficiencies in Irish intelligence. For instance, they ought to have known about the arms shipments. As for what the Prime Minister had said about action on the border, that was for her to decide, although he hoped she would let him know in advance if any particular steps were envisaged. He appreciated the force of her concern about pre-emptive intelligence and about training and would repeat his solemn commitment to look into this personally and then to send the Prime Minister his conclusions through some trusted channel. But he urged her not to write off Irish efforts. Even if they were not all that she expected, they were not to be dismissed.

E.

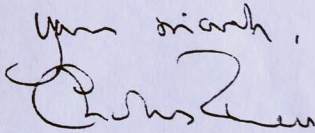
The Prime Minister said that she did not mean to belittle the Republic's efforts so far as they went, but they were simply not enough. Much more could be done by better use of resources. Neither side could be content with anything less than a one hundred per cent effort against terrorism. The pursuit and capture of Dessy O'Hare had shown what the Irish could do when they really tried. She would not be so despondent about the situation if she thought we could get good pre-emptive intelligence and the concentration, dedication and professionalism that was needed to deal with the PIRA. Whatever both sides had done so far was not enough. We were not winning the battle. We needed total single-mindedness and commitment.

The Prime Minister said that she should warn Mr. Haughey in strict confidence that the Police Authority for Northern Ireland would be announcing on 29 June that it had decided that disciplinary action against the Chief Constable and two other very senior officers in relation to the matters investigated by the Stalker-Sampson inquiry would not be appropriate. She did not expect that this news would be welcome to him but felt nonetheless she should tell him in advance. At the same time, the results of the inquiry into possible disciplinary proceedings against other RUC officers in relation to the same matters conducted by the Chief Constable of Staffordshire had been completed. There was likely to be an announcement on 1 July that disciplinary proceedings would be set in train against a number of officers. Again, she must ask Mr. Haughey to keep this information strictly to himself. Mr. Haughey made no comment.

It was agreed to issue a brief statement at the end of the meeting. The text was agreed without difficulty.

This was an outspoken exchange but conducted without anger or personal rancour on either side. The mood was perceptibly better at the end of the meeting than at the beginning.

I am copying this letter and enclosure to Tony Galsworthy (Foreign and Commonwealth Office), Michael Saunders (Law Officers' Department), Brian Hawtin (Ministry of Defence) and to Sir Robin Butler.



CHARLES POWELL

David Watkins, Esq.,  
Northern Ireland Office.

F.

MEETING BETWEEN THE TAOISEACH, MR CHARLES J HAUGHEY, T.D.  
AND THE PRIME MINISTER, MRS MARGARET THATCHER AT THE  
EUROPEAN COUNCIL, HANOVER 27-28 JUNE 1988

In the course of their meeting in Hanover at the conclusion of the European Council, the Taoiseach and the Prime Minister discussed a broad range of current issues in Anglo-Irish relations and reviewed the operation of the Anglo-Irish Agreement. They noted that a great deal of useful work had been done at recent meetings of the Inter-Governmental Conference.

The Taoiseach and the Prime Minister reaffirmed their total commitment to the Agreement and that they will continue to work closely together in accordance with its terms. They are fully determined to defeat those who seek to advance political aims by violent means; and they will maintain, and further strengthen wherever possible, their wholehearted co-operation against terrorism.

FILE

12 (a-b)

KK<sup>a</sup>

PRIME MINISTER

Original on  
EVRO PA Ems  
Council Pt. 29.

ANGLO/IRISH RELATIONS

The Irish Ambassador delivered this evening the attached further message from Mr. Haughey. He described it as a personal statement of Mr. Haughey's views, designed to prepare the ground for your meeting on Tuesday.

On the positive side

- it contains his strongest rejection yet of the PIRA;
- it repeats his acceptance of the Anglo-Irish Agreement and his commitment to fulfill it;
- it conveys his personal commitment to security cooperation.

But there is a lot that is negative too.

- his whole approach is based on the objective of a united Ireland. He sees the Anglo-Irish Agreement as a staging post on the road to that;
- his assertion that we must leave it to his judgement alone what measures are needed to defeat terrorism in the South. This implies that he will be unwilling to accept any criticism of the Garda's performance or suggestions as to how it can be improved.
- his determination to continue to pursue a political approach of direct contact with the Unionist parties about an all-Ireland solution, which cuts across the Anglo-Irish Agreement's aim of devolution in Northern Ireland.
- his accusation that events such as the Gibraltar shootings

show a lack of concern for Irish sensitivities. (The PIRA were showing a lot less concern for the "sensitivities" and lives of the people of Gibraltar).

- his unrealistic assessment that security cooperation is as good as it has ever been and his rejection of some of our proposals for improving it as politically unacceptable.
- his argument that security cooperation is only a small part of the answer to dealing with terrorism.

In short the message brings out how big the gap between our perceptions of Northern Ireland's problems and the action required to deal with them is. I don't think it alters the advice which I gave in my minute earlier today about the line you might take with Mr. Haughey, indeed reinforces it. You might add that you agree that effective security cooperation on its own is not enough to defeat terrorism and that further measures to help the minority will continue to be needed.

I have asked the Northern Ireland Secretary and Foreign Secretary to let you have their views on Monday.

C. D. POWELL  
24 June 1988

KAYAFW

original in box

11 the PM AB

SUBJECT

cc MASTER  
OPS



10 DOWNING STREET  
LONDON SW1A 2AA

From the Private Secretary

24 June 1988

~~PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. T 96/88 see below~~

Dear David,

ANGLO/IRISH RELATIONS

The Irish Ambassador called on me shortly after 5pm today to deliver the enclosed personal message from the Taoiseach to the Prime Minister. The Ambassador said that he was not instructed to make any additional comments. But, having read the message, he thought that it was a deeply felt attempt by Mr. Haughey to explain his thinking and intended to help prepare the ground for his meeting with the Prime Minister in Hanover on 28 June. I read the message quickly, and said that it would be for the Prime Minister to convey her reaction to the Taoiseach on Tuesday. I would only observe that, while stating the Taoiseach's commitment to the Anglo-Irish Agreement, it made clear that his priority lay in securing political arrangements in Ireland which were incompatible with it; and that I did not think the perception that security co-operation between us was better than ever before would be shared by the Prime Minister.

You may wish to let me have some comments on the message before the Prime Minister's meeting with the Taoiseach. If necessary, they can be telegraphed to us in Hanover.

I am copying this letter and enclosure to Lyn Parker (Foreign and Commonwealth Office) and to Trevor Woolley (Cabinet Office).

Yours sincerely,  
  
C. D. POWELL

David Watkins, Esq.,  
Northern Ireland Office.

F E MINISTER'S

PERSONAL MESSAGE

MOST SECRET

SERIAL No. 796/88

10(a-i)

Message from the Taoiseach to the Prime Minister

An Aide-Memoire

which may be of help as a background to our forthcoming  
discussion

History has ordained that, regrettably, we both approach the affairs of Northern Ireland from different perspectives.

You will be aware, from much that I have said publicly and privately in the past, that as an Irishman, it has always been a matter of deep regret to me that Ireland is divided. I look forward to a sovereign united Ireland under new political structures which will adequately and generously reflect the diversity of our traditions and provide full guarantees for the rights of all. The achievement of this aim would, in my view, end the historic dissension between Ireland and Britain and lead to an even closer and more friendly relationship between our peoples.

The aspiration to a sovereign united Ireland must - and indeed could only - be achieved by peaceful means. A united Ireland could not come about through violence; it would not work if it did; and every act of violence or bloodshed on this island sets back further the date when what I hope for most deeply can be achieved.

MOST SECRET

MOST SECRET

- 2 -

I am pacifist in outlook and by conviction. I abhor violence of any kind - whether it is that of an institution or of an individual. It was I as Minister for Justice in the 1960s who promoted the legislation which largely abolished the death penalty in this State.

I could not possibly accept any suggestion that I would support or condone violence - anywhere, by anyone, or for any purpose - or find in myself any sympathy for those who resort to it. It offends against my deepest and most firmly held convictions.

The IRA does not recognise our Constitution and their stated aim is the destruction of this State. The fact that I and my government have to deal with the problem in ways that are different from yours requires not your condemnation but your understanding. For what we are talking about here affects every Irishman and woman in this island. We are dealing, in a way which you are not, with the hearts and mind of an entire population. The political environment in which we act is fundamentally different from that with which you have to deal. And you will, I am afraid, have to accept my judgement as to how best I and my government deal with that environment, knowing that our commitment against terrorism is at least as great as yours and our stake in the struggle against it many times greater than yours. If our methods are different, it is because our environment is different - not because we want them to be any less effective.

MOST SECRET

MOST SECRET

- 3 -

I turn now to the Anglo-Irish Agreement which has set the basic framework for co-operation between us in relation to Northern Ireland, and which built on the structures for closer co-operation between our two countries which you and I envisaged at our two meetings in 1980.

At the time of the Agreement I was in Opposition here and, as you are aware, I and my Party were critical of some aspects of the Agreement. When we came to office in March 1987, however, I made it clear, publicly and repeatedly, at some political cost, that my Government would accept and fulfil honourably the commitments entered into by our predecessors. I have repeated that I regard this both as a legal obligation - because the Agreement is an international agreement entered into between two sovereign Governments - and as a moral obligation - since I believe that in face of the tragedy of Northern Ireland no one has a right to neglect any instrument or means which might help to bring an improvement.

My full acceptance of the Agreement is in no way inconsistent with the obvious point which I have often made that Northern Ireland as it was constituted in 1920/21 has in fact failed to work. From the outset, it was a divided society with all eyes focussed on the border which had made one community a majority

MOST SECRET

MOST SECRET

- 4 -

and the other a minority within it. It is surely legitimate for me as Taoiseach to hope for, and to work towards, a more generous and lasting solution, on an all-Ireland basis. That possibility is recognised in the Agreement itself which refers to the aspiration to a sovereign united Ireland achieved by peaceful means and through agreement; and promises the support of the two Government for the necessary legislation if a majority of the people of Northern Ireland clearly wish for and formally consent to a united Ireland.

It is now generally accepted that the IRA cannot be defeated militarily. In my view, action to defeat violence and implement the Agreement requires two fundamental approaches: (a) measures to change the situation within Northern Ireland to an extent which will make the minority there feel that the institutions of Government and of authority under which they are living are such as to reflect and accommodate their sense of identity as well as that of the majority; and (b) resolute action, including whole-hearted cross-border co-operation on security against those whose violent actions promote division and conflict. These approaches are without prejudice to action elsewhere, to achieve what I would regard as the only solution which will bring lasting peace to this island and the benefits of full understanding between our two countries which I believe on all the evidence of history is necessary.

MOST SECRET

MOST SECRET

- 5 -

The first two approaches are closely related; and both are fundamental to the proper working of the Agreement. It must not be the case that one is seen publicly to be the primary concern of my Government and the other of yours.

This in my view requires not only that each of the two Governments work the Agreement to the full, but that each show a continuing attention to the concerns and the political sensitivities of the other in relation to the range of matters which arise under the Agreement. I have to say, with regret, that over a series of issues in recent months, I have not felt that sensitivity and attention to working in accordance with the spirit of the Agreement was always clearly in evidence on your side. For us, this series of events dates from the Stalker/Sampson announcement in the Commons, through the Thain case and the Birmingham 6, the McAnespie and Gibraltar shootings and the dreadful events connected with the Belfast funerals: for none of these had we the slightest responsibility. But each event helped to heighten tensions and created considerable political difficulties for us which should not be underestimated.

MOST SECRET

f10

MOST SECRET

- 6 -

I know that you on your side have strong views about security issues and your own sensitivities, and I do not want to dwell in detail on these points here. I do believe that security co-operation between us has been good - better I would venture to say than at any time in the past. And I would ask you to understand that while we are doing and will continue to do everything possible to defeat violence some of the specific measures for which your people are asking would not in my view contribute to that end. They would in my political judgement create such a reaction here as to be totally counterproductive.

You may hold the view that co-operation from the South could ensure the defeat, or the virtual elimination of terrorism, and if terrorism continues it is because the co-operation is not as good as it should be. The fact that security co-operation does not in itself produce an end to violence is not a reflection on its quality and certainly not on our commitment to it. The areas immediately south of the border are policed more regularly than ever in the past and more intensively than in many contiguous areas on the Northern side - for the understandable reason perhaps that it is more difficult for the Northern security forces to move freely in those areas on their side. The fact that much of the violence takes place in Belfast or otherwise deep within Northern Ireland and far from

MOST SECRET

g

MOST SECRET

- 7 -

the border, in areas where the Northern security forces are fully in control, shows clearly enough that those who engage in violence can find a way of carrying it through notwithstanding committed and effective policing. I do not see this inability to achieve conclusive results in ending terrorism, by security measures, within Northern Ireland as a reflection on the commitment of the RUC and the British Army; nor should you see the cross-border element, which does indeed exist and which continues, as evidence of any lack of commitment on the part of our security forces. Never in the history of this State have some 50,000 houses been searched for arms, as in the recent operation Mallard. And I am told that rarely, if ever, have the relations between the two forces been better even though there may be room for some specific improvements in the procedures for co-operation.

We in this country have a greater interest than anybody else in ending conflict and division in Northern Ireland and the violence which flows from it. Apart from the terrible suffering which the campaign causes, there is for us the burden of security measures on the border which are directed to containing violence within Northern Ireland and co-operating with your forces to end it, and the less obvious burdens and strains imposed on our whole society through the association of

MOST SECRET

MOST SECRET

- 8 -

the name of Ireland with this terrible violence; the effects on our economy, on tourism, on industrial development; and above all the diversion of national and political energy over many decades to issues which go to the very heart of our identity as a State. I hope you will understand how heavily these burdens weigh on us and have weighed on us; and how important I, as head of an Irish Government, consider it to work for a future where they will be eased and lifted; and where we can have peace and a true reconciliation.

In the longer term I hope that this can begin through a process of negotiation between representatives of all the constitutional, democratic parties on the island; and I am encouraged by some recent indications by Unionist leaders that they might be willing to think on these lines. You, I believe, would not oppose this. Indeed I would like to think that even if you do not see it as an immediate prospect, you would be glad if it were ultimately to come about, since it could be the beginning of a new era of close co-operation between all the peoples of our two islands, freed at last from the heavy burdens which history has laid on all of us. That would indeed be an achievement of truly historic proportions.

MOST SECRET

MOST SECRET

- 9 -

While this remains my long-term hope, I believe that it is quite possible and fully consistent with this to commit myself wholeheartedly, as I have done, and will continue to do, to working and implementing the Anglo-Irish Agreement to the full. You can continue to count on my commitment on this. I hope that I, on my side, can continue to count on yours.

24 June 1988.

MOST SECRET

- 9 -

While this remains my long-term hope, I believe that it is quite possible and fully consistent with this to commit myself wholeheartedly, as I have done, and will continue to do, to working and implementing the Anglo-Irish Agreement to the full. You can continue to count on my commitment on this. I hope that I, on my side, can continue to count on yours.

24 June 1988.

SECRET

9A (A-F)

FROM: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE

WHITEHALL

LONDON SW1A 2AZ

C D Powell Esq  
Private Secretary  
10 Downing Street  
LONDON

Dear Charles

ANGLO-IRISH CONFERENCE ON 17 JUNE 1988

A further meeting of the Conference was held in Belfast on Friday morning, 17 June. It had been uncertain until shortly beforehand whether Mr Lenihan would be well enough to attend on this occasion; in the event Mr Collins again deputised for him as co-chairman, accompanied by Mr Burke.

Mr King and Mr Stanley first had a private meeting with the Irish Ministers. There was then a full discussion of security matters which was as usual restricted to Ministers, the two Police Chiefs and one senior official and one member of the Secretariat on each side.

Throughout this discussion Mr Collins was very evidently concerned to convey a clear message that his Government was intent on making tangible progress on security cooperation. Having first expressed deep sympathy over the deaths of the six soldiers at Lisburn, he said that it strengthened Dublin's resolve to help in every way. He placed great emphasis on the recent reorganisation of the Garda and its importance as a launch pad for closer collaboration with the RUC. He gave an assurance that his Government was looking most carefully at the proposals that had been put forward by the British

*Ris Minister*  
*This looks like the Irish trying to put emphasis on row between you & Mr. Hanganey or Hanover. It will be results which count.*

21 June 1988

CDP 23/6

SECRET

- 1 -

side for various specific improvements. And he expressed the utmost concern at the district justice's decision in the McVeigh extradition case and the utmost resolve to get this right for the future. Each of these points is dealt with more fully below.

Mr Collins described the Garda reorganisation which had recently been carried out as the most substantial overhaul of the force for many years. Special Branch and CID intelligence would be fully coordinated. Much fuller attention would be given to training at all levels. Weaknesses in the command system had been remedied. The greatest care had been taken to pick people of real quality to fill the vacancies at the top, including the promotion of Mr Eugene Crowley (who is well regarded by the RUC) as the new Deputy Commissioner in charge of operations and the promotion of three "flyers" to Assistant Commissioner, one of whom - Mr Culligan - would head the Special Branch. The reorganisation had taken longer than expected to complete and Mr Collins accepted that this had resulted in some disruption of the Garda's contacts with the RUC. But he was confident that, now that the new appointments were in place and the new structure was settling down, the lost ground would be made up and we would find that the Garda were much better placed to conduct business.

The Secretary of State emphasised that his primary interest lay in getting results. How each Government and each police force went about achieving them was its own business. But the interface between the two forces was of course very important and he was reassured - as was Sir John Hermon - by what Mr Collins had said about the new personalities and structures. Mr King stressed the vital importance of intelligence and especially high grade intelligence of the kind which enabled terrorist operations to be

preempted. Mr Collins believed that progress was being made in this field. Following earlier British help with training, three specialist surveillance teams were now in being. He did not commit himself to sending further Gardai for training in Britain, but did not rule it out. Mr King reiterated the importance of training - especially training which was common to the RUC, and would, therefore, enable the two forces to operate common procedures, without which it would be difficult to build up the vital element of confidence. He reconfirmed the British willingness to arrange further courses for the Garda. Mr Collins described how the Garda were continuing to concentrate on finding PIRA weapons and explosives (with a suggestion that PIRA and loyalist groups might be deriving some of their arms from the same source). It was noted that the two heads of Special Branches were due to meet in the following week to update the joint threat assessment, and would be able to pay particular heed to terrorist weapons.

British Ministers pressed for replies to the specific proposals for enhanced cooperation which they had put forward in various papers, most of which had been handed over either before or during the previous Conference on 4 May. Mr King explained that these, whilst perhaps not of the same first-order importance as close cooperation between the two police forces, should be seen as important building blocks in the overall process of developing cooperation overall. He was therefore concerned at the apparent lack of urgency in responding to them. Mr Collins assured him that their importance was fully recognised; it was for just that reason that he and his colleagues felt it right to look at all of them together. They would do so as quickly as possible and respond positively wherever they could.

On extradition, Mr Collins was at pains to reinforce previous messages indicating that the Irish Government was just as surprised

and exasperated as the British Government at the district justice's ruling on McVeigh, and absolutely determined to remedy it. The State's appeal (by way of case stated) had already been registered, and although it was impossible to forecast when it would be heard, top priority was being given to preparing it. Whilst the Irish Government were committed anyway to review the extradition law when it had been in force for a year, they would be ready to look at it sooner if the outcome of the case justified that. Mr Collins showed Mr King, in confidence, a manuscript copy of an Opposition motion, which had been tabled in the Dail, proposing that extradition hearings should in future be confined to Circuit Court judges. Mr Collins believed that this motion would enjoy all-party support. Mr King has since mentioned this proposal to the Attorney General, since it coincides with Sir Patrick's own view that an amendment in that sense - with the pretext that it offers for making other amendments - may well be the most promising way forward.

On other security subjects:

- Ministers noted the progress being made in producing a fertiliser that would not be a potential source of explosives for the terrorist;
- Mr Collins said that the Irish Government was now fully participating in preparations for the Euro-beacon system for tracking suspects across frontiers;
- the Chief Constable and the Commissioner reported on the work that they had set in hand on cross-border smuggling;
- the Irish again expressed concern about the implications for the policy of RUC primacy of the new border Brigade; the British side explained that the Army would only operate under

the Chief Constable's delegated authority, leaving the principle intact;

- Mr Collins passed on the Taoiseach's appreciation of the RUC's handling of traditional parades in 1987 and made it clear that he had no desire to interfere with the Chief Constable's operational responsibilities in this area.

The Conference met in plenary just after noon. With time short, it dealt quickly and in an amicable atmosphere with a number of social and economic issues; none was contentious and on several there was progress of some kind to report in the Communique (copy attached). The Irish side restated their concern for quick progress on a number of issues which they felt offered propaganda opportunities to PIRA such as Stalker/Sampson and the Gibraltar inquest, but they did so in acceptable terms and without asking for a specific reference in the Communique.

It was agreed that the next Conference should be held in the fourth week of July.

Comment The discussion on security was the most significant part of the meeting. With the summit meeting at Hanover in the offing, it is safe to infer that Mr Collins was aiming to convey as favourable as possible an impression of Irish determination and Irish readiness to move forward on security cooperation. He was noticeably anxious to put over that it was the Garda reorganisation - rather than political gestures - which lay behind the hiatus in contact between the RUC and the Garda at headquarters level during February-April. One may have one's doubts about that. Moreover, even if the new resolve and the new measures are fully borne out, it is bound to take time for them to produce concrete results. Nevertheless, my Secretary of State considers the key tests will now

be whether the RUC/Garda meetings show the same positive attitude continuing and that this is not just window dressing for Hanover. We recognise that building up professional expertise will have to be a lengthy process for the Garda, as it has been for the RUC; what matters at this stage is to see evidence that they have made a start. Meanwhile there is some encouragement to be had from this distinct improvement in the atmosphere which was evident in Friday's discussion.

I am copying to Lyn Parker, FCO, Michael Saunders, LOD and to Trevor Woolley, Cabinet Office.

Yours sincerely

Martin Donnelly

M DONNELLY



*psj*

With the Compliments  
of the  
PRIVATE SECRETARY  
of the  
MINISTER OF STATE

Home Office  
Queen Anne's Gate  
LONDON  
SW1H 9AT



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT  
20 JUN 1988

*Mr Patrick:*

IRISH EXTRADITION: GUIDANCE TO THE POLICE

As you may know, our officials who sit on the UK Side of Working Group II have agreed the text of a circular giving guidance to the police on the need for the Crown Prosecution Service (CPS) to review cases before arrest warrants are sent to the Republic for backing.

Although the circular was prepared before the recent developments in the case of McVeigh, it seems to us that there is still a need for the guidance to be issued. There may be difficulties in proceeding with cases in advance of the outcome of the appeal being brought by the Irish state making it even more important for the CPS to be consulted at an early stage so that account can be taken of the latest legal position in the Republic.

I am content for this guidance to be sent out as a Home Office circular and arrangements have been made for it to be issued on 28 June. I enclose a copy of the circular. Apart from some minor presentational changes, the text is almost the same as that agreed between our Departments, except that we have:

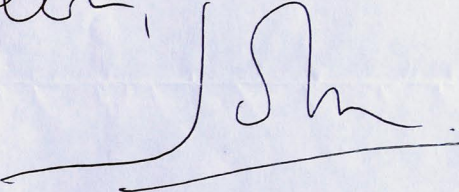
- (a) included a short paragraph referring to McVeigh in the introductory section;
- (b) incorporated in paragraph 3 a reference to the need for the police to give the CPS plenty of time to consider cases. This picks up the point you made in your minute of 23 May to Douglas Hurd about the difficulties caused by late notice in the McVeigh case. (Perhaps I could mention that Douglas will be responding to the other points raised in your minute as soon as possible); and
- (c) added a paragraph reminding the police to continue to provide statistical information about backed warrants.

Although we are not proposing to give any publicity to the issue of the circular, news of it may get out. My officials have prepared some briefing for our Press Office to use in response to any enquiries that may be made. I enclose a copy for your information.

The Rt Hon Sir Patrick Mayhew QC MP

Finally, I think that the Irish should be told of the issue of the circular. Northern Ireland Office have kindly agreed to make the necessary arrangements through the Anglo-Irish Secretariat, which seems the most appropriate channel.

I am copying this letter and the enclosures to John Stanley and Lynda Chalker.

Yours truly,  
A handwritten signature in black ink, appearing to read 'John Patten'. The signature is written in a cursive style with a large, sweeping 'J' and 'P'. A horizontal line is drawn underneath the signature.

JOHN PATTEN

The Chief Officer of Police

28 June 1988

HOME OFFICE CIRCULAR NUMBER 46/1988

THE RETURN OF FUGITIVES FROM THE REPUBLIC OF IRELAND

This circular supplements existing guidance on the arrangements for the return of fugitives from the Republic of Ireland. It sets out the principles of the backing of warrants procedure and describes a new arrangement for checking the state of preparation of the case against the fugitive. Guidance on other matters, including the terms of warrants and related documentation, will be issued in a subsequent circular.

2. The recent decision of an Irish court in the case of Patrick McVeigh has implications for future applications for the return of fugitive offenders from the Republic. These implications are being urgently considered in consultation with the Irish authorities, who have announced their intention to appeal against the decision. The procedure set out in this Circular will enable account to be taken of the latest legal position in the preparation of future cases.

#### Principles

3. The execution of United Kingdom arrest warrants in the Republic of Ireland takes place under Part III of the Irish Extradition Act 1965 (as amended by subsequent legislation) and relevant court decisions. The legislative provisions are designed to enable fugitives accused of offences covered by the Act to face court proceedings in the United Kingdom, and convicted fugitives to be returned to serve their sentences. It is not the intention that a suspect known to be in the Republic of Ireland may be returned to the United Kingdom for the purpose of questioning him about alleged offences. If warrants are sent to the Republic where insufficient evidence exists to bring proceedings the arrangements will be brought into disrepute and the return of fugitives jeopardised.

The case against the fugitive

4. In view of the principles set out above, it is important that the cases should be carefully scrutinised before warrants are sent to the Republic of Ireland for endorsement. It has therefore been agreed that all cases should be reviewed in England and Wales by the Crown Prosecution Service (CPS) before warrants are sent to the Republic of Ireland for execution. Paragraph 5 of Home Office Circular 13/1986 explains that the CPS is responsible for the conduct of criminal proceedings instituted by police forces. Proceedings will of course have been instituted for the purpose of the Prosecution of Offences Act 1985 in all cases where a warrant has already been issued by a court. However, in any case where a fugitive who is accused of a returnable offence is believed to be in the Republic of Ireland, irrespective of whether any information has already been laid before a justice, the case papers and any necessary additional information should be provided to the CPS so that they may assess the evidence that would be available to the court of trial. In no circumstances should a warrant be sent to the Republic of Ireland for execution unless the CPS agree. When fugitives are already in custody in the Republic, the CPS should be given sufficient time in advance of the date of release to consider the case.

5. The CPS may advise on the terms of the information to be laid in cases where warrants have yet to be issued, and in other cases on whether further information should be laid. Warrants in respect of all offences for which it is intended to prosecute the fugitive should be sent to the Republic. The delivery of all warrants to the Garda will continue to be the responsibility of the police; they will not be sent by the CPS. Chief Officers will wish to bear in mind the fact that the United Kingdom has agreed with the Republic of Ireland that in no circumstances will a warrant be sent to the Republic without the case having first been reviewed by the relevant prosecuting authority.

Statistics

6. Police forces are asked to continue to keep statistics on warrants received and issued in accordance with Home Office Circular 2/1981.

7. A copy of this circular is being sent to the Chief Crown Prosecutor.

P C EDWARDS

**IRISH EXTRADITION: NEW GUIDANCE TO THE POLICE**

**DEFENSIVE PRESS BRIEFING**

**Q** Why is it necessary to issue this guidance?

**A** It is important that cases are carefully scrutinised by the Crown Prosecution Service before arrest warrants which are to be sent to the Republic of Ireland are sought to ensure that there is sufficient admissible evidence to found a prosecution and that all the necessary documentation is in order. The police are already aware of the need for this procedure to be followed and the circular simply formalises these arrangements.

**Q** What will happen to Irish extradition in the light of the McVeigh case?

**A** The Attorney General made a full statement to the House on 14 June. The Government was dismayed by the outcome of the case and has welcomed the decision of the Irish state to appeal. In the meantime, the Attorney General will be consulting urgently with the Irish Attorney about the implications of the case for the effective machinery for extradition that both Governments desire.



SECRET 9-

PM.  
lib



10 DOWNING STREET  
LONDON SW1A 2AA

From the Private Secretary

17 June 1988

Dear Tom,

ANGLO-IRISH RELATIONS

I enclose a copy of the Taoiseach's reply to the Prime Minister's personal message of 27 April. As you will see, it proposes that the issues raised in that message should be discussed at the meeting between them on Tuesday 28 June in Hanover.

The Prime Minister's original message was handled on a very restricted basis. I should be grateful if the Taoiseach's reply could be treated with similar discretion.

The letter will need to be taken into account for briefing for the Prime Minister's meeting with the Taoiseach. You may also like to confirm to the Taoiseach's office that the Prime Minister is agreeable to a bilateral once all the European Council business is completed in Hanover on the afternoon of Tuesday 28 June. The precise time and venue can be settled between me and Mr. Nally when we get to Hanover. I doubt the Prime Minister will want to be committed to a meeting of any specific duration, but there will be no time constraint on our side.

I am copying this letter and enclosure to David Watkins (Northern Ireland Office) and to Trevor Woolley (Cabinet Office).

Yours sincerely,

C. D. POWELL

A. C. Galsworthy, Esq., C.M.G.,  
Foreign and Commonwealth Office.

6

SECRET



IRISH EMBASSY, LONDON.

17 Grosvenor Place

SW1X 7HR

*CD 16/6.*

16 June 1988

Dear Private Secretary

I have been asked to transmit the attached letter from the Taoiseach, Mr Charles J Haughey TD, to the Prime Minister.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Andrew O'Rourke'.

Andrew O'Rourke  
Ambassador

Mr Charles D Powell  
Private Secretary to the Prime Minister  
10 Downing Street  
London SW1

Enc

PRIME MINISTER'S

PERSONAL MESSAGE

SERIAL No. T92A188

SUBJECT

CCMADE  
OFS.



Oifig an Taoisigh  
Office of the Taoiseach

SECRET

15 June, 1988.

MS

The Rt. Hon. Mrs. Margaret Thatcher, MP. FRS.,  
Prime Minister.

Dear Margaret,

I have been giving a lot of thought to your letter of 27th April, my subsequent discussion with Tom King and the message conveyed to me on 23rd May through Ambassador Fenn.

While I have been deeply perturbed by some of the things you have written and said and reject many of them, I feel, nevertheless that it would not serve the best interest of the people of these islands to start up a counterproductive correspondence between us. I would hope, therefore, that we could set aside enough time at the Hanover Council at the end of the month to talk substantively about the situation. If you find this suggestion acceptable, the arrangements for the meeting can be made in the normal way.

I feel, however, that even at this stage I should make one simple statement of my beliefs. I am by nature and conviction totally and utterly opposed to all violence and regard the taking of human life as abhorrent in any circumstances. All my political attitudes and actions are based on that belief.

Yours sincerely,

*Charles Haughey*

Taoiseach.

Oifig an Taoisigh, Tithe an Rialtais, Baile Átha Cliath 2.  
Office of the Taoiseach, Government Buildings, Dublin 2.

ack  
T  
Prime Minister  
This is the long-awaited reply. As you see, it defers substance to your meeting in Hanover.  
CDP  
16/6

RESTRICTED

137740  
MDHIAN 3511

RESTRICTED  
FM DUBLIN  
TO DESKBY 151800Z FCO  
TELNO 307  
OF 151730Z JUNE 88  
AND TO DESKBY 151800Z NIO(B)  
INFO SAVING WASHINGTON, BIS NEW YORK

MY TELNO 305: CONSTITUTIONAL CASE AGAINST ANGLO-IRISH AGREEMENT

SUMMARY

1. STATE OPEN DEFENCE CASE. HELPFUL WORDS ON BINDING NATURE OF AGREEMENT: FOLLOWED BY UNCOMPROMISING STATEMENT OF TERRITORIAL CLAIM TO NORTHERN IRELAND.

DETAIL

2. THE IRISH STATE OPENED ITS DEFENCE OF THE ANGLO-IRISH AGREEMENT TODAY. COUNSEL SAID THAT THE COURT SHOULD PLACE HEAVY WEIGHT ON THE INTERPRETATION OF THE AGREEMENT OFFERED BY THE STATE, THE ONLY PARTY TO THE AGREEMENT WHICH WAS ALSO PARTY TO THE CASE. THE ICJ HAD SAID THAT INTERPRETATIONS OF AGREEMENTS BY PARTIES TO THEM, 'ALTHOUGH NOT CONCLUSIVE, HAVE CONSIDERABLE PROBATIVE VALUE'. THE COURT SHOULD APPLY PRINCIPLES OF INTERPRETATION ACCEPTED UNDER INTERNATIONAL LAW. THE VIENNA CONVENTION AND THE LAW OF TREATIES SUPPLIED THESE PRINCIPLES OF INTERPRETATION (AND, ALTHOUGH IRELAND WAS NOT A PARTY TO THE CONVENTION, THE STATE ACCEPTED THAT IT CODIFIED THE RELEVANT PRINCIPLES OF INTERNATIONAL LAW). THE COURT SHOULD THEREFORE BE GUIDED IN INTERPRETING THE AGREEMENT BY ITS PURPOSES AND OBJECTIVES IN THIS CASE EMBODIED IN THE PREAMBLE. THE COURT SHOULD ALSO RECOGNISE THAT IT HAD AN 'OBLIGATION TO DRAW ITS INSPIRATION FROM THE GOOD FAITH WHICH SHOULD ANIMATE THE PARTIES (TO THE AGREEMENT) IF THEY WERE CALLED UPON TO INTERPRET THE TREATY WHICH THEY THEMSELVES HAD DRAWN UP'. THE COURT SHOULD ALSO ADOPT A PRESUMPTION THAT THE EXECUTIVE HAD ACTED CONSTITUTIONALLY WITHIN ITS DOMAIN.

3. COUNSEL STATED IN TERMS THAT ARTICLE 2 OF THE CONSTITUTION REPRESENTED A TERRITORIAL CLAIM TO NORTHERN IRELAND. THE ARTICLE WAS A CONSTITUTIONAL IMPERATIVE TO SEEK REUNION OF IRELAND. UNDER ARTICLE 3 THE STATE 'ACCEPTED' RATHER THAN 'RECOGNISED' THAT PART OF THE 'NATIONAL TERRITORY' WAS PRESENTLY UNDER A DIFFERENT JURISDICTION. BUT IT RETAINED THE RIGHT, WHICH IT WOULD NOT EXERCISE, TO LEGISLATE FOR NORTHERN IRELAND. COUNSEL FOR THE STATE REJECTED AN INTERPRETATION OFFERED BY THE JUDGE THAT ARTICLE 2 EXPRESSLY RECOGNISED A DIFFERENCE BETWEEN THE 'NATIONAL TERRITORY' IE THE

RESTRICTED

137740  
MDHIAN 3511

TERRITORY OF THE IRISH NATION, AND THE TERRITORY RIGHTFULLY PART OF THE IRISH STATE, AND THAT ARTICLE 3, SO FAR FROM BEING A CLAIM OF RIGHT TO LEGISLATE FOR NORTHERN IRELAND, WAS A PROHIBITION AGAINST THE REPUBLIC DOING SO.

4. COUNSEL SAID THAT THE ARTICLES SHOULD BE READ AS A RECOGNITION OF A DISPUTE BETWEEN THE UK AND REPUBLIC OVER NORTHERN IRELAND. ARTICLE 1 OF THE AGREEMENT, THEREFORE, DELIBERATELY DID NOT DEFINE THE STATUS OF NORTHERN IRELAND. THE AGREEMENT COULD BE COMPARED TO AN AGREEMENT BETWEEN TWO PEOPLE WHO HAD CONFLICTING TITLE-DEEDS ON A PIECE OF LAND TO REGULATE THE GRAZING RIGHTS PENDING A RESOLUTION OF THEIR DISPUTE. IN RESOLVING THE DISPUTE, HOWEVER, THE STATE WAS BOUND BY ARTICLE 29 OF THE CONSTITUTION TO SEEK A 'PACIFIC SETTLEMENT', AND OBSERVE THE RULES OF CONDUCT EMBODIED IN THE PRINCIPLES OF INTERNATIONAL LAW. THIS WAS REFLECTED IN THE PREAMBLE TO THE AGREEMENT AND ARTICLE 1 OF THE AGREEMENT SINCE A PEACEFUL RESOLUTION OF THE DISPUTE WAS ONLY LIKELY TO OCCUR WITH THE AGREEMENT OF A MAJORITY OF THE PEOPLE OF NORTHERN IRELAND.

COMMENT

5. THE UNCOMPROMISING STATEMENT OF TERRITORIAL CLAIM SEEMED TO BE TAKEN BY UNIONISTS IN COURT AS A VINDICATION OF THEIR ARGUMENTS AGAINST THE AGREEMENT. IT IS HOWEVER DIFFICULT TO SEE HOW THE FIANNA FAIL GOVERNMENT COULD HAVE OFFERED A LESS HARD-LINE INTERPRETATION OR HAVE ACCEPTED THAT OFFERED BY JUDGE BARRINGTON. THERE IS NOTHING SO FAR IN THE CASE FOR THE STATE WHICH DOWNPLAYS THE BINDING NATURE OF THE AGREEMENT WITH RESPECT TO THE NEED FOR THE CONSENT OF A MAJORITY OF THE PEOPLE OF NORTHERN IRELAND BEFORE ANY CHANGE IN THE STATUS OF THE PROVINCE. PLAYING UP ARTICLES 2 AND 3 OF THE CONSTITUTION DOES NOT NECESSARILY MEAN PLAYING DOWN ARTICLE 1 OF THE AGREEMENT.

6. THE STATEMENT THAT THE STATE SUBSCRIBES TO THE VIENNA CONVENTION ON THE LAW OF TREATIES, THOUGH NOT PARTY TO IT, IS HELPFUL. IF THE AGREEMENT IS FOUND CONSTITUTIONAL THE REPUBLIC CANNOT NOW CONSISTENTLY ARGUE THAT IT HAS CEASED TO BE BINDING IN INTERNATIONAL LAW.

FENN

FCO PLEASE PASS TO SAVING ADDRESSEES

YYYY



UNCLASSIFIED

137715  
MDHIAN 3508

UNCLASSIFIED  
FM DUBLIN  
TO IMMEDIATE FCO  
TELNO 306  
OF 151120Z JUNE 88  
INFO PRIORITY NIO(B), WASHINGTON, BIS NEW YORK

EXTRADITION CASE: PATRICK MCVEIGH

SUMMARY

1. MINISTER OF JUSTICE'S STATEMENT TO THE DAIL ON 14 JUNE. ATTORNEYS-GENERAL TO CONSULT ON IMPLICATIONS. IRISH GOVERNMENT TO APPEAL TO HIGH COURT. OPPOSITION PARTIES FOCUS CRITICISM ON IRISH AUTHORITIES AND CALL FOR CHANGE IN LEGISLATION TO ENSURE THAT DISTRICT COURTS DO NOT HEAR EXTRADITION CASES IN FUTURE. THE PRESS LAY THE BLAME ON THE IRISH, NOTE THE DAMAGING IMPACT OF FAILURE OF THE APPLICATION FOR ANGL0-IRISH RELATIONS, AND REMARK THAT BOTH GOVERNMENTS HAVE RESPONDED IN LOW-KEY FASHION IN THE FACE OF A DIFFICULT SITUATION.

DETAIL

2. MAIN POINTS OF MR COLLIN'S STATEMENT (COPY SENT YESTERDAY BY FAX TO RID) WERE:

A. THE ISSUE ON IDENTIFICATION DID NOT ARISE FROM THE NEW EXTRADITION LEGISLATION, BUT CONCERNED MATTERS WHICH COULD ALWAYS HAVE BEEN RAISED UNDER THE 1965 ACT.

B. THE BRITISH AUTHORITIES HAD TOLD THE IRISH THAT NO POLICE OFFICER "WAS IN A POSITION TO MAKE A PERSONAL IDENTIFICATION OF MCVEIGH AS THE PERSON CONCERNED IN THE ALLEGED OFFENCE". BUT THE EVIDENCE TENDERED TO THE COURT TO ESTABLISH IDENTIFICATION WAS IN ACCORDANCE WITH ESTABLISHED NORMS AND THE BRITISH HAD BEEN INFORMED THAT FURTHER IDENTIFICATION EVIDENCE WAS NOT REQUIRED.

C. THE TWO ATTORNEYS-GENERAL HAD BEEN IN TOUCH. SIR P MAYHEW HAD EXPRESSED HIS DEEPEST CONCERN AND AGREED THAT THE DECISION NOT TO CALL FURTHER IDENTIFICATION EVIDENCE WAS AS HE WOULD HAVE EXPECTED GIVEN PAST EXPERIENCE. THEY HAD AGREED TO CONSULT ON THE IMPLICATIONS OF THE DECISION.

D. THE "MOST EFFECTIVE ACTION OPEN TO THE STATE" WAS BEING TAKEN

PAGE 1  
UNCLASSIFIED

IMMEDIATELY. AN APPEAL BY WAY OF CASE STATED WOULD BE TAKEN TO THE HIGH COURT.

E. INDEPENDENCE OF JUDICIARY STRESSED.

3. A LOW KEY DEBATE FOLLOWED. BARRETT (FG) REFERRED TO "THE EXTRAORDINARY DECISION OF THE DISTRICT JUSTICE" AND CALLED FOR LEGISLATION TO ENSURE THAT IN FUTURE EXTRADITION HEARINGS SHOULD GO STRAIGHT TO THE CIRCUIT COURT, BY-PASSING DISTRICT COURTS. THIS WAS ENDORSED BY O'MALLEY (PD), WHO DESCRIBED THE JUDGE'S DECISION AS INEXPLICABLE, SOME WOULD SAY PERVERSE, AND IT WOULD HAVE ENORMOUS CONSEQUENCES FOR ANGLO-IRISH RELATIONS. IT HAD GIVEN THE IMPRESSION THAT THE IRISH COURT WAS NOT SERIOUS IN WANTING TO EXTRADITE PEOPLE, AND DAMAGED IRELAND'S INTERNATIONAL REPUTATION. THE GOVERNMENT HAD SUFFERED UNFAIR CRITICISM. HE ADDED THAT A BRITISH POLICEMAN COULD NOT HAVE ADDED TO THE IDENTIFICATION EVIDENCE PRESENTED.

4. TAYLOR (LAB) SAID THAT THE BRITISH WERE CLEARLY NOT TO BLAME, BUT THAT THE JUDGE'S FINDING FOLLOWED A RECENT HIGH COURT DECISION ON IDENTIFICATION. THE IRISH AUTHORITIES SHOULD HAVE BEEN AWARE OF THIS. THE NEW LEGISLATION GAVE THE IRISH ATTORNEY-GENERAL NEW RESPONSIBILITIES TO CHECK EVIDENCE. BLAME ATTACHED TO HIM.

5. TODAY'S DUBLIN PAPERS UNITED IN ACCEPTING THAT ANY FAULT LIES IN DUBLIN RATHER THAN LONDON. IRISH TIMES SAYS IT IS NOT DIFFICULT TO UNDERSTAND BRITISH AND UNIONIST OUTRAGE OVER THE CASE, AND WELCOMES LOW-KEY TONE OF DUBLIN AND LONDON EXCHANGES. THERE HAS BEEN NO SERIOUS CHALLENGE TO FUNDAMENTAL GOOD FAITH ON EITHER SIDE. AN EDITORIAL IN THE INDEPENDENT STATES THAT "WE WANT THE AGREEMENT TO WORK AND WE DO NOT WANT TECHNICALITIES TO GET IN THE WAY".

FENN

Y Y Y Y

DISTRIBUTION

154

MAIN 111

.NORTHERN IRELAND  
LIMITED  
RID  
NAD  
INFO

ECD(E)  
ECD(I)  
LEGAL ADVISERS  
POD  
PS



IRISH EMBASSY, LONDON

17 Grosvenor Place,  
SW1X 7HR.

14 June, 1988.

Charles Powell Esq.,  
Private Secretary to the  
Prime Minister,  
10, Downing Street,  
London SW1.

*Dear Charles*

I attach herewith the text of the statement to be made  
this afternoon in the Dail by the Minister for Justice,  
Gerard Collins, T.D.

Yours sincerely,

*Richard Ryan*  
Richard Ryan,  
Minister-Counsellor.

I wish to make a statement to the House about the extradition proceedings concerning Patrick McVeigh which took place in Portlaoise District Court yesterday. The finding of the Court was that it had not been established to its satisfaction that the person before the Court was the person named in the warrants.

I want to make it perfectly clear, lest there be any confusion about this, that this issue concerning identification did not arise from any provision of the Extradition (Amendment) Act 1987. These particular proceedings were in fact taken under the provisions of the Extradition Act 1965 and the identity of the person before the Court is an issue which could have been raised at any time since the enactment of the 1965 Act.

The British warrants before the Court identified the person whose extradition was sought as being Patrick McVeigh of Portlaoise Prison, Co. Laois, formerly of 18, Forest Street, Belfast, Northern Ireland.

The British authorities had informed the Irish authorities that no police officer was in a position to make a personal identification of Patrick McVeigh as the person concerned in the alleged offence.

Evidence tendered before the Court included evidence that the person before the Court was the only Patrick McVeigh in Portlaoise Prison at the relevant time and that that person had previously given his name and address as Patrick McVeigh of 18, Forest Street, Belfast, Northern Ireland. These facts were not challenged.

The evidence tendered to the Court to identify Patrick McVeigh as the person named in the warrant was in accordance with established norms. It was for this reason that the British prosecuting authorities were informed that further evidence of identification was not required.

Since yesterday's decision the Attorney General has been in touch with the British Attorney General. The British Attorney General expressed his deepest concern at the result of the application. He agreed that the decision not to call evidence of British police officers was, in the

circumstances of this case, entirely as he would have expected, in the light of experience in previous extradition cases. Both the Attorney General and the British Attorney General have agreed to consult on the implications of the decision.

Extradition is a part of the normal machinery of legal cooperation between civilised States. As we have stated on numerous occasions, the Government are committed to having proper and effective extradition arrangements with other countries. We are determined to make every effort to ensure that the legislation and procedures in place are clearly workable.

The District Court decision of yesterday, if upheld, would set a precedent as to the kind of evidence which would be required in future in such cases.

The Government are very deeply concerned that the issue which has arisen as a result of yesterday's court proceedings should be resolved. I wish to inform the House that the most effective action open to the State is being taken immediately. An appeal by way of case stated will be taken to the High Court against the decision of the District Justice.

I am sure that it is not necessary for me to remind the Dail that our Courts under the Constitution are totally independent in the exercise of their judicial functions and, subject only to the right of appeal, their decisions must be accepted.



14. VI

PM 68

QUESTION NOS. 1, 2, 3, 4 and 5

DAIL QUESTIONS addressed to the Taoiseach by  
Deputies Alan Dukes and Peter Barry for  
answer on Tuesday, 14th June, 1988

---

QUESTIONS:

1. To ask the Taoiseach whether, during the course of his recent visit to the United Nations Organisation, he had any talks with a view to strengthening Ireland's participation in moves to favour nuclear disarmament.  

- Alan Dukes
  
2. To ask the Taoiseach the official engagements which he fulfilled during the course of his recent visit to the United States, apart from his attendance at the United Nations General Assembly.  

- Alan Dukes
  
3. To ask the Taoiseach whether, during the course of his recent visit to the United States, he had any contacts with the US administration or with legislators with a view to encouraging the passage of legislation in favour of non-documented Irish immigrants.  

- Alan Dukes
  
4. To ask the Taoiseach if he availed of the opportunity presented by his visit to the United States to impress on the members of Congress our concern to see the new immigration laws enacted as soon as possible.  

- Peter Barry
  
5. To ask the Taoiseach if, during his visit to the United States, he underlined to the various groups with whom he met the abhorrence of virtually all the people of Ireland for violence and our wish that nobody in the United States would give financial or any other form of support to organisations who use violence for political ends.  

- Peter Barry

REPLY:

I propose to take Questions 1 to 5 together.

The purpose of my visit to New York was to address the United Nations Third Special Session on Disarmament. The text of my address is available in the Library. In that address, I set out fully Ireland's position on disarmament and in particular on nuclear disarmament.

Apart from addressing the United Nations General Assembly, I had discussions during the visit which lasted a little over a day, with the Secretary General of the United Nations on a range of world issues. The Secretary General expressed his gratitude for Ireland's continued support for U.N. peacekeeping efforts in the Lebanon, Afghanistan and elsewhere. I also had bilateral meetings in New York with the Chairman of the Special Session, the Prime Minister of Finland and the Foreign Minister of China, the Foreign Minister of New Zealand and the Foreign Minister of Iran, during which we discussed matters of common interest to our countries. In the case of the Iranian Minister, I emphasised the Government's concern about Mr Brian Keenan and he undertook to look into the matter and see if there was anything his Government could do.

I had a meeting with the U.S. executives of the principal semi-State bodies and discussed with them their plans and their concerns.

/...

I raised the situation of Irish emigrants in the United States during my visit in April and the Government's concern is well known there. The whole issue continues to be pursued energetically by the Government at political and diplomatic level with the Congress and Administration in Washington and elsewhere.

I and my Government are clear and unequivocal in condemning political violence and terrorism which I regard as the common enemy of all civilised governments. This condemnation is articulated whenever the occasion requires.

CC CDP  
AB  
Press  
DC

STATEMENT BY THE ATTORNEY  
GENERAL - 14 JUNE 1988

PATRICK McVEIGH: EXTRADITION  
PROCEEDINGS

1. Warrants were issued at Bow Street Magistrates Court on 13 May 1988 for the arrest of Patrick McVeigh on charges of conspiracy to cause an explosion and of possession of explosive substances.

2. I duly sent to the Irish Attorney General on 16 May, following the procedure recently agreed between us for the purposes of the Irish Extradition (Amendment) Act 1987, a note confirming that the Crown Prosecution Service had the clear intention to bring a prosecution, and that they had satisfied themselves that there was sufficient admissible evidence to found a prosecution. I also sent to him a Statement of Facts and a

1

statement of the relevant law.

3. The Irish Attorney General, in accordance with the new Irish legislation, satisfied himself on the basis of this material that there was indeed an intention to prosecute, based on a sufficiency of admissible evidence. The warrants, with the authority of the Irish Attorney General, were accordingly endorsed by a Garda Commissioner, and Patrick

McVeigh was arrested on foot of those warrants on 18 May, upon the occasion of his release from Portlaoise Prison, where he had been serving a sentence of imprisonment.

4. Applications for the return of fugitive offenders to the United Kingdom are made by the Irish State Solicitor, on behalf of the Irish State. Following McVeigh's arrest discussions accordingly took

place between the Crown Prosecution Service and the Irish State Solicitor. At the end of a conference with Counsel for the Irish State in Dublin on 7 June, the central question remained as to whether the Irish State intended to call English witnesses to establish that the prisoner before the Court was the person whose arrest was sought in the warrants. On 9 June the Crown Prosecution Service wrote to

the Chief State Solicitor stating that it was vital that they should hear from him forthwith as to whether English witnesses (and, if so, which) were required to attend the hearing on 13 June.

5. The following day a reply was received in writing from the State Solicitor that Counsel had advised that the evidence already available was sufficient in law to establish the identity of McVeigh for

the purpose of the District Court hearing and that it was proposed to act on his advice. Accordingly, the evidence of witnesses from Britain to prove his identity would not be required. It was made clear that the Irish Attorney General had personally considered and concurred in this advice.

6. Yesterday the Portlaoise District Court considered the Irish State's application for

the return of McVeigh to the United Kingdom. The unchallenged evidence led by the Irish State established that the prisoner before the Irish Court was Patrick McVeigh, who had been released from Portlaoise Prison on 18 May, and had formerly lived at 18 Forest Street, Belfast. The English warrants expressly related to Patrick McVeigh of Portlaoise Prison, formerly of 18 Forest Street, Belfast. The District Judge, however,

A

held against the Irish State on the issue of identification. He concluded that the State had not established that the person before the Court was the person to whom the English warrants related. He accordingly ordered the release of McVeigh, which duly occurred.

7. This result is deeply dismaying. The Crown Prosecution Service have at

every stage of these proceedings asked the Irish authorities what evidence the Irish State would require in order to meet the requirements of Irish law. They have meticulously complied with the advice they received. That advice did not occasion surprise, because it was consistent with the requirements previously made by Irish Courts, who have never required evidence linking the person named in a

warrant to the commission by that person of a specific offence.

8. Shortly after yesterday's hearing the Irish Attorney General telephoned me to express his own disappointment with the result. I expressed to him my own feeling of profound frustration and surprise. We have agreed to consult urgently in the light of yesterday's judgment as to the next steps the Irish State

---

might take in the case of McVeigh, and as to the implications of this surprising decision for the effective machinery for extradition that we both desire.

E.

STÁD NA hÉIREANN, LONDAIN



IRISH EMBASSY, LONDON.

17 Grosvenor Place

SW1X 7HR

*AM*

14 June 1988

Dear Private Secretary

I have been asked to transmit the attached personal message from the Taoiseach, Mr Charles J Haughey TD, to the Prime Minister.

Yours sincerely

*Andrew O'Rourke*

Andrew O'Rourke  
Ambassador

Mr Charles D Powell  
Private Secretary to the Prime Minister  
10 Downing Street  
London SW1

CDP  
14/6

MESSAGE FROM TAOISEACH TO PRIME MINISTER

I am very deeply concerned about what happened yesterday in our District Court in the McVeigh extradition case.

I want you to know that we are immediately taking the strongest action open to us - stating a case for the High Court - in order to over-turn the decision of the District Justice. The Minister for Justice, Gerard Collins, will be making a full statement on the issue in the Dáil today.

Because of the ordering of Dáil business, this statement may not be delivered until about 4.00 p.m. I felt it right, therefore, to let you know our intentions at once. We will send you an advance copy of the statement about lunchtime today.



10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

14 June 1988

ANGLO-IRISH RELATIONS: EXTRADITION

The Irish Ambassador called to see me shortly after 1 pm today to deliver the enclosed message from the Taoiseach to the Prime Minister. There was no doubting his trepidation about what the Prime Minister might say in the House of Commons this afternoon about what happened in the McVeigh case.

In response to my question, the Ambassador said that the Taoiseach would prefer the Prime Minister not to refer to the message although she was at liberty to say that she understood that a statement would be made in the Dail today.

I am copying this letter and enclosure to Michael Saunders (Law Officers' Department), Lyn Parker (Foreign and Commonwealth Office) and Trevor Woolley (Cabinet Office).

(CHARLES POWELL)

David Watkins, Esq.,  
Northern Ireland Office.

MESSAGE FROM TAOISEACH TO PRIME MINISTER

I am very deeply concerned about what happened yesterday in our District Court in the McVeigh extradition case.

I want you to know that we are immediately taking the strongest action open to us - stating a case for the High Court - in order to over-turn the decision of the District Justice. The Minister for Justice, Gerard Collins, will be making a full statement on the issue in the Dáil today.

Because of the ordering of Dáil business, this statement may not be delivered until about 4.00 p.m. I felt it right, therefore, to let you know our intentions at once. We will send you an advance copy of the statement about lunchtime today.

PK

Ref. A088/1805

NOTE FOR RECORD

COP  
B/6.

cc: Mr Boyd, FCO  
Mr Burns, NIO  
Mr Weston, Cabinet Office  
Mr Powell, No 10

Call by Mr Nally

Mr Dermot Nally called on Sir Robin Butler at 5.45 pm on 10 June.

2. Commencing their discussion, Sir Robin Butler and Mr Nally agreed that improvements in Anglo/ Irish relations would depend critically on the relationship between the two Prime Ministers and their meeting at the Hanover summit. Mr Nally outlined the history behind the former. The first meeting between the Premiers in 1980 had gone well with the ensuing communique confirming that there would be no change in the status of Northern Ireland without the agreement of the majority of the population there. However, following the December 1980 summit, which in itself had also been successful, Mr Lenihan had said that he saw the prospect of Irish unity within 10 years - at which point the relationship began to sour. This was subsequently exacerbated by Mr Haughey's attitude towards the Falklands war in 1982. Finally, the familiar litany of events of the early months of this year had given the Taoiseach the appearance of a deliberate attempt by the British Government to antagonise Anglo-Irish relations.

3. Sir Robin Butler noted that, from the point of view of the British Government, relations had been irritated at the end of last year by the dashing of the hopes which had been raised on

extradition and by the subsequent omission of robust remarks about the importance of the defeat of terrorism in Mr Haughey's speeches during his visit to the United States. For the Prime Minister, co-operation on the defeat on terrorism was the key to better relations; and one touchstone would be the successful implementation of extradition arrangements. A favourable outcome to the McVeigh extradition application would be important.

4. Mr Nally said that there should be no misunderstanding of Mr Haughey's commitment to the fight against terrorism. If he gave the appearance of something less than this, it was because he needed to take his domestic constituency with him and that required a degree of caution. But the Prime Minister should not under-estimate how much was being done. For example, the chiefs of the two police forces were now meeting regularly after an interruption of some weeks. The fact that the Irish Government did not agree with all proposals for new areas of co-operation should not be interpreted as unwillingness to co-operate. For example, the Irish Government did not agree that the RUC should be present when terrorist suspects were being questioned by the Garda. This was because such a development would lead to claims by the defence that suspects had been subjected to intimidatory questions; and in any case, terrorists were trained in resistance to interrogation techniques. In addition, the presence of RUC policemen at the questioning of terrorists in the South would give rise to popular agitation which would be unhelpful in itself and require the diversion of Garda manpower from higher priority duties to control it. It was irritating that, notwithstanding these reasonable, practical objections, the proposal was repeatedly put to the Irish Government.

5. Continuing, Mr Nally said that it should be noted that it was Mr Haughey and not his predecessor, who had taken the decision to implement the present extradition arrangements. The McVeigh application would be a test-case for the extradition

legislation and both sides would appeal it all the way to the Supreme Court. The Irish Constitution required that judicial authority should be exercised by the Courts: the argument that would be advanced against the Irish Government was that the extradition legislation sought to make the Attorney General a judicial authority and that it was therefore unconstitutional. The Irish Government's legal advice was that the Supreme Court would not support this contention: the Attorney General would be no more acting in a judicial capacity under the legislation than would the Director of Public Prosecutions in exercising his responsibilities.

6. Turning to the Hanover meeting, Mr Nally said that he saw no difficulty in it reaching agreement on a statement of continuing support for the Anglo/ Irish Agreement and on a common determination to fight terrorism. But it would be useful if discussion could also cover political issues. Developments on fair employment had been well received. What would be really helpful now would be measures to improve the acceptability of the police to the minority community in the North. This might take the form of police training, or of machinery to involve community leaders in the policing of the minority community. There might also need to be a reference at the Hanover meeting to the forthcoming review under the Anglo-Irish Agreement, which he envisaged being a low key affair.

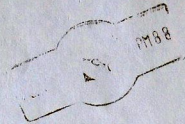
7. Finally, there was a brief discussion of the Prime Minister's letter to the Taoiseach. Mr Nally said that Mr Haughey would not wish to indulge in a slanging match with the Prime Minister - it was not his way. Sir Robin Butler explained that the purpose of the Prime Minister's letter was not to initiate an exchange of insults but to display the strength of her personal feelings on the matters it addressed.

The letter had been intended to elicit a reply. It might be that Mr Haughey should at least reply volunteering to discuss the issues when they met at Hanover.

*Tim Woolley*

T A WOOLLEY  
(PS/Sir Robin Butler)

13 June 1988



PM88

SECRET

PRISEC AND DEDIP

FM DUBLIN

TO IMMEDIATE FCO

TEL NO 289

OF 091135Z JUNE 88

AND TO IMMEDIATE NIO(B)

*ms*

FOLLOWING PERSONAL FOR PRIVATE SECRETARIES AT NO 10, FCO AND NIO  
MY TELS NOS 254 AND 255: TAOISEACH'S REPLY TO THE PRIME MINISTER'S  
MESSAGE

1. MR HAUGHEY IS FINDING IT AS DIFFICULT AS WE EXPECTED TO DECIDE ON HIS REPLY TO THE PRIME MINISTER'S MESSAGE.
2. HE TOOK A DRAFT WITH HIM TO NEW YORK AT THE END OF LAST WEEK AND WAS REFLECTING ON IT AT HIS HOLIDAY HOME AT INNISCHVICKILLANE OVER THE IRISH LONG WEEKEND. I WAS LED TO EXPECT THAT A REPLY WOULD BE DESPATCHED ON 7 OR 8 JUNE. IN THE EVENT HOWEVER HE HAS STILL NOT MADE UP HIS MIND.
3. NALLY HOPES TO DELIVER THE REPLY WHEN HE CALLS ON SIR ROBIN BUTLER ON 10 JUNE. BUT HE FEARS IT IS MORE LIKELY THAT THE REPLY WILL BE DELAYED OVER ANOTHER WEEKEND. IN WHICH CASE THE ANGLO-IRISH DINNER ON 10 JUNE WILL HAVE TO TAKE PLACE WITHOUT IT AND NALLY UNDERSTANDS THAT IN THESE CIRCUMSTANCES HE WILL BE PRESSED TO EXPLAIN THE TAOISEACH'S THINKING.
4. I HAVE DISCUSSED THE SITUATION WITH BOTH NALLY AND DORR. WE ARE AGREED THAT IT WOULD BE COUNTER PRODUCTIVE FOR US TO TRY TO PRESS THE TAOISEACH FURTHER AT THIS STAGE. MR HAUGHEY KNOWS THAT HE HAS TO REPLY AND THAT HIS MEETING WITH THE PRIME MINISTER IN HANOVER ON 28 JUNE WILL BE MORE DIFFICULT IF HE HAS NOT BROUGHT HIMSELF TO RESPOND IN ADVANCE. THE PRIME MINISTER'S INSTRUCTION WAS THAT NOTHING SHOULD BE SAID OR DONE TO QUALIFY HER LETTER OR TO REDUCE MR HAUGHEY'S DILEMMA IN REPLYING TO IT. THAT STILL SEEMS RIGHT, AND I RECOMMEND THAT WE SHOULD BE PATIENT.

FENN

YYYY

DLLNAN 5109

NNNN  
**NO DISTRIBUTION**

PS

PS/N<sup>o</sup> 10 Downing St

PS/N.I.O.



Co-operation North

Dublin

Fitzwilliam Court  
Leeson Cross, Dublin 2  
Telephone: 686751/70, 614

Belfast

7 Lower Falls Road  
Belfast BT1 1MS  
Telephone: 321411

Timothy George Esq.,  
The Foreign and Commonwealth Office,  
King Charles Street,  
London SW1

1st June, 1988

Dear Mr. George,

I write to send you the enclosed information concerning what has been a very successful conference here on "co-operation through communications." On Saturday 28th May, which was the final day of the conference, it was quite remarkable to read in my calendar for that very day the following quotation from Mrs. Thatcher: "No one would remember the Good Samaritan if he only had good intentions. He had money as well." It very appropriately summarised our discussions.

When I came to see you with Co-operation North's Chief Executive, Winston McCaigan, on the 19th May, we stressed that the organisations we have created (i.e. Co-operation North, the Irish Peace Institute) are essential to the implementation of peaceful political strategy in Ireland. Indeed, they can provide the groundwork for co-operation and good neighbourliness in all parts of these islands, if only we can muster the kind of money necessary to meet the demands being made on us. The money we need is about equivalent to the cost of one day of violence in Northern Ireland.

I earnestly hope that the Prime Minister herself will consider the facts we have placed before you.

Yours sincerely,

*Brendan Ó'Regan*

Brendan Ó'Regan  
PRESIDENT

*(letterman)*  
Mr Bell Nov 10  
Mr Paul Nov 10

- Encls. 1) Conference programme and paper on "Track-two Diplomacy"
- 2) Mrs. Thatcher's quotation, 28th May, 1988
- 3) Letter to Noel Dorr

*(with copy of my reply)*

C.C. Noel Dorr, Secretary, Department of Foreign Affairs, Dublin

*le- 3/6*

President: Dr. Michael O'Riordan, Chairman: Dr. Louise Ryan  
 Members of Board: Dr. Brian Ó Súilleabháin, Dr. Peter Fogarty, John Gorman, Doreen Hanrahan, Dr. Sir Robert Wood, John McQuinn, John O'Connell, Dr. Patrick O'Sullivan, Patsy O'Sullivan, John J. O'Farrell, Dr. Robert Barr, Dr. John O'Connell, John O'Connell, John O'Connell, George Thompson  
 Chief Executive: Winston McCaigan, Deputy Chief Executive: George Co.  
 Co-operation North is a private, non-political organisation dedicated to the development of good neighbourliness between the people of Northern Ireland and the Republic of Ireland.  
 Registered in Ireland with limited liability. Registered No. 72194.



Foreign and Commonwealth Office

London SW1A 2AH

3 June 1988

Dr Brendan O'Regan  
Co-operation North  
Fitzwilliam Court  
Leeson Close  
Dublin

*Dr B O'Regan*

Thank you for your letter of 1 June. I must say that I am a little surprised to find your call on the FCO in London reported to the DFA in Dublin. But Noel Dorr is an old friend, and I am sure that he will take the copy of your letter to me in the spirit intended. I naturally informed No 10 Downing Street of the call.

As I mentioned to you I am sure that Co-operation North must look in the first instance to the Northern Ireland Office for support, and I know that you are in touch with them. So far as fund raising in the United States is concerned I said that I would write to the Embassy in case they could help open doors to potential sources of finance - although I know that you have excellent contacts of your own. This I have done, and I believe that you have since called on the Embassy.

I stressed to you the importance, in so far as I was in a position to judge, of gearing up your fund raising so as to cover your existing activities as well as the expansion which you have in mind.

*Yours sincerely*  
*T J B George*

T J B George  
Republic of Ireland Department

06. VI.

7  
11

AM 99

CONFIDENTIAL



As the  
copy PC  
LOSAND

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

1 June 1988

PRIME MINISTER'S MEETING WITH THE TAOISEACH

I have had a word with Mr. Nally, the Irish Cabinet Secretary, about the timing of the meeting between the Prime Minister and the Taoiseach at the European Council. We identified two possible times as being on the morning of Monday 27 June before the start of the European Council, or on the afternoon of Tuesday 28 June after the Press Conferences. Mr. Nally at one moment volunteered the idea that the Taoiseach might stop in London on the way to Hanover but promptly withdrew it. As you know, the Prime Minister's preference is to get the European Council out of the way before she has a meeting with the Taoiseach. I am therefore steering Mr. Nally towards a meeting on the afternoon of 28 June. He is in fact away in the United States for a few days. But I hope to confirm this with him next week.

I should mention that Mr. Nally said that the Taoiseach hoped for a "more substantial" meeting than normal. I asked if this meant one lasting an hour. Mr. Nally seemed to think this would be right.

I am copying this letter to David Watkins (Northern Ireland Office) and to Trevor Woolley Cabinet Office).

CHARLES POWELL

Lyn Parker, Esq.,  
Foreign and Commonwealth Office.

CONFIDENTIAL

PRIME MINISTERMEETING WITH MR HAUGHEY

I have had a word with Mr Nally, the Irish Cabinet Secretary, about your meeting the Taoiseach at the time of the European Council. Mr Nally said that the Taoiseach was hoping for a rather more substantial meeting than usual lasting perhaps an hour. I said that I would report back to you. It underlined what I knew was already your view, namely that it was a mistake to try to hold a bilateral during the European Council meeting itself since the time is inevitably squeezed.

In further discussion, Mr Nally identified the two possible times as being:

- on the morning of Monday 27 June before the start of the European Council. The Irish will be going out to Hanover on the Sunday evening but on present plans you travel out on the Monday morning which would make a meeting difficult. In any event you were not keen to have the distraction of the meeting before the European Council.
- on the afternoon of Tuesday 28 June after the Council had concluded. I said that I thought that this might be your preference. Mr Nally did not expect the Taoiseach to have any difficulty with that.

At one point, Mr Nally volunteered that the Taoiseach might call in to see you in London on the Sunday afternoon on the way to Hanover. But he made clear that the Taoiseach's preference would be to meet in Hanover itself.

Would you now like me to go firm on a meeting after the European Council has finished on the Tuesday afternoon?

C.D.P.  
Charles Powell  
31 May 1988

Yes no

SUBJECT

cc MASTER

SECRET



6  
free DASALT  
bc = PC

10 DOWNING STREET

LONDON SW1A 2AA

*From the Private Secretary*

25 May 1988

REPUBLIC OF IRELAND

The Prime Minister commented to the Foreign Secretary this evening that, following HM Ambassador Dublin's recent meeting with Mr Haughey, we had done as much as we could to make the Irish realise the strength of our feelings about the inadequacy of security co-operation. The next step would be for her to see the Taoiseach at the time of the Hanover European Council. She would reflect on the precise timing of that meeting; she did not want it to interfere with the proceedings of the European Council itself. One possibility would be to hold it after the Council was over on the Tuesday afternoon. Another would be to travel to Hanover on the Sunday evening and meet him on the Monday morning before the Council. (A third, which the Prime Minister did not mention, would be to suggest to Mr Haughey that he stop in London on the way to Hanover on the Sunday afternoon or evening.) I will write to you about this again when I have had a chance to discuss it further with the Prime Minister.

The Foreign Secretary suggested that it might be useful to have a further collective discussion, among Ministers principally concerned, of the way ahead, in the light of the position reached by the Northern Ireland Secretary in his talks about talks with the parties. It seemed just possible that devolution might again be on the agenda. The Prime Minister was sceptical: all the old difficulties were likely to emerge once the parties started to discuss detailed issues. I will consult her further on the possibility of a Ministerial meeting.

I am sending a copy of this letter to David Watkins (Northern Ireland Office) and Trevor Woolley (Cabinet Office).

C. D. POWELL

A. C. Galsworthy, Esq., C.M.G.  
Foreign and Commonwealth Office

SECRET

ZCZC  
DLLNAN 5001  
SECRET  
DEDIP/PRISEC  
OO FCOLN  
OO NOIRO  
FM DUBLI TO FCOLN  
231700Z MAY  
GRS 750

PS/N°10 Downing St

5

SECRET  
DEDIP/PRISEC  
FM DUBLIN  
TO IMMEDIATE FCO  
TELNO 254  
OF 231700Z MAY 88  
AND TO IMMEDIATE NIO(B)

FOLLOWING PERSONAL FOR PRIVATE SECRETARIES AT NO 10 DOWNING STREET,  
FCO AND NIO: MEETING WITH THE TAOISEACH

SUMMARY

1. I MADE CLEAR THE PRIME MINISTER'S DEEP DISSATISFACTION. MR HAUGHEY HAS GOT THE MESSAGE AND IS CONSIDERING HOW TO REACT.

DETAIL

2. I CALLED ON THE TAOISEACH ON 23 MAY TO CARRY OUT THE INSTRUCTIONS GIVEN TO ME PERSONALLY BY THE PRIME MINISTER ON 12 MAY.

3. I STRESSED THAT THE ANGLO-IRISH AGREEMENT HAD COMMITTED BOTH GOVERNMENTS TO WORK TOGETHER FOR THE DEFEAT OF TERRORISM. WE WERE DISTURBED THAT THE RESULTS OF THIS WERE STILL SO INADEQUATE, EG LIBYAN ARMS STILL UNRECOVERED, MEETINGS BETWEEN POLICE CHIEFS SUSPENDED FOR POLITICAL REASONS, INADEQUATE PRE-EMPTIVE INTELLIGENCE, AND CONSTRAINTS ON OPERATIONAL COMMUNICATIONS. I URGED UPON THE TAOISEACH THE NEED FOR WHOLE HEARTED OPERATIONAL COOPERATION AGAINST TERRORISM, AS BEFITS TWO SOVEREIGN PARTNERS AGAINST A COMMON ENEMY.

4. MR HAUGHEY'S HARVARD SPEECH HAD REFERRED TO 'AN ACT OF SELF-DETERMINATION BY THE IRISH PEOPLE'. ARTICLE 1 OF THE AGREEMENT SPOKE OF 'CONSENT OF A MAJORITY OF THE PEOPLE OF NORTHERN IRELAND'. THIS CONTRAST CAUSED DISQUIET. I REMINDED MR HAUGHEY THAT HE HAD ACCEPTED, IN THE JOINT COMMUNIQUE OF MAY 1980, THAT 'ANY CHANGE IN THE CONSTITUTIONAL STATUS IN NORTHERN IRELAND WOULD ONLY COME ABOUT WITH THE CONSENT OF A MAJORITY OF THE PEOPLE OF NORTHERN IRELAND'. I URGED HIM NOT TO BE AMBIVALENT ON THIS POINT.

5. MOVEMENT TOWARDS DEVOLUTION HAD BEEN THE LONGSTANDING POLICY OF HMG. ARTICLE 4 SAID THAT THE IRISH GOVERNMENT SUPPORT THAT POLICY. IT WAS CLEAR FROM WHAT HE HAD SAID BOTH IN PUBLIC AND IN PRIVATE THAT HE DID NOT SUPPORT THAT POLICY.

6. THE AGREEMENT WAS A MENU WHICH COULD NOT BE TAKEN A LA CARTE - AN END IN ITSELF AND NOT A PROCESS TO A PRE-DETERMINED GOAL. THE PRIME MINISTER HAD ACCEPTED IT, ASSURED IN GOOD FAITH THAT IT WOULD DELIVER IRISH COOPERATION AGAINST TERRORISM, IRISH RESPECT FOR THE DEMOCRATIC WISHES OF A MAJORITY IN NORTHERN IRELAND AND IRISH SUPPORT FOR DEVOLUTION. IT WAS DELIVERING NONE OF THESE THINGS.

7. I STRESSED HOW DEEPLY MRS THATCHER'S PERSONAL CONFIDENCE HAD BEEN SHAKEN.

8. THE TAOISEACH HEARD ME OUT IN SILENCE. HE SAID THAT HE HAD DECIDED TO LISTEN TO WHAT I HAD TO SAY AND TO WITHHOLD IMMEDIATE COMMENTS. I SHOULD NOT CONSTRUE SILENCE AS ASSENT. HE HAD NOW RECEIVED THREE STRONG EXPRESSIONS OF BRITISH DISSATISFACTION (FROM THE PRIME MINISTER, FROM MR KING AND FROM ME). HE WOULD STUDY CAREFULLY WHAT HAD BEEN SAID AND REPLY TO THE PRIME MINISTER'S LETTER.

9. HE OFFERED ONLY FOUR IMMEDIATE COMMENTS:

A. TERRORISM IS THE COMMON ENEMY OF ALL CIVILISED GOVERNMENTS. IT WAS HIS ENEMY AS IT WAS MRS THATCHER'S. BUT HE ACCEPTED NO OBLIGATION TO GO ON REPEATING THIS EVERY TIME HE SPOKE (SEMICOLON)

B. IT WAS NOT HE WHO HAD GIVEN THE PRIME MINISTER THE ASSURANCES IN PARA 6 ABOVE. HE ACCEPTED THE AGREEMENT AS IT STOOD, NOT NECESSARILY OUR INTERPRETATION OF IT (SEMICOLON)

C. WHEN IT CAME TO EXPRESSIONS OF DISSATISFACTION HE MIGHT HAVE A FEW OF HIS OWN (SEMICOLON)

D. PERSONAL CONFIDENCE ONCE DESTROYED COULD NOT BE RESTORED. I SAID THIS WAS A COUNSEL OF DESPAIR. HE SAID THAT THE IRISH HAD LIVED WITH DESPAIR FOR EIGHT HUNDRED YEARS.

10. I COMMENDED AGAIN THE NEED FOR PARTNERSHIP AGAINST TERRORISM AND FOR CLEAR ACKNOWLEDGEMENT OF THE PRINCIPLE OF CONSENT. HE PROMISED TO REFLECT.

FENN

YYYY

DLLNAN 5001

NNNN

NO DISTRIBUTION

PS

PS/N<sup>o</sup>.10 Downing St

PS/N10.

SECRET  
DEDIP/PRISEC  
OO FCOLN  
OO NO IRO  
4 DUBLI TO FCOLN  
231745Z MAY  
GRS 219

4

SECRET  
DEDIP/PRISEC  
FM DUBLIN  
TO IMMEDIATE FCO  
TELNO 255  
OF 231745Z MAY 88  
AND TO IMMEDIATE NIO(B)

FOLLOWING PERSONAL FOR PRIVATE SECRETARIES AT NO 10, FCO AND NIO

MIPT: MEETING WITH THE TAOISEACH

1. MR HAUGHEY HAS NOW GOT THE MESSAGE IN UNMISTAKEABLE TERMS. HE HAS PROMISED A RESPONSE. WE SHOULD LEAVE HIM TO HIS REFLECTIONS.
2. HE WAS PERSONALLY AFFABLE BUT DISTURBED BY WHAT I HAD TO SAY. I FOUND HIS SILENCE OMINOUS.
3. I DO NOT EXCLUDE THE POSSIBILITY THAT HE WILL RESPOND WITH A WARM AFFIRMATION OF HIS DETERMINATION TO COOPERATE IN THE DEFEAT OF TERRORISM AND SPECIFICALLY BY ACCEPTING SOME OF THE PROPOSALS WE HAVE PUT TO THE IRISH FOR THIS PURPOSE.
4. I FEAR THAT A BACKLASH IS MORE LIKELY. HE MAY CONCLUDE THAT THE AGREEMENT ON OUR TERMS IS MORE THAN HE CAN STOMACH. IN WHICH CASE WE ARE IN FOR A BUMPY RIDE.
5. WE SHOULD WAIT TO SEE WHICH WAY HE JUMPS.

FENN

NNNN

mb

NO DISTRIBUTION

PS

PS/N.10 Downing St.

PS/NIO.

Mr Powell. No 10  
For info  
2/5

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

The Anglo Irish Intergovernmental Conference met in London on 25 March. The British Government was represented by the Joint Chairman, Mr Tom King MP (Secretary of State for Northern Ireland) accompanied by Mr John Stanley MP (Minister of State for Northern Ireland). The Irish Government was represented by the Joint Chairman, Mr Brian Lenihan TD (Tánaiste and Minister for Foreign Affairs) and by Mr Gerard Collins TD (Minister for Justice). The Commissioner of the Garda Síochána and the Chief Constable of the RUC were present for that part of the discussion that dealt with security.

2. The Conference reviewed the current situation in Northern Ireland. Both Governments condemned the recent violent outrages which had done so much to increase tension in Northern Ireland. They appealed to both communities to repudiate those in their midst who sought to promote the spiral of violence, and to do all in their power to help bring this violence to an end.

3. The two sides reviewed the arrangements that are in place for security co-operation, and agreed on the importance of continuing to develop them. They paid tribute to the security forces on both sides of the border in their recent major arms finds.

4. The Conference agreed that the dreadful events of recent weeks underlined the urgent need to give new impetus to its work on a programme of special measures to improve relations between the security forces and the community in Northern Ireland, and to build confidence in the administration of justice. The Conference decided that officials of the two Governments should draw up a new programme of work on these issues.

6. In this context the Irish side emphasised their concerns on the Stalker/Sampson report, and on other related issues. They noted the review of policing arrangements at funerals being undertaken by the Chief Constable of the RUC and stressed the continuing importance of ensuring that security at these and other public occasions should be organised in a sensitive manner.

7. The Conference had an exchange of views on prisons policy in Northern Ireland, and discussed in particular the position of young offenders held during the Secretary of State's pleasure.

8. It was agreed to address in detail at future meetings a range of social and economic issues, including effective new legislation on fair employment, and the problems of West Belfast.

9. It was noted that significant progress had been made on agreeing procedures in relation to the legislation on extradition between the two countries. There will be a further meeting of officials on this issue in the near future.

10. It was agreed that there will be further meetings of the Conference, beginning shortly after Easter, to address the full range of issues covered by the Agreement.





NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

SECRETARY OF STATE  
FOR  
NORTHERN IRELAND

19 May 1988

*Dear Taoiseach,*

I was grateful to you for meeting me on Wednesday, 4 May. I appreciated the opportunity to explain to you our concerns on a number of matters.

I confirmed to you our deep concern about the security situation, and the need for effective co-operation. I mentioned in particular the gravity with which we viewed the amount of Libyan arms still unrecovered. I drew attention to the concerns we had about restrictions on RUC/Garda co-operation. I am grateful for your assurances of full co-operation, and especially that meetings between the police forces may now resume in full - an assurance repeated later by Gerry Collins.

I underlined also what we see as the pressing need for a greater understanding of our respective approaches to the key issues within the Agreement. I explained that we regard the Agreement as an end in itself, subject only to the democratic choice of a majority in Northern Ireland. We do not see it as part of a process. This does not, of course, seek to deny people's rights to their own aspirations subject to this principle of consent. I understand that you wish to think further about these points that I put to you.

We also discussed the British Government's approach to devolution embodied in the current series of talks in which I am embarked. I explained that movement towards devolution is the long-standing policy of the British Government, reflected in Article 4 of the Agreement. The Agreement records that this policy is supported by the Irish Government. I sought your support for our interest in devolution and emphasised that we would appreciate your encouragement of the SDLP in that direction.

I have reported to the Prime Minister your firm assurance of your Government's firm commitment to the Agreement. It is of course most important that we have a common understanding between both Governments of what the Agreement represents. I explained our concerns, and you said that you would like to reflect on what I had said.

2  
TK 

DMC/2917

Mr Charles J Haughey TD

SECRET

3

SUBJECT  
cc MASTER

file X6  
LOKAW  
cc/ll



10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

19 May 1988

NORTHERN IRELAND

The Northern Ireland Secretary raised two matters with the Prime Minister this morning: the progress of talks about talks, and contacts with the Irish Government.

Talks about talks

The Northern Ireland Secretary reported on the progress of his talks about talks with the various parties in Northern Ireland. He intended shortly to see all the parties again and propose joint talks. This would be done in a low key, and there would be no talk of a Roundtable Conference or an initiative. It would be presented simply as the next step in a process. He saw some prospect of progress: all the party leaders were under some degree of pressure from their second ranks, who were impatient to have a role, and also from public opinion. The existence of the Anglo-Irish Agreement and the Government's absolute determination to uphold it created an extra degree of pressure which had not been present in the past.

The Prime Minister endorsed the Northern Ireland Secretary's approach. In the light of past experience, it would be rash to place too many hopes on the proposed talks. But she agreed that the personal political ambitions of the younger generation of politicians in the North could be exploited.

Contacts with the Irish Government

The Northern Ireland Secretary explained the reasons which had led him to propose sending a message to the Taoiseach and a follow-up meeting. The main purpose would be to get on record the points he had made at their earlier meeting and continue the process of trying to enlist Mr. Haughey's active support for cross-border security co-operation. He did not think that Mr. Haughey was beyond salvation on these matters. We needed to develop a relationship with him.

SECRET

- 2 -

The Prime Minister said that she did not want the Taoiseach to have any excuse for failing to reply to her recent letter. At the moment he was at a disadvantage and she wanted to keep him there. She had no objection to the Northern Ireland Secretary sending the Taoiseach a minute of their earlier conversation and follow-up action taken on the basis of it. But she would not want him to go beyond this. Similarly he should not seek a further meeting with the Taoiseach. If Mr. Haughey himself were to propose one, that would put a different complexion on it. But she doubted that he would do so at present.

Since this second matter was referred to in earlier correspondence, I am exceptionally copying this letter to the Private Secretary to the Foreign and Commonwealth Secretary and to Sir Robin Butler.

CHARLES POWELL

David Watkins, Esq.,  
Northern Ireland Office.

CONFIDENTIAL

PRIME MINISTER

BILATERAL WITH THE NORTHERN IRELAND SECRETARY

The Northern Ireland Secretary wishes to see you tomorrow morning to bring you up to date on his talks about talks with the Unionists. I have had no full account of these but understand that he feels they have gone as far as they can and the time is coming to move on to a next stage of trying to get all the parties together round the table. This would require us to put forward some proposals on devolution.

You will recall that you decided it would not be appropriate for Mr. King to write to Mr. Haughey because this would take the pressure off him to reply to your letter.

The further main development is that we seem once again to have the extradition arrangements with the Republic operating. The Irish Attorney General has backed the warrant for the arrest of McVeigh who was released from prison in the Republic today and promptly re-arrested at our request for his extradition to face charges in this country. It remains to be seen what the Irish courts decide.

C.D.P.

CHARLES POWELL

18 May 1988

VC3AZE

CONFIDENTIAL

CONFIDENTIAL

*cc/c*



*CDP  
1715*

SECRETARY OF STATE FOR NORTHERN IRELAND

EXTRADITION FROM THE REPUBLIC OF IRELAND : McVEIGH

In my minute of <sup>*11*</sup> ~~11~~ May, I referred to a particular terrorist warrant which we might be sending to the Republic in the near future. Mr Murray agreed in our meeting of 10 May to give any application in relation to this case "a fair wind".

The case we discussed was that of McVeigh. He is to be released from prison in the Republic on Wednesday 18 May, having served a sentence of imprisonment of 7 years. He is wanted by the Metropolitan Police on charges of conspiracy to cause an explosion and possessing explosives in 1981. Kavanagh, McNamee and Quigley, with whom, it is alleged, he was involved in a number of terrorist outrages in London in October and November 1981, have already been convicted and sentenced to life imprisonment.

Two warrants were sent to Dublin on Saturday for the arrest of McVeigh. The additional documentation required by the Irish Attorney General under the new Irish legislation was transmitted to him today. The names of witnesses were made available. Both the warrants and the additional documentation were shown to the Irish Attorney General's Office in draft last Friday by a member of the CPS and a member of my staff.

The Irish raised no points on the form of the draft warrants. They examined the draft statement of facts very closely indeed and made a number of suggested amendments, all of which have been adopted. Both UK officials gained the impression that the Attorney General's Office were seeking anxiously for weaknesses in the case to justify non-endorsement of the warrants. At times the meeting was acrimonious. There was a clear implication that we should seriously consider not submitting the application. The point about which they expressed greatest concern was whether we could be sure that one of the Garda officers who took the fingerprints of McVeigh would be available to give

CONFIDENTIAL

CONFIDENTIAL



evidence at the trial in England and would recognise him. They had doubts as to whether we could establish to the satisfaction of a jury that McVeigh was either a British subject or committed the offence within the United Kingdom (requirements of the relevant provisions of the Explosive Substances Act). I have no doubts whatsoever that on the evidence available to me and the Irish Attorney General, there is a realistic prospect of a conviction.

There have been a number of telephone conversations with the Irish Attorney General's Office today. Whilst they seem to be more satisfied than they were previously about the evidence of the Garda officer, I still have the impression that they are looking for a way of refusing to back these warrants.

If the Irish Attorney General directs that these warrants should not be backed, it will be on the grounds that he considers that there is insufficient evidence to found a prosecution. In reaching such a conclusion he will be calling into question the judgments of our own prosecuting authorities in a case in which the evidence is strong.

I still hope that good faith will prevail and that these warrants will be backed. We should, however, make contingency plans against the possibility of an adverse decision. If McVeigh is released, there is bound to be some publicity in the Republic. I would welcome your views and those of other colleagues on the response we should make. But I am presently minded to make a statement in the House, exposing the background to the case (without creating any risk of prejudice to an eventual trial) and the reasons which Mr Murray gives me for his decision, and thereby demonstrating the unwillingness of the Irish Government to operate their extradition laws in terrorist cases.

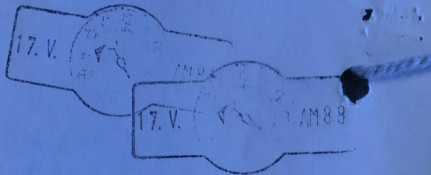
I am copying this minute to the Prime Minister, the Foreign Secretary, the Home Secretary, the Lord Advocate and to Sir Robin Butler.

AM

16 May 1988

CONFIDENTIAL

IRGLANO: Relatos  
PT19.





10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

13 May 1988

The Prime Minister has seen and read with interest the Northern Ireland Secretary's minute of 12 May reporting his conversation with Mr. Haughey. She is grateful to him for providing such a full account and for the robust way in which he explained our dissatisfaction with the Irish Government's performance. The Prime Minister thinks, however, that it would be a mistake for Mr. King now to write to the Taoiseach. There is a risk that the Taoiseach would regard such a letter as a substitute or replacement for her own letter and no longer feel under an obligation to reply to it. She also takes the view that it would not be appropriate for the Northern Ireland Secretary to make a special journey to Dublin to see the Taoiseach. It would be best to limit such meetings to occasions when they fall naturally in the margins of a meeting of the Anglo-Irish Intergovernmental Conference in the Republic or when there is some exceptional and serious development.

I am copying this letter only to Tony Galsworthy (Foreign and Commonwealth Office).

(C.D. POWELL)

David Watkins, Esq.,  
Northern Ireland Office.



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

Alison Smith  
PS/Lord President  
House of Commons  
LONDON

*CDP  
12/5*

12 May 1988

*Dear Alison*

ANGLO-IRISH CONFERENCE MEETINGS

You may find it helpful if I set out where we stand in relation to public statements about the outcome of Anglo-Irish Conferences, following the recent criticisms made by Unionists in the House.

The key points to bear in mind are as follows:

- (i) throughout the 2½ years of the Anglo-Irish Agreement it has never been the practice to make a statement in Parliament on the outcome of conference meetings. The content of these discussions is confidential; however a copy of the communiqué outlining subjects discussed and any conclusions reached is always placed in the Library of both Houses;
- (ii) our Secretary of State has made clear that he is always ready to brief the leaders of Northern Ireland Parties on the outcome of conference meetings; this occurs on a regular basis with the leader of the Alliance Party.

I am copying this letter to Murdo MacLean and to Andy Bearpark.

*yours*

*Martin*

M E DONNELLY



17

CONFIDENTIAL

From: THE PRIVATE SECRETARY

*cf/c* ⑤



NORTHERN IRELAND OFFICE  
WHITEHALL  
LONDON SW1A 2AZ

C D Powell Esq  
Private Secretary  
10 Downing Street  
LONDON  
SW1

*Rie Christie*

*One or two points of interest which I have underlined. This is still well short of full honesty cooperation even in principle.*

*Not much improvement*

*See Charles,*

*cdp 12/5*

**ANGLO-IRISH CONFERENCE: DUBLIN 4 MAY 1988**

Mr King paid a private call on the Taoiseach before the Conference itself: he has reported separately to the Prime Minister. Mr King and Mr Stanley then had an hour's tete-a-tete with Mr Collins and Mr Ray Burke, Minister for Energy and Communications, who was again standing in for Mr Lenihan, who was too ill to attend.

There was then a lengthy discussion on security matters restricted to Ministers, the Chief Constable and the Garda Commissioner and two senior officials from either side. The Irish attitude was much more positive than before.

Mr King stressed at the outset the need to take every possible step to get to grips with the security situation, particularly in view of the large amount of Libyan arms still unrecovered. The Irish Ministers had earlier in the afternoon agreed on meetings between the RUC and the Garda.

Mr Collins agreed that the Garda Commissioner and the Chief Constable should urgently up-date the joint threat assessment. The Commissioner had been asked to assess PIRA strategy with particular reference to any plans they might have for future arms shipments. Garda searches were continuing, with increased support from the Irish people.

The discussion then turned to other matters as follows:

- it was agreed that the two Chiefs of Police should take the lead in preparing a joint plan to combat cross-border smuggling for discussion at the next Conference;

CONFIDENTIAL

- on extradition, Mr Collins confirmed his determination for outstanding differences to be resolved and for extradition once more to be resumed. He asked the Chief Constable for a resumé of cases in which the RUC were looking for extradition;
- On interrogation of suspects in Garda custody about crimes committed in the North, Mr Collins undertook to respond to a recent British paper before the next meeting;
- Mr Collins raised the question of the new Border Brigade in Northern Ireland. The Irish clearly had concerns that RUC primacy might be undermined and that minority confidence in the security forces could deteriorate: they undertook to provide a paper on the general subject. In the meantime British Ministers reassured them about our plans and the role of the RUC in the Brigade area;
- Mr Collins raised the Gibraltar shootings, seeking a full report of the incident as soon as the inquest was over. Mr King responded that events in Gibraltar were not the direct concern of the Conference. The forthcoming inquest before a jury was the proper legal procedure. He stressed that the Irish Government should avoid giving credence to the allegations of those who were seeking to make an issue.

[Confidence  
ought to  
increase if  
this is kept  
to deal  
more  
fully with  
terrorism]

The Conference then went into plenary session. This discussed fair employment where Mr King stressed the determination of the Government to take effective action. We looked for the public support of the Irish Government which would be helpful in creating the right impact in America in particular. A White Paper would issue around the end of May and we would give the Irish a copy as early as possible, subject to observing Parliamentary courtesies. The Irish emphasised that they shared our view that this was a problem which must be tackled urgently. They raised a number of detailed points about our proposals, and these were remitted to officials for further discussion.

Mr Collins emphasised Irish interest in the regeneration of West Belfast. Mr King confirmed that he was examining this problem and said that he would welcome any constructive suggestions from the Irish side. Mr Collins also raised the International Fund, seeking our support for a joint approach to Brussels. Mr King agreed that it was essential that both Governments be seen to act together and pointed out that he would be meeting with colleagues later that week. It was agreed that the next conference would discuss the operation of the Fund. Mr Collins also raised the matter of Secretary of State's Pleasure Cases. Mr King said that he was aware of concerns and wanted to take a sympathetic view of the reducing number of cases, despite the difficulties. Mr Collins also enquired about progress on Stalker/Sampson.

As

CONFIDENTIAL

Mr King said that Mr Kelly and his team were making progress. He was determined to conclude this affair but it was inevitably lengthy because of the need to respect the rights of individuals.

Mr King said that useful discussions had started between officials on confidence on the administration of justice. The Irish Government and the Conference had an important role to play: he was not asking the Irish to remain silent about their concerns, but the fact was that they would exacerbate the problem if they gave credence to wild accusations. He himself had tried on various occasions to avoid saying anything that would inflame opinion, and asked the Irish Government to do likewise. If problems arose the Conference and the Secretariat should be used to eliminate misunderstandings. Mr Collins said that he understood these points.

I attach a copy of the communiqué issued following the Conference.

I am copying this letter to Lyn Parker (FCO) and Trevor Woolley (Cabinet Office).

Yours sincerely,  
David Watkins.

D J WATKINS

CONFIDENTIAL

SMN2812



# Northern Ireland Office

## Press Notice

Whitehall, London SW1A 2AZ Telephone Enquiries 01-210 6470  
Stormont Castle, Belfast, BT4 3ST. Telephone Enquiries Belfast 63011

L 41/ 88

5 May 1988

TEXT OF STATEMENT ISSUED AT 8.30 PM ON 4 MAY IN DUBLIN

### Anglo Irish Intergovernmental Conference

#### Joint Statement

A meeting of the Anglo Irish Intergovernmental Conference took place in Dublin on 4 May, 1988. The British Government was represented by the Joint Chairman, Mr. Tom King M.P. (Secretary of State for Northern Ireland) accompanied by Mr. John Stanley M.P. (Minister for State for Northern Ireland). The Irish Government was represented by Mr. Gerard Collins T.D. Minister for Justice (Acting Joint Chairman) and by Mr. Ray Burke T.D. Minister for Energy and Communications. The Commissioner of the Garda Síochána and the Chief Constable of the RUC were present for that part of the Conference which dealt with security cooperation.

The Conference condemned the continuing acts of terrorism, both inside Northern Ireland and elsewhere; and reaffirmed the determination of both Governments to use all possible steps to combat terrorism. They discussed further steps to carry forward cross-border co-operation, including action against racketeering and smuggling as well as terrorism.

The Conference reviewed work and issues bearing on ways of improving relations between the security forces and the community and of enhancing confidence in the administration of justice in Northern Ireland.

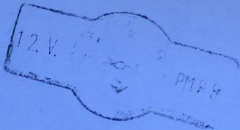
The Conference had an extensive discussion on social and economic issues in Northern Ireland. The Secretary of State confirmed that a White Paper was due to be published shortly, setting out proposals for new legislation on Fair Employment. The Irish Ministers welcomed the intention to publish the White Paper. They emphasised the points they considered of particular importance to ensure the effectiveness of the proposed new

legislation in the light of the commitment to eliminate discrimination and establish fair patterns of employment in Northern Ireland.

In the course of the Conference discussions on the economic situation in Northern Ireland the Secretary of State confirmed that work is well advanced on ways to address the serious economic and social problems of West Belfast and other disadvantaged areas. Irish Ministers reiterated their close interest in and concern about these issues. It was agreed that the position would be reviewed at the next Conference.

The two sides also had an exchange of views on the operation of the International Fund and the prospects of obtaining further resources for it.

The Conference agreed to meet again shortly.





Prime Minister

Prime Minister

I am not convinced that it would be right for the Northern Ireland Secretary to write to Mr. Haughey, for two reasons: first, you should conduct correspondence at this level;

I reported to you briefly after Cabinet last week on the discussion which I had had with Mr Haughey in Dublin on 4 May. This note provides a rather fuller account of these discussions.

I saw him without any officials for some three-quarters of an hour. This was longer than planned and could usefully have been longer still but was interrupted by a question that arose suddenly in the Dail to which he had to respond.

It was clear that your letter made a great impression on him. He asked if I was aware of it. I said I was, but that very few others were. It was regarded as a personal message, and it was clear that he appreciated that very much. He said he was not quite sure of the best way of reply, that he had considered and rejected either telephoning, or of drafting a detailed reply at this stage, and wanted first to have this meeting with me. (At the end of our meeting he said he would think further on how best to respond, but he was most anxious that he would not be thought discourteous for failing to reply sooner.)

While the meeting was good tempered, I left him in no doubt about our serious dissatisfaction about the inadequacy of security co-operation, and about our unwillingness to accept the obstruction of contacts between RUC and Garda at senior level because of their continuing concerns over Stalker/Sampson, etc. I am satisfied that it was on his instructions that the obstruction first occurred in the emotional atmosphere at the time, and it needed his confirmation for relations to be re-established.

ms

and second, Haughey lets you off the hook of

replying to your letter. Agree Th

not write?

can 12/5

I think the Taoiseach will regard

such letters as a substitute for more replies. I do not see.

I think it would be a mistake unless something very serious occurs.

P.S. Moreover, I do not think Th should make special journeys to

to see Mr. Haughey - I think only if it falls naturally in the margins of a conference. Agree?

He gave me a commitment that co-operation between the RUC and Garda as professional, independent, forces now had his full support and indeed, at the subsequent Intergovernmental Conference the Minister for Justice, Gerry Collins, gave an assurance that any problems over the resumption of meetings between the police forces had now been removed.

I have told Hermon to ensure that we now pursue these energetically, and to let me know immediately if the assurances are not being honoured. Mr Collins also agreed to take up the offer we have made on certain technical assistance, with which you are familiar.

I raised our concern over extradition, and he said he believed that the problems on their side have virtually been removed, and that he hoped it could now go ahead satisfactorily. He did, however, mention one concern, that we should show sensitivity in respect of certain particular cases, which could be a great embarrassment to them. I believe this may be a reference to some older people who were involved in much earlier years, before the Provisionals existed, but who are now not involved at all, and I would guess may well be in his Fianna Fail party in some of the more rural areas. I have spoken to Paddy Mayhew privately about this, and he does not think it at all likely that such cases are likely to arise, but I intend to try and find out just who it is that he has in mind.

(I have now just learnt from Paddy Mayhew that he has now reached a satisfactory agreement with the Irish Attorney General, and that extradition should now go ahead again, with the first case by the weekend.)

I then raised the issue of his US speeches and told him why they had caused us such concern. In respect of the Agreement itself we

could not accept that it was part of a process of a progressive move towards a United Ireland. I told him that our position was quite clear, that the Agreement was an end in itself, subject only to the wishes of a majority in Northern Ireland. He said he thought that John Hume would have difficulty with that view, but I told him that I had put exactly those words to Hume and Mallon, and they confirmed them without qualification.

He asked whether that meant he had to accept that he could not pursue what he believed to be right for the future of Ireland. I made clear that the Agreement did not seek to deny anybody their political ambitions, but that they must be pursued within the framework of the Agreement, which made any change subject to the democratic decisions of a majority in Northern Ireland. He did not pursue this further, but said that he had not seen it in this way, and would like to reflect on what I had said.

I then turned to the issue of devolution. I pointed out that the Agreement stated that it was the policy of the British Government to promote devolved Government and that the Irish supported that policy. I asked him directly whether he did. His answer was that he saw no present prospect of devolution being possible, that neither the Unionists nor the SDLP seemed interested, and therefore the matter did not really arise. I told him that we were working to see if some progress was possible, and that if it were, we would expect him to support us, particularly in any necessary pressure on the SDLP. He repeated his doubts about any likely progress, but ducked responding to what I had said.

We then returned to the fundamental question that you raised in your letter, as to whether he was backing away from the Agreement. He asked me to convey to you his firm assurance that he was not backing away but was indeed committed to the Agreement. I undertook to convey that message to you, but made

clear the concern we must continue to have about the very different interpretations that he placed on the Agreement from those that we held.

His representations of the Agreement are quite wrong, and it is important that these are corrected as soon as possible. If we cannot do this, then the sooner this is established the better, and we can decide what to do about it.

In order to clarify the whole position I would propose to Mr Haughey that I should meet him again in the near future and I attach a draft letter seeking his agreement to this.

I have copied this minute only to Geoffrey Howe.



TK

12 May 1988

CLOSED UNDER THE  
FREEDOM OF INFORMATION  
ACT 2000

DMC/2801

DRAFT LETTER FROM THE SECRETARY OF STATE TO THE TAOISEACH

I was grateful to you for meeting me on Wednesday, 4 May. It was, I believe, a valuable discussion and I appreciated the opportunity to explain to you our concerns on a number of matters.

I confirmed to you our deep concern about the security situation, and the need for effective co-operation. I mentioned in particular the gravity with which we viewed the amount of Libyan arms still unrecovered. I drew attention to the concerns we had about restrictions on RUC/Garda co-operation. I am grateful for your assurances of full co-operation, and especially that meetings between the police forces may now resume in full - an assurance repeated later by Gerry Collins.

I underlined also what we see as the pressing need for a greater understanding of our respective approaches to the key issues within the Agreement. I explained that we regard the Agreement as an end in itself, subject only to the democratic choice of a majority in Northern Ireland. We do not see it as part of a process. This does not, of course, seek to deny people's rights to their own aspirations subject to this principle of consent. I understand that you wish to think further about these points that I put to you.

We also discussed the British Government's approach to devolution embodied in the current series of talks in which I am embarked. I explained that movement towards devolution is the long-standing policy of the British Government, reflected in Article 4 of the Agreement. The Agreement records that this policy is supported by

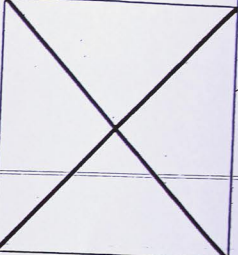
the Irish Government. I sought your support for our interest in devolution and emphasised that we would appreciate your encouragement of the SDLP in that direction.

I have reported to the Prime Minister your firm assurance of your Government's firm commitment to the Agreement. It is therefore of the highest importance that we have a common understanding between both Governments of what the Agreement represents. I explained our concerns, and you said that you would like to reflect on what I had said. For this reason, and because of the importance of maintaining close co-operation in spite of Brian Lenihan's enforced absence, I would like to call on you again shortly to continue the discussion, and I hope that this will be agreeable to you.

DMC/2800



# A The National Archives

DEPARTMENT/SERIES <p style="text-align: center;">PREM 19</p> <hr/> PIECE/ITEM ..... 2274 (one piece/item number)	Date and sign
Extract details: <i>Letter from Powell to Parker dated 12 May 1988</i>	
CLOSED UNDER FOI EXEMPTION ..... 27(i).....	6/3/18 <i>M. V. V.</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

*Instructions for completion of Dummy Card*

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,  
eg. HO 405, J 82.

Enter the piece and item references, .  
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.  
This should be an indication of what the extract is,  
eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.  
Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.



SECRETARY OF STATE FOR NORTHERN IRELAND

REPUBLIC OF IRELAND ; EXTRADITION

Having written to the Irish Attorney General on 3 May, I received an acknowledgment the same day and a further letter, a copy of which I enclose, on 6 May, inviting me to a meeting in Dublin at my earliest convenience to "discuss and clarify some outstanding points".

I visited Mr Murray in Dublin yesterday. He was clearly very pleased that I had responded quickly to his invitation and our meeting was most cordial and productive. I believe that it has re-established a good working relationship between us.

There were two outstanding issues which had to be resolved, the provision of confession statements and the provision of the identities of witnesses. As to confession statements, we agreed that in the vast majority of cases, Mr Murray would not require the production of the statements themselves. He would be content with a summary of the confession, provided that it was sufficiently particularised to enable him to know the essence of the confession. If, very exceptionally, he required to see the confession itself, he would give me his reasons for this request and we would consider the matter on a case by case basis.

As to the identities of witnesses, I told him that I did not agree with his legal assessment that he was at risk of judicial review if he did not know the identities of witnesses. I recognised, however, the scale of his anxieties on this score. We agreed that there were two categories of cases, those in which the disclosure of the identities might lead to the intimidation of witnesses and those in which there was no such risk. In the latter category, the norm would be disclosure of the identities in the statement of facts. However, in the former category - and I would be the sole judge of the categorisation - we agreed that

WPC

Ria Minister  
This is more  
encouraging

CAF  
12/5

not

at flap

CONFIDENTIAL



the norm would be non-disclosure. Here too, if exceptionally Mr Murray felt bona fide that he had to know the identities of witnesses, he would make a reasoned request to me and we would discuss the matter with a view to reaching a solution. If we could not agree, then either Mr Murray would decide nonetheless to direct the endorsement of the warrant or he would decide that the matter was so critical that it would justify the rejection of our application. It would then be he who had decided that, in a terrorist case, a fugitive should be allowed to remain at large. We agreed that if, as the practice developed under this new procedure, it became clear that the Irish courts would not require disclosure of the names of witnesses, we would re-assess the situation. But I gave him no guarantee that my approach would be any different.

This seems to me to be a good basis on which to proceed. No damage is done to either of the principles we have advanced, namely that there must not be a risk of intimidation of witnesses and there must not be prejudice to the eventual trial in the United Kingdom.

I will today be sending to Mr Murray the identities of the witnesses in the Kelly case. He will then see to it that the warrants are speedily endorsed and executed, if Kelly can be traced. This would signal publicly the re-establishment of extradition between the Republic and the UK. I was greatly encouraged by Mr Murray's attitude towards a particular terrorist warrant, which we may be sending to the Republic in the near future. He agreed to consider the papers urgently and in a favourable light, taking account of the norms we had established in discussion.

I am copying this minute to the Prime Minister, the Foreign Secretary, the Home Secretary, the Lord Advocate and to Sir Robin Butler.

A. M.

11 May 1988

CONFIDENTIAL



OIFIG AN ARD AIGHNE  
(Attorney General's Office)

BAILE ÁTHA CLIATH  
(Dublin 2)

6th May, 1988

Sir Patrick Mayhew, Q.C., M.P.,  
Attorney General,  
Royal Courts of Justice,  
London WC2A 2LL.

*Dear Patrick,*

I have considered the papers in relation to the case of Philip Kelly which I have found to be very helpful in regard to many of the matters which have been the subject of correspondence and discussions between us and between our officials. I believe it would be of significant value if we were to have another personal meeting in order to discuss and clarify some outstanding points.

To that end I would like to invite you to a meeting in Dublin at your earliest convenience and I would hope that such a meeting would deal with these matters in a way which would not perhaps be achieved in correspondence or through officials.

If you are agreeable to such a meeting the appropriate arrangements could be made by our respective offices.

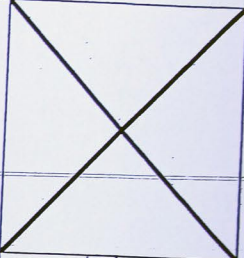
*Yours sincerely,*  
*John*



Ireland: Situation

A. 19

# A The National Archives

DEPARTMENT/SERIES <i>PREM 19</i>	Date and sign
PIECE/ITEM ..... (one piece/item number) <i>2274</i>	
Extract details: <i>minute from Powell to the Prime Minister dated 11 May 1988</i>	
CLOSED UNDER FOI EXEMPTION ..... <i>27(i)</i>	
	<i>6/3/18</i> <i>M. L. ...</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
NUMBER NOT USED	
MISSING (TNA USE ONLY)	
DOCUMENT PUT IN PLACE (TNA USE ONLY)	

## Instructions for completion of Dummy Card

Use black or blue pen to complete form:

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,  
eg. HO 405, J 82.

Enter the piece and item references, .  
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.

This should be an indication of what the extract is,

eg. Folio 28, Indictment 840079, E107, Letter dated 22/11/1995.

Do not enter details of why the extract is sensitive.

If closed under the FOI Act, enter the FOI exemption numbers applying to the closure, eg. 27(1), 40(2).

Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer or Number not used.

CONFIDENTIAL



*Handwritten mark, possibly initials or a flourish.*

10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

3 May 1988

*BF 11*

Thank you for your letter of 29 April  
about Mr. Fenn's availability in London.  
The Prime Minister can see him at 1600  
on Thursday 12 May.

(CHARLES POWELL)

Lyn Parker, Esq.,  
Foreign and Commonwealth Office.

CONFIDENTIAL

*Handwritten mark, possibly initials.*

*With the Compliments of  
the Legal Secretary*

*Attorney General's Chambers,  
Law Officers' Department,  
Royal Courts of Justice,  
Strand, W.C.2A 2LL*

01-936 6291



OIFIG AN ARD AIGHNE  
(Attorney General's Office)  
BAILE ÁTHA CLIATH  
(Dublin 2)

3rd May, 1988

Sir Patrick Mayhew, Q.C., M.P.,  
Attorney General,  
Royal Courts of Justice,  
London WC2A 2LL

CDP  
415

Dear Patrick,

Thank you for your letter of today.

below

I note what you say, and in particular that you propose to send papers in regard to Phillip Kelly immediately. In fact those papers have just now arrived. I shall consider them carefully.

As regards a meeting of our officials to discuss arrangements for the issue of provisional warrants of arrest in the light of the 1987 Act, I would certainly see advantage in such a meeting. Our officials can get in touch with each other to fix a date which is mutually convenient.

Yours sincerely,  
John



01-936 6201

ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

3 May 1988

John Murray Esq SC  
Attorney General of the Republic of Ireland  
DUBLIN 2

Dear John:

Jap.

Thank you for your letter of 20 April.

I was very glad to see from your concluding paragraph that we share the desire to restore effective extradition between our two countries. I accept that the amendments made in December 1987 to the Irish Extradition Act 1965 have imposed a substantial obligation on you in respect of warrants sent to the Garda Siochana, and I want to do all I practically can to help you discharge that obligation in each case.

We have a clear idea now of each other's difficulties. I note that in some cases you consider that you may need more supporting material than in others. Accordingly I hope you will agree that the sensible course is for us to proceed now upon a case by case basis. If in any case you consider that more supporting material than has been supplied is needed I am sure I can rely on you to let me know urgently, so that I can immediately consider whether I can supply what you consider you need.

This brings me again to the question of provisional warrants of arrest in the Republic. I referred to these in the penultimate paragraph of my letter of 18 April. Your requirements will often prove onerous to our prosecuting authorities, and especially when a warrant has to be despatched without prior notice. In such a case they will need as much time as possible. As you know, a provisional warrant of arrest will give them at most 72 hours. I hope, therefore, that you can respond to my earlier suggestion that our officials should discuss



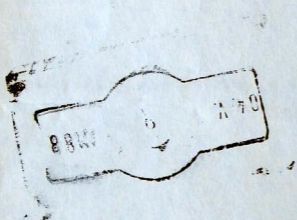
urgently the arrangements for the issue of provisional warrants of arrest in the light of your new legislation.

Our exchanges having resulted in much valuable clarification, I should now be grateful if you would kindly give your consideration to the warrants already in your possession in the case of Phillip Kelly, whom the Crown Prosecution Service wish to prosecute for the offences of possessing drugs and possessing drugs with intent to supply and about whom we corresponded in December. I am arranging that a statement of the facts sufficient to give you a clear picture of the case shall today be sent to you by the diplomatic channel, together with additional material on the relevant law.

Yours sincerely,  
A. G. L.

---

IRELAND. Relo Pt. 18



PS/ATTORNEY GENERAL

*OK 2/20*  
The Lord Advocate has seen the Attorney General's minute to the Secretary of State for Northern Ireland dated 29 April and draft letter to the Irish Attorney General and is content with their terms.

The Lord Advocate considers that the differences in Scottish and English procedures reinforce the logic of proceeding on a case by case basis with the Irish.

Copies of this minute have been sent to recipients of the Attorney General's minute.

*C.M.D.*

MRS C McDIVITT

Crown Office  
EDINBURGH

3 May 1988

**CONFIDENTIAL**

PS/ATTORNEY GENERAL

The Lord Advocate has seen the Attorney General's minute to the Secretary of State for Northern Ireland dated 29 April and draft letter to the Irish Attorney General and is content with their terms.

The Lord Advocate considers that the differences in Scottish and English procedures reinforce the logic of proceeding on a case by case basis with the Irish.

Copies of this minute have been sent to recipients of the Attorney General's minute.

*CMed.*

MRS C McDIVITT

Crown Office  
EDINBURGH

3 May 1988

PS/ATTORNEY GENERAL

The Lord Advocate has seen the Attorney General's minute to the Secretary of State for Northern Ireland dated 29 April and draft letter to the Irish Attorney General and is content with their terms.

The Lord Advocate considers that the differences in Scottish and English procedures reinforce the logic of proceeding on a case by case basis with the Irish.

Copies of this minute have been sent to recipients of the Attorney General's minute.

(McD).

MRS C McDIVITT

Crown Office  
EDINBURGH

3 May 1988

IRELAND: relations p. 18.



1931 11 19

and Advocate has seen the Attorney General's minute to the Secretary  
of the Board of Ireland dated 19 April and draft letter to the Irish  
Attorney General and its content with their terms.

Advocate considers that the differences in Scottish and English  
law regarding the logic of proceeding on a case by case basis with

of this kind have been sent to recipients of the Attorney General's

PART 18 ends:-

Sublin Tel 204

PART 19 begins:-

Crown Office Edinburgh to PS/AT/Gen