

MEETING BETWEEN THE SECRETARY OF STATE FOR NORTHERN IRELAND,  
THE IRISH MINISTER FOR FOREIGN AFFAIRS AND THE IRISH MINISTER  
FOR JUSTICE ON 5 OCTOBER 1979 IN LONDON

This meeting took place to follow up the proposals made at the meeting between the Prime Minister and the Taoiseach on 5 September. A list of those attending the present meeting is attached.

General:

2. The atmosphere in the meeting was friendly throughout, though the Minister for Justice, Mr Collins, who did most of the talking, went out of his way to score points related to the effectiveness of the RUC and the British Army whenever he could.

3. The Secretary of State opened the ~~meeting by~~ welcoming the two Irish Ministers, referring briefly to the Pope's visit to Ireland. He also mentioned the appointment of Sir Maurice Oldfield as security co-ordinator in the Northern Ireland Office, and explained the role which he would be performing. In reply, Mr O'Kennedy referred to the Pope's forthright condemnation of violence, which might prove to have a bearing on developments both north and south of the border. At a later stage in the proceedings, Mr O'Kennedy expressed his government's gratitude for the assistance which the RUC had given to the authorities in the Republic over the Pope's visit.

Police co-operation

4. The Secretary of State referred to the need to ensure effective policing on both sides of the border and asked for the reactions of the Irish Ministers to the proposals made at the Downing Street meeting that they should adopt measures which had been found to be particularly effective in the north, and would be made more effective if they were matched to corresponding activity in the south. These were:-

- (i) an anti-terrorist crime squad dedicated to action against terrorists in the border area;

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- (ii) a unit capable of carrying out high quality continuous surveillance of suspected terrorists;
- (iii) a uniformed patrol unit allocated fully to anti-terrorist patrols in border areas, and linked with the RUC in co-ordinated patrolling; and
- (iv) a unit to collate criminal intelligence on terrorists.

5. In reply, Mr Collins said that the Republic were not convinced that the effectiveness of measures in the north was all it could be and there might be improvements which could be adopted by the RUC. On their side, they had decided:

- (i) to increase the strength of the special Garda task force, enabling it to give a quicker response especially in difficult areas of the border;
- (ii) to increase the strength of the special investigation section of the Garda technical bureau so as to increase the teams available; and
- (iii) to increase the strength of the Garda generally in the border areas.

He believed these measures would improve the effectiveness of the Garda though their procedures would be kept under continuous review. He thought there was an implied note of criticism of the Garda in the suggestions which the British Government had put forward and he emphasised that the Garda were always willing to co-operate: he did not know of any incidents where they had declined to do so.

6. The Secretary of State welcomed the decisions which the Irish Government had taken which went a long way to meeting the points which we had raised, with the exception of surveillance.

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7. Sir Kenneth Newman, Chief Constable of the RUC, explained the increasing importance of surveillance in producing evidence more effective in obtaining convictions. It was particularly valuable as an appropriate weapon to use against the IRA's tighter cell structure, against which casual observation or reliance on informants were unlikely to be successful. It was, however, a highly skilled task and very costly in terms of manpower. Its advantage lay in building up a complete picture of a suspect's movements, his associates, and the vehicles which he used. At present this picture could not be complete in that it did not extend south of the border.
8. Mr Collins reiterated the Garda's willingness to help, and claimed that he was aware of occasions when the Garda had provided information but the RUC had been very slow to act on it. Sir Kenneth Newman commented that if that were so it was to be regretted, and was perhaps a sign of inadequate liaison between the two forces which the meeting might help to improve.
9. Commenting on surveillance, Mr McLaughlin suggested that surveillance requirements were different in the south. Surveillance was useful when directed against men engaged on a terrorist mission. On the south side of the border, he said, terrorists tended not to be engaged actively in terrorist work but to be resting. As a result surveillance could be something of a waste of time. He was aware that the RUC regarded supporting information derived from surveillance as a valuable aid in interrogating suspects. It was however less effective for that purpose in the Republic because their law gave suspects a right of early access to a solicitor, who would always advise the suspect to say nothing.
10. Mr Collins wondered whether, even if the Garda were unable to pass on information about suspects, security authorities in the north would be able to recognise and arrest them - this applied particularly to the army whose soldiers often spent only four months at a time in the Province. Sir Kenneth Newman confirmed that the police at least would be able to recognise terrorists. He confirmed that there were frequent instances of co-operation between the RUC and the Garda, but it tended to be on an ad hoc basis; its value would be improved if there were dedicated police units maintaining pressure on terrorists on both sides of the border -

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for example by means of pre-planned vehicle checks and searches.

11. Mr Collins commented that he would welcome a further exchange of information about the value of surveillance of the sort described by Sir Kenneth Newman. He was not yet convinced of its value in the common battle against terrorism, but he was open to conviction.

12. Sir Kenneth Newman enquired whether the new team added to the Garda technical bureau would be dedicated to the border areas. Mr McLaughlin replied that they would not, but that this did not diminish their effectiveness against terrorists: the main contribution from the south to the IRA's efforts took the form of finance, often through bank raids taking place far from the border. The technical bureau teams would in part be directed against such operations, although they would also be able to deploy specific units to difficult areas as the need arose.

13. Taking up the reference to ~~difficult areas~~, Mr Collins commented from the Irish point of view on the security problems of South Armagh. Some 70 per cent of border incidents took place there and the Irish Government were concerned that, for reasons of security which he recognised, police coverage was much lighter than elsewhere along the border. It would be of considerable value if through co-operation between the Forces the RUC could institute regular patrols which would go right up to the border, and which could be matched by the Garda.

Helicopters:

14. The Secretary of State explained that the use of helicopters could be valuable in two circumstances; first where they could be used in response to an incident where terrorists were observed from a helicopter fled across the border, and second for routine patrols.

15. Mr Collins commented that he thought the British had tended to exaggerate the importance of helicopters, and that in doing so in recent weeks they had attempted to make the government of the Republic a scape-goat for what happened at Warrenpoint. There was no justification

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for that. Notwithstanding that, and the great political sensitivity of the matter, his government had decided to make a major concession on this matter. In addition to the routine flights permitted after prior notification, his government were now prepared to permit flights by British helicopters over the border provided the following conditions were observed:-

- (i) Its use should be confined to serious incidents (a matter of life and death involving explosion or shooting, reasonable suspicion of the siting of an explosive device near the border capable of being detonated on the opposite side of the border, the tracking of a hijacked vehicle, the finding of persons dressed in combat jackets etc);
- (ii) flights should take place no more often than necessary, and should not extend further beyond the border than strictly necessary in the circumstances;
- (iii) such over flights should never extend more than 5 kilometers beyond the border;
- (iv) helicopters would be vulnerable to attack; there should be no recriminations if such attacks occurred though the government would do all they could to prevent such attacks;
- (v) helicopters should not normally fly at less than 1500 feet;
- (vi) the incursion should be reported to the Garda before or at the time of crossing the border, and a full report in writing should be submitted to the Department of Foreign Affairs within 24 hours;
- (vii) there should be no firing of weapons from helicopters in the air above the Republic; helicopters should not fly over towns and villages or in the vicinity of military installations;

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- (viii) helicopters should not land in the Republic;
- (ix) the British Government should indemnify the Republic against any damage caused by helicopters;
- (x) over flights should be restricted to daylight hours.

16. Mr Collins added subsequently that there would need to be direct communications between the helicopter and the Garda. This could probably be done by having helicopters fitted with "x-ray" radio sets similar to those already available to the Garda. The security forces in the Republic were improving their own capability, and would soon have a helicopter base at Dundalk to survey the border. The aircraft would have Garda observers on board.

17. Mr Collins emphasised repeatedly the extreme sensitivity of this measure, the importance that the conditions were strictly observed and the risk that if the facilities caused any serious problems as a result of abuse the offer would have to be withdrawn.

18. In reply the Secretary of State thanked Mr Collins for what he recognised as a valuable step but one which was of considerable sensitivity to the government of the Republic. The conditions imposed did not present any difficulty to the British Government with the exception of the limiting of such over flights to 5 kilometers from the border. Where the helicopter was following a vehicle this might give as little as three or four minutes for the Garda to be on the scene to intercept it. These problems were increased by the difficult configuration of the border.

19. After further discussion, it was agreed that because of concern on the British side about the limitation to 5 kilometers, and concern on the Irish side about the sensitivity of the measure, it would be subject to review at official level at monthly intervals. Such reviews on the

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British side would be handled through Sir Maurice Oldfield.

Communications across the border:

20. The Secretary of State emphasised that communications between the security forces on either side of the border could prove essential not merely to improve the effectiveness of any common effort against terrorists, but also in the interests of the safety of members of those forces. It was for those reasons that the British Government had suggested army to army communications should be established for use in emergencies.

21. Mr Collins replied that the constitutional position of the defence forces in the Irish Republic made communications between the two armies inappropriate. He accepted however that there was a need to improve the speed of communications, and the Irish army units in the border area would in future be accompanied by a Garda officer carrying suitable radio equipment to permit communication in the event of an emergency.

22. Any further improvements in communications across the border could be explored through the existing arrangements for co-operation between the Garda and the RUC with regard to communication.

Interrogation:

23. Mr Collins said that the Irish Government had considered the suggestion that RUC officers should be permitted to attend interviews in Garda stations south of the border when persons suspected of terrorist offences in the north were being interrogated. The crucial test of the validity of this suggestion was whether it would produce evidence, and their conclusion had been that it would not. The reason for this was the very restricted attitude taken by the Irish courts to the admissibility of evidence. The position of courts in Ireland under the constitution of the Republic was significantly different from that of the courts in the UK, and as his party had forecast when in opposition the Republic's Emergency Powers Act had proved to be ineffective. The provision for seven day detention had proved ineffective because the courts would not accept as admissible any confessions made during the detention period.

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For the same reasons, it was to be expected that the courts would decline to accept confessions obtained with the help of members of a police force of another jurisdiction who were not answerable to the Irish courts. Mr Collins was also concerned that to permit RUC officers to attend interrogations would be damaging to relations with local people who would be made less helpful as a result, and that terrorists would be likely to threaten the lives of RUC and Garda officers involved, when, as the law required, the whereabouts of the suspects were made known. The government of the Republic were willing to explore ways of improving co-operation between the RUC and the Garda, but this particular suggestion did not seem to them to be useful or practical.

24. The Secretary of State replied that the British government would certainly take up the offer of exploring co-operation between the two police forces. But he and the British government attached considerable importance to this point and were seriously disappointed that the Irish government felt unable to co-operate in this particular respect. Only by such means could the best use be made of background knowledge and any intelligence information available from the north. Merely to pass on the intelligence brief in writing would be insufficient.

25. In reply, Mr O'Kennedy emphasised the different constitutional position of their courts. As an alternative measure to the same end, he suggested looking again at establishing a composite court straddling the two jurisdictions. He would provide a detailed note explaining the constitutional position as a possible basis for further discussions.

26. The Secretary of State welcomed that suggestion, but reiterated his disappointment on the main issue. In reply, Mr Collins explained again that the effect on relations with the public in Ireland would be such that his government could not afford to try out a measure and have it fail because of the adverse effect that would result. He hoped that the discussions between the Garda and the RUC which he had suggested would prove to be beneficial for similar purposes, but he emphasised that it would be essential for the subjects of those discussions to be kept

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strictly confidential.

Training:

27. Mr Collins said that his government were willing in principle to consider the scope for co-operation in training. This was an operational matter which he would be happy to see discussed between the Chief Constable of the RUC and the Garda Commissioner.

RUC liaison officer in Garda HQ, and vice versa:

28. The Secretary of State explained that an exchange of liaison officers to be posted in the other force's headquarters would be a demonstrable and operationally valuable symbol of the co-operation between the two forces. Mr Collins felt however that such an arrangement would create a considerable risk to the safety of those concerned. His government had already arranged for border superintendents to be appointed whose job it was to keep in touch with their opposite numbers in the RUC. As an alternative to the British suggestion, to which he saw some objections, he would prefer to accept the suggestion of the Garda Commissioner that he should nominate particular officers to be available on a 24-hour basis for consultation with their opposite numbers in the RUC. As for the desirability of making public the degree of co-operation between the two forces, it was becoming increasingly well known that meetings took place between the Commissioner and the Chief Constable and although it would be undesirable for security reasons to publicise them in too much detail, some measures could be taken to make them a little more well known. Because of the security risks, however, it would be important for the nature of any additional publicity arrangements to be agreed between the two sides.

Other matters:

29. Under this heading Mr Collins referred to the need to ensure balance between measures taken in the south and those taken in the north. He asked what additional measures were in prospect in Northern Ireland.

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30. The Secretary of State explained the improving efforts being devoted to security matters within the existing policy of police primacy. In support of this policy the strength of the RUC was to be increased by 1000, and the Secretary of State expected that the appointment of Sir Maurice Oldfield as his security adviser would in due course improve the security efforts. He had also instituted internal reviews of security policy the existence of which was highly confidential. In particular, there had been a review of army/policy co-operation at all levels in the field of anti-terrorist operations. Consistently with this, he had improved the arrangements for his own security policy meeting with the GOC and the Chief Constable, at which he would in future have the additional support of Sir Maurice Oldfield. A second working party had looked at the scope for improved cross-border co-operation such as had been under discussion today. There had also been a special study of the problems of security in South Armagh.

31. In relation to South Armagh, Mr Collins commented that impression from his side of the border was that the forces in that area were virtual prisoners behind the security fences which protected them. This, and the intelligence assessment which had been leaked, tended to show that the army took a very pessimistic view of their effectiveness against the IRA.

32. The Secretary of State did not accept those comments, but acknowledged the desire of the British government to co-operate in improving the effectiveness of counter-terrorist measures.

33. Referring to the propaganda activities of the IRA, Mr O'Kennedy referred to the "H Blocks" and the Maze Prison. The Irish broadly shared our attitude on this position, although they would have liked us to find some way of improving the situation without conceding any of the principles at stake. On those principles, they certainly did not want the British government to change its position: it would not help the Irish government to deal with potentially similar situations at Portlaoise.

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34. Again on the subject of propaganda, Mr O'Kennedy mentioned the need to avoid presenting the IRA with propaganda opportunities. He had in mind the GAA pitch at Crossmaglen being used as a helicopter landing area. He thought that the dangers of the GAA being used by the IRA as a front for a protest was now quite remote but it was essential for the British government to watch out for propaganda traps of this sort.

35. Mr O'Kennedy referred to a compensation claim for property damaged in the Republic as a result of a bomb in the north. It appeared to be conceded that State to State compensation would be justifiable, but a claim by the private individual who had suffered in the incident seemed to be proceeding very slowly.

36. Mr Newington replied that on the basis of recent legal advice he hoped that the matter could be settled reasonably quickly. The crucial question had been whether the claimants' existing legal remedies had already been exhausted, or whether he should have begun an action in Northern Ireland. The latest legal advice was to the effect that he could not have taken action in Northern Ireland and that the way was therefore clear for compensation. The matter was however very complicated and a further meeting with representatives of the Republic of Ireland was to be held very soon.

37. Finally, before the meeting broke for lunch, Mr O'Kennedy referred briefly to the feeling against the UDR in some areas of Northern Ireland. It was regarded as a Protestant force and considerable care was needed in deployment in Northern Ireland.

Tete a tete:

38. During the break for lunch, the Secretary of State had a discussion for about 15 minutes with Mr O'Kennedy and Mr Collins. The main subject of discussion was political development within the Province.

The political situation:

39. Mr O'Kennedy recognised the understandable emphasis on security since the events of 27 August. But those events, coupled with the

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improving co-operation between the governments and the atmosphere created by the Pope's visit could combine to improve the prospects of political advance, and improved co-operation between the governments could also improve the prospects of political development. The problem in the north seemed to be that the moderates were isolated, leaderless and dispirited. It would be intolerable if Dr Paisley were permitted to hold a veto in respect of any political development. Such a veto would be unjustifiable: sensibly moderate Unionists, plus the SDLP, plus the Alliance party must get quite close to 50 per cent of the Northern Ireland electorate. This should provide a basis for discussion; and the new government of the United Kingdom had the advantage of a sound majority and the prospect of a five-year term of office. The government was in a strong position, and he would like to know how they intended to proceed.

40. In reply, the Secretary of State explained that although he had been having talks with political leaders ever since the election which had developed to a point of giving some grounds for optimism his approach had been to keep the content of these talks confidential. This had opened him to considerable political criticism, but he had felt it was the only way of exploring the extent of any common ground between the parties. He agreed with Mr O'Kennedy that the timing of a new initiative would be crucial. The key test for any new initiative was the acceptability to a broad range of opinion in Northern Ireland. He would continue with his efforts to find a basis for political progress through consultation with political leaders in the Province and within the British government. He recognised the interest of the government of the Republic, as immediate neighbours, in this subject and would keep them informed.

Economic matters:

41. Mr O'Kennedy reaffirmed his government's interest in economic co-operation. He believed that there was a growing recognition within the EEC that the border between Northern Ireland and the Republic was different from other borders and might on that ground be eligible for non-quota aid from the Regional Fund. Certainly in those areas there were pockets of unemployment at levels exceeding those of anywhere in the rest

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of Europe. In such circumstances our EEC partners should be willing to help.

Communique and publicity:

42. Having completed the agenda, the terms of the communique were agreed between the two sides. On the Irish side, they were most insistent that any measures which they had agreed to institute were matters of great political sensitivity in the Republic. For that reason, as well as to maintain the effectiveness of some of the measures which should not be publicised unnecessarily, it was agreed that the communique should not specify the measures ~~taken~~ and in discussions with the press after the meeting both sides should refuse to go into any details about what had been agreed.

43. In contributing to the communique, the Garda Commissioner and the Chief Constable of the RUC reported that in the private discussion they had had after lunch they had agreed that there were many points of similarity between the four suggestions originally put forward by the Chief Constable and the measures to which the Commissioner had referred during the course of the meeting. They had accordingly decided to establish a new joint RUC/Garda panel, to include representatives of the Garda's technical bureau and task force, and of the RUC's special patrol group and regional crime squad, in order further to improve the system of liaison between the two forces.

Further Meetings:

44. It was agreed that further meetings at Ministerial level would be needed. The next might take place within about three months, and would be preceded by meetings between officials.

*R A Harrington*

R A HARRINGTON  
Private Secretary

10 October 1979

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MINISTERIAL MEETING IN LONDON: 5 OCTOBER 1979

List of those attending

Irish Delegation

Mr Michael O'Kennedy - Minister for Foreign Affairs  
Mr Gerry Collins - Minister for Justice  
Mr O'Rourke - Secretary (PUS), Department of Foreign Affairs  
Mr Ward - Secretary (PUS), Justice Department  
Dr Kennedy - Irish Ambassador in London  
Mr McLaughlin - Garda Commissioner  
Mr Donnelly - Assistant Secretary (AUS), Justice Department  
Mr Neligan - Assistant Secretary (AUS), Department of  
Foreign Affairs  
Mr Swift - Counsellor, Department of Foreign Affairs  
Mr Kirby - Principal, Justice Department  
Mr Walshe - Counsellor, Information Division, Department  
of Foreign Affairs  
Mr O'hUiginn - Department of Foreign Affairs

British Delegation

Rt Hon Humphrey Atkins, MP, Secretary of State for  
Northern Ireland  
Mr Ken Stowe  
Mr Robin Haydon, HM Ambassador in Dublin  
Sir Kenneth Newman, Chief Constable of the RUC  
Mr Marshall  
Mr Burns  
Mr Gilliland  
Mr Newington (FCO)  
Mr Harrington

[The Attorney General will join the meeting for lunch only]