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*Suppression
Powell*

B.07216

MR FLESHER

Anglo-Irish Agreement: Prime Minister's Statement

Mr Powell's minute of 17 November to Sir Robert Armstrong requested additional information for the Prime Minister on two matters. The information about the steps open to Unionist MPs in resigning their Parliamentary seats is being provided direct to you by the Northern Ireland Office. I attach the information about the European Convention on the Suppression of Terrorism, with a suggested reply to any supplementary question.

2. There are three particular points which the Prime Minister may wish to seek to get across to Unionists by including them, if appropriate, in her replies to supplementaries:

(a) the Secretariat of the Intergovernmental Conference, like the Conference which it will serve, will have no executive functions; it will be very small.

(b) The Anglo-Irish Agreement is not the beginning of a process in which increasing involvement of the Irish Republic in Northern Ireland's affairs is envisaged: on the contrary, the Agreement commits the Irish Government to acknowledging the rights and identity of Unionists, and Article 1 is the most formal and far reaching commitment by an Irish Government to the vital principle that the status of Northern Ireland would only change with the consent of a majority there.

(c) Both the Agreement and the Communique give particular attention to the enhancement of cross-border co-operation against terrorism. Article 9(a) of the Agreement foresees a programme of work by the Chief



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Constable of the Royal Ulster Constabulary and the Commissioner of the Garda in such areas as threat assessments, exchange of information, liaison structures, technical co-operation, training, and operational resources. And paragraph 9 of the Communique states that the Intergovernmental Conference will pay particular attention at its first meeting to action under Article 9(a).

3. I am sending copies of this minute and attachment to the Private Secretaries to the Secretary of State for Northern Ireland, the Foreign and Commonwealth Secretary, the Lord President, the Lord Privy Seal, the Attorney General, the Chief Whip and Sir Robert Armstrong.

C L G Mallaby

18 November 1985




THE EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM

Note for Supplementary

- Q. What is the advantage to the United Kingdom of accession by the Republic of Ireland to the European Convention on the Suppression of Terrorism?
- A. Accession by the Irish Republic to the European Convention on the Suppression of Terrorism should greatly increase our prospects of securing extradition from the Republic of persons accused or convicted of terrorist crimes. Article 1 of the Convention requires contracting states not to consider offences involving the use of explosives or firearms, if these endanger persons, as political offences.

Background (may be used)

1. The European Convention entered into force in 1978. The United Kingdom is a party. So are 20 other member states of the Council of Europe. The exceptions, apart from the Irish Republic, are Belgium, France, Greece and Italy which have signed but not ratified, and Malta which has not signed.
2. The Convention is intended to ensure that perpetrators of terrorist offences should be brought to justice and not escape by crossing national frontiers. Article 1 requires contracting states not to consider as political offences: offences involving the use of explosives or firearms if these endanger persons, hijacking or other offences against aircraft, serious attacks on internationally protected persons, kidnapping and taking of hostages. Article 2 provides states with the additional option to treat



similarly: serious crimes of violence against a person, or against property if collective danger to persons is created. Article 7 provides that, if a state does not extradite, it will submit the case to its competent authorities for the purpose of prosecution.

3. The United Kingdom view has always been that extradition is a particularly effective measure against terrorism. But many states are unwilling to extradite where the offence or motive is considered to be political in character. This has long caused obstacles to securing extradition of suspected terrorists from the Irish Republic.

Background (not for use)

4. Recently the Irish courts have been more helpful; so far three persons involved in crimes connected with terrorism have been extradited. If the Republic accedes to the Convention, there should be a further major improvement.

5. The Taoiseach intends to introduce legislation into the Dail, to pave the way for accession to the Convention. The Summit Communique indicated that the ultimate decision on accession would depend in part on what had happened meanwhile regarding relations between the security forces and the minority and regarding public confidence in the administration of justice. The Irish officials in the Armstrong/Nally negotiations also indicated that it was possible that, during debate on the Convention in the Dail, the suggestion would be made that extradition in the future should become subject to a prima facie case being made. They indicated that the Irish Government would not favour such a requirement.