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DEFENCE AND OVERSEA POLICY COMMITTEE

NORTHERN IRELAND: CROSS-BORDER SECURITY

Memorandum by the Secretary of State for Northern Ireland

1. At her meeting with the Taoiseach on 5 September, following the murder of Earl Mountbatten and the tragedy at Warrenpoint on 27 August, the Prime Minister pressed Irish Ministers strongly for practical improvements in cross-border security co-operation. The communique issued after that meeting, after recording agreement that the existing co-operation "must now be substantially improved" went on to say that "a number of suggestions were made by both Governments which will now be actively followed up", and that there would be a meeting at Ministerial level "to review the progress which has been made in the development of these proposals". That meeting will take place on Friday, 5 October, when the Irish Foreign Minister, Mr O'Kennedy, and the Minister for Justice, Mr Collins, will come to London for talks with me. The Chief Constable of the Royal Ulster Constabulary (RUC) and the Garda Commissioner will also be present.

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3. There are one or two further possibilities which I might float at the Friday meeting if circumstances seemed right - eg improving the arrangements under which Army Technical Officers can cross the border to deal with explosive devices on or near the border. I might also undertake to examine whether there would be advantage in making some changes in our law to match provisions either already existing in the Republic (the banning of radio and TV interviews with terrorists; conviction for membership of a proscribed organisation on the word of a senior police officer) or now contemplated there (on bail; and on the right to silence).

4. British and Irish officials have had a preliminary meeting. Although there is no indication from the Irish side how far, if at all, Irish Ministers will be prepared to respond to our suggestions, the ground has been very thoroughly traversed to ensure that there is no misunderstanding on either side about what our proposals imply in practical terms. The Irish appear to see genuine difficulty about (c) above - interrogation by RUC officers of suspects held in the South. Their fear is that the Irish courts may render any such move nugatory by refusing to admit confessions obtained as a result of such interrogations; and this fear is based on past experience when the Irish courts, by refusing to admit confessions made more than 48 hours after the suspect had been taken into custody, made inoperable a statutory provision authorising that suspects could be held for seven days. On most of our proposals their approach seems likely to be: what is the need the British are seeking to meet, and is there any other, more acceptable, way in which we might be able to meet it? It is possible there is the makings of a deal on Friday, but we shall not know until their Ministers are here.

5. Two messages were clearly conveyed through the meeting of officials: first, the Irish will be very anxious to avoid making a great deal of detailed information public subsequently on what, if any, specific proposals have been agreed; and secondly, they will want any agreed communique to be balanced in the sense that it will not record Irish acceptance of British proposals, but rather action

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taken on both sides to improve their anti-terrorist capability in relation to the border. The second of these is understandable, and no doubt we shall be able to meet it, if only by referring to any recently announced moves we have made on the security front. The first may be more difficult, since it will be in our interest to demonstrate that some real flesh has been put upon the bones of the 5 September communique; but on the assumption that the Irish are prepared to make some positive moves, it should be possible for me to agree an acceptable compromise with them.

6. Obviously I shall be pressing the Irish Ministers very hard indeed to make substantial progress on at least some major points - and I believe that they too have a strong interest in doing so. If the progress which the meeting can register turns out to be less than satisfactory, one option would be to take a very tough line. This would mean a communique, perhaps issued unilaterally, and subsequent statements to the media, setting out the proposals which we had made and expressing our deep concern that they had been rejected. However, I do not believe it is in our interest to precipitate a public row with the Irish over this for three reasons:

- (a) the present co-operation on cross-border security would be put in jeopardy;
- (b) the successful launching of a political initiative would, to say the least, not be helped if we are in the middle of a public slanging match with the Republic on security;
- (c) it would imply that we were accepting that no progress could be made.

7. If Friday's meeting does, contrary to my hope and expectation, produce an unsatisfactory degree of agreement, two courses would be open to us:

- (i) I could, as indicated above, seek publicly to pillory the Irish Government.
- (ii) I could go along with a communique which, while showing no progress and reflecting our disappointment and dissatisfaction at this situation, would also record the intention of both Governments to do some further work and try again.

8. For the reasons already given, I believe the first course would be a mistake, and I therefore recommend the second. In the unlikely event of this position being reached, the most profitable step to take would probably be a strong, personal, but private, message from the Prime Minister to the Taoiseach. We must never forget that, while appearances are important, especially in Northern Ireland, nothing is as important as the reality of improving our counter-terrorist capability on the ground.

9. However, I regard this eventuality as unlikely to occur, and I believe there is a fair chance that the Irish will be prepared to do enough to justify us in taking the view that, both in real terms and

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presentationally, we shall have made sufficient progress on enough points to enable us to formulate an acceptable agreed communique. For security reasons that progress may in part need to be recorded in general rather than specific terms.

10. I seek my colleagues' agreement to proceed accordingly.

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Northern Ireland Office

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