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Title: Note for the information of the Taoiseach in answer to a Dáil Question by Neil Blaney TD on Irish government policy on the crossing of the border by foreign troops.

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1. So far as our records go no British troops have been authorised to cross the border except by air. There are three Dáil Questions down for answer by the Minister for Foreign Affairs on the landing and hovering of British Army helicopters: copies of the proposed Reply and associated background material are attached. It will be noted that permission has been given to the British authorities to cross the border by air only when life was at stake.

2. Numerous unauthorised crossings of the border by British troops and aircraft have occurred. Representations are made to the British Embassy here about such incidents as come to official attention: in some cases the British have acknowledged that an infringement took place and have conveyed regret for the incident; in other cases they have denied the allegation. Perhaps the most serious incident so far was that in which 6 members of the British Army were discovered at a Garda checkpoint in Clones on 25th May, 1973. Copies of earlier Dáil exchanges and a Summary Note on this incident are attached.

3. It is a general principle of international law that no State has the right to intrude its armed forces into the territory of another State. This principle has been endorsed by various U.N. Resolutions and is likely to be further confirmed by the European Security Conference at present in session. It is moreover the standard we follow and which we expect the British to observe with regard to the border.

N.B. It is suggested that the Taoiseach might avoid reference to this latter aspect or any discussion of it as the status of the border as an international frontier is, of course, a matter of controversy.

Chun an Aire Gnóthaí Eachtracha: To the Minister for Foreign Affairs.

To ask the Minister for Foreign Affairs if he granted permission to the British Army to land helicopters in this State.

- William Loughnane.

To ask the Minister for Foreign Affairs the date on which he received the first request from the British authorities to permit their helicopters to carry out surveillance across the border.

- Tom Meqney.

To ask the Minister for Foreign Affairs the number of occasions on which British Army helicopters crossed the border with his permission; and if he will give the dates and locations of the crossings.

- Tom Meqney.

For answer on Wednesday, 17th October, 1973.

REPLY

With your permission, a Cheann Chomhairle, I will take Question Nos. 33, 34 and 35 together.

Permission for foreign military aircraft to fly over or land in the State must be granted expressly by the Minister for Foreign Affairs, in accordance with the Air Navigation (Foreign Military Aircraft) Order 1952. It is the practice to consult the Minister for Defence before a decision is taken on each request.

As regards overflights or landings by British Army helicopters, the reasons for granting permission have been to save lives.

Since the Government took office, a request for permission to land a British military helicopter was granted on the occasion of the rescue of a midget submarine off the south coast.

Previously permission for a landing was granted by my immediate predecessor in another case when life was at stake. This involved the urgent removal of a seriously injured victim of a road accident to a

hospital in Northern Ireland.

It would not be in the public interest to provide the details sought of requests received for permission for British military helicopters to cross the border. The granting of permission in such cases has been governed by the considerations which I have mentioned.