

# NATIONAL ARCHIVES

## IRELAND



<b>Reference Code:</b>	2013/100/1101
<b>Creation Date(s):</b>	March 1983
<b>Extent and medium:</b>	13 pages
<b>Creator(s):</b>	Department of the Taoiseach
<b>Access Conditions:</b>	Open
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Attitudes of Prime Minister Thatcher and British Government to Northern Ireland and related matters, emerging from Minister for Foreign Affairs meetings with Foreign Secretary Pym (24 January) and Northern Ireland Secretary Prior (1 February)

1. Messrs. Barry and Pym agreed on the benefits of a good and open personal relationship between Ministers in the two countries. Mr. Pym recalled that when the Taoiseach was Minister for Foreign Affairs and Mr. Pym was Northern Ireland Secretary, relations were good. He said he looked forward to meeting the Taoiseach at the European Council.
2. Mr. Pym referred to security as the most critical issue in Northern Ireland affairs. He said that the Assembly was there and would remain there and that the British Government regretted the SDLP position of non-participation. Mr. Prior made the same point with, as one might expect, much greater force and feeling. Mr. Pym agreed that politicians in the North had run out of ideas but referred to the Assembly as a place where they could at least meet. It was agreed at the Barry/Pym meeting that little could be done on the political front in an atmosphere of an impending Westminster election.
3. Mr. Prior started by suggesting that the general situation in Northern Ireland was better than it had been. The number of bombings was less than in the past and daily life had returned to a more normal state. Troop numbers had been substantially reduced. He said, however, that society there was more polarised than ever. As the discussion developed, Mr. Prior revealed marked feelings of frustration at the intractability of the problem and at the apparent obstacles to any identifiable avenues of advance.
4. Mr. Prior said that one of his objectives in setting up the Northern Ireland Assembly had been to provide a forum in which politicians could talk to each other. He considers this is now beginning to happen and pointed to contacts between the DUP and Alliance parties. He intends to keep the Assembly going at least until the British General Election. It could be implied from his approach that he would wish to see it continue beyond the General Election. Mr. Prior stressed that in accordance with the legislation setting up the Assembly there could be no devolution of powers until the necessary conditions (including widespread acceptance throughout the community) are met.
5. Mr. Prior wanted the SDLP to be involved in the Assembly. One proposal he was reconsidering was that which was rejected by all the parties except the SDLP in the run-up to the Assembly initiative - that he would become Chief Executive of a Northern Ireland Government and appoint four Ministers, one each from of the SDLP, DUP, OUP and Alliance. This would not be a power-sharing Executive but power distributed by the Secretary of State. Mr. Prior was not prepared to move on this unless he was certain an undivided SDLP would come into the process.
6. In the context of a discussion about access for Provisional Sinn Fein Mr. Prior said the British could never refuse to see elected

representatives at some level. They had decided to meet PSF on constituency but not on constitutional matters and then only when others are present. PSF had had one meeting with a junior Minister and representatives from the SDLP and Alliance had also been present. Mr. Prior claimed that their system would not allow them to "deliver" to the SDLP over PSF in constituency terms, but if he found any way he would do it.

7. The question of extradition was discussed. Mr. Prior expressed gratitude for the McGlinchey judgement. He acknowledged that the 1976 Criminal Law Jurisdiction (Amendment) Act was now working better. A concession from us on extradition would help allay the fear and suspicions of Unionists. Lord Gowrie said that while extradition was not an issue over which the British Government was incensed, it was something on which the public had strong views. He asked if there was anything that would make extradition negotiable for us.

8. In response to a question from the Minister about Mrs. Thatcher's attitudes, Mr. Prior said that she was basically a very strong Unionist, as Mr. Pym could also testify: in elaboration, he characterised her as an "emotional Unionist": Mr. Ian Gow, her Parliamentary Private Secretary, was described as a "rabid" and a "romantic" Unionist. Mr. Prior said that the Prime Minister was under the influence of Mr. Enoch Powell, whose intellect she enjoyed and who was very persuasive, so that Mrs. Thatcher found herself drawn to the Unionist side. In further exchanges, Mr. Prior said that she did not focus on the problem and probably wished it would go away.

18 March, 1983.

Copies to:

1. Taoiseach
2. Minister for Foreign Affairs
3. Secretary to the Government
4. Secretary, Department of Foreign Affairs
5. Mr. W. Kirwan
6. File held confidentially in the Department of the Taoiseach.

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Anglo-Irish Summit Meeting

Developments since the last Summit

1. The Joint Communique issued following the meeting between the Taoiseach and the British Prime Minister on 6th November, 1981 stated that the two Heads of Government looked forward to holding their next meeting in Dublin in the spring of 1982.
2. The change of Government in February, 1982 inevitably affected this plan. Before the divergence in views with the U.K. Government over the Falklands issue arose, official contacts with them disclosed that they envisaged a meeting in July. As late as 4th May, Mr. Woodfield, Permanent Secretary, N.I.O., said to the Ambassador in London that they were looking forward to the summit probably in July, 1982 although with the Falklands crisis it was difficult to plan ahead. At his meeting with the Prime Minister in the margins of the European Council Meeting of 29-30 March, Mr. Haughey enquired about the possibility of a meeting. The Prime Minister mentioned her heavy commitments up to the end of June and said that it was possible that there could be a meeting in July, 1982.
3. It emerged from later contacts that the British did not wish to have a summit before the autumn and we recognised that an early meeting would not be feasible, given their preoccupation with the Falklands.
4. There was no bilateral meeting between the Taoiseach and the Prime Minister on the occasion of the European Council Meeting in Brussels on 28-29 June, 1982. The Taoiseach, in an interview, attributed this to pressure of other engagements on both of them. He said that neither side had sought a meeting.

Mr.  
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5. At a Review Meeting on Northern Ireland, attended by the Taoiseach, Mr. Haughey, and other relevant Ministers, on 29 July last, it was decided that until there was an improvement in the existing climate there appeared to be no possibility of a productive summit meeting taking place. Accordingly, we should make no move to seek a meeting at that stage although we should not necessarily respond negatively to any British approach for a political level meeting. In July and August, approaches were made by the British for a meeting between the Secretary of State for Northern Ireland and the Minister for Foreign Affairs. Mr. Prior informed the present Minister for Foreign Affairs at their meeting on 1 February that he had, with some difficulty, got authority from the Prime Minister to initiate these approaches. When he contacted Mr. Haughey, the latter appeared receptive. A date in September was suggested. Later, however, the Government indicated that a meeting between the Secretary of State and the Minister for Foreign Affairs would not be useful as there appeared to be no prospect of a constructive outcome.

6. At his meeting with the Minister for Foreign Affairs on 1 February, the Secretary of State for Northern Ireland said that an assessment could be made after the en marge meeting in Brussels as to whether and when a more formal summit might be arranged, bearing in mind the Westminster election which could be held as early as June.

Roinn an Taoisigh

18 Marta, 1983.

The Department of the Environment have reviewed preliminary drafts of the proposed Bill to extend voting rights to British citizens and are in consultation with the

Official Unionist Party 1982-1983

Participants

1. At the OUP party conference on 12 March James Molyneaux received enthusiastic support on the following policy approach:

- (a) that the OUP should seek devolved government in the Assembly before the end of March in conjunction with removing the cross-community support principle from the legislation used to set up the Assembly;
- (b) real powers should be given to district councils under the umbrella of a regional council which would have extensive powers which are at present in the hands of the N.I. departments;
- (c) following from the above direct rule should be terminated;
- (d) he strongly attacked the Assembly at which the price of progress was power-sharing, a price which Unionists would not pay.

2. In a subsequent press conference Mr Molyneaux indicated that the OUP would seek a meeting with Mr Prior and have one last confrontation with him on their demand for majority rule devolved government. If this was not successful they would approach Mrs Thatcher. In response to questioning Mr Molyneaux admitted that if their demands are not met they would "soldier on" in the Assembly. It is clear that Mr Molyneaux does not have enough support in the OUP to insist on a boycott if this latest effort fails. The DUP and Alliance are anxious to keep the Assembly in operation and are therefore suspicious of the OUP approach and are unlikely to support it in any way.

Anglo-Irish Section  
Department of Foreign Affairs

16 March 1983

Other meetings planned in 1983

Date

Location

Participants

13-14 April 1983

North Wales

Minister for the Gaeltacht  
and Welsh Parliamentary Under-  
Secretary of State

## Problem of fugitive offenders

1. The existing legal machinery for the bringing to justice of persons who having committed terrorist-type offences in Northern Ireland flee to the Republic, or vice versa, is that established by the Criminal Law (Jurisdiction) Act, 1976 and the corresponding British Criminal Act, 1975.

The British authorities, however, have long pressed for the establishment of extradition for such offences. In 1981 both in connection with developments in Anglo-Irish relations and with the fear, suspicion and tension among Northern Ireland Unionists arising from the hunger strikes and the IRA murder campaign culminating in the killing of the Rev. Robert Bradford, there was a renewed effort on the British side to have the Government reconsider its stance on the question of fugitive offenders and particularly on the extradition issue.

At the Downing Street Summit meeting on 6 November 1981 the Taoiseach and the British Prime Minister

"noted with approval the efforts now being made under the criminal law jurisdiction legislation to ensure that those who committed crimes in one country should not be able to escape prosecution and conviction by seeking refuge in the other and invited the British and Irish Attorney Generals to consider what further improvements to that end might be possible."

2. Mr. Peter Sutherland and Sir Michael Havers met in London on 25 November 1981 and considered legal and technical aspects of three main possible developments in the legal system in relation to fugitive offenders, viz.

- (a) extradition
- (b) joint questioning of suspects; and
- (c) a joint Court.

It was agreed that the two Attorneys General would meet again early in the new year. Further progress in these legal discussions have been hampered on our side by the fact that the Government had not had an opportunity to take policy decisions on the issues raised. To this end a Memorandum on

"Measures to deal with the problem of fugitive offenders" was submitted to the Government by the Minister for Foreign Affairs on 27 January 1982.

3. The British authorities have on a number of occasions expressed disappointment over the lack of progress in the contacts between the Attorneys General. Secretary of State Prior raised the matter at the first ministerial meeting of the Anglo-Irish Intergovernmental Council on 29 January 1982 describing it as a matter of supreme importance in view of the Unionists' sensitivities. Mr. Prior was told that a memorandum was ready for the Government on this area and the Government would be looking at issues arising from the meeting of the two Attorneys General.

4. Our stance on extradition has been that Article 29 (3) of the Constitution provides that Ireland accepts the general recognised principles of international law as its rule of conduct in its relations with other States. One of these "generally recognised principles of international law" is the principle of non-extradition for political offences.

By agreement between the Irish and British Governments the concept of the non-extradition of political offenders was included in the Extradition Act of 1965 and the Backing of Warrants (Republic of Ireland) Act of 1965.

In addition to constitutional constraints, there have always been fears that the British insistence on extradition has been based on their belief that such an agreement would allow interrogation of suspects after they had been handed over. We have always maintained that, in accordance with international practice, extradition is the return of a person to stand trial (once a prima facie case has been established) and that it would specifically exclude the possibility of interrogation after the suspect has been handed over. This would have to be a condition of any extradition agreement.

5. There were no further discussions on the question of fugitive offenders until the meeting this week in London between the Attorneys General. On the extradition question, the Attorney General

outlined the implications of the recent Supreme Court decision in the McGlinchey case. He said that the judgement contained a number of obiter dicta which were not strictly relevant to case but which indicate that a more strict view of what constitutes a political offence is likely to be taken in future extradition cases before Irish courts. The Attorney General believes that a number of further cases to be heard in the coming months may confirm this tendency.

6. The Criminal Law (Jurisdiction) Act 1976 which came into force in June of that year, is based on the principle of "aut dedere aut judicare" the alternative of extradition or trial within the jurisdiction of arrest. The Act makes it a criminal offence in Irish law to commit in Northern Ireland certain scheduled offences which if committed within the State would constitute an offence here. There have been seven successful prosecutions under the Act and as such, provide evidence that absence of extradition for political offences is not a bar to the successful prosecution and imprisonment of those who commit serious crime in one jurisdiction and flee to the other. This legislation can continue to be successfully applied where the Northern Ireland authorities supply evidence that persons residing in the jurisdiction of the State have committed offences in Northern Ireland.

7. While the granting of extradition for political offences could well be seen as a political goodwill gesture to both the British and the Unionists, it is unlikely to make any significant difference to the security situation in Northern Ireland and its practical effects would be minimal. This has been confined on a number of occasions by senior RUC officers [Chief Constable Hermon at the BIA Conference 1981 and his Deputy at the Conference in 1982]. They maintain that the basic problem remains the compilation and handing over of evidence which would enable prosecutions to take place.

Castleblayney Incursion Incident

1. On 9 August 1982 four men drinking in a licensed premises in Castleblayney were challenged and identified as RUC officers. They left the pub immediately but were confronted by an angry crowd as they tried to escape to their car. In this confrontation several witnesses have claimed that guns were produced by the RUC men. The Gardaí arrived to rescue the four concerned and brought them to Castleblayney Gardaí Station where they identified themselves as four officers from Keady RUC barracks. After questioning the RUC officers were escorted to the border by Gardaí. Three fully-loaded magnum revolvers which had been handed over by the RUC men were retained in Gardaí custody.

2. Later that day, the Secretary of the Department of Foreign Affairs called in the British Ambassador to express the Government's profound unease at the circumstances of the incident and their concern that RUC officers should cross the Border carrying firearms. The Ambassador expressed his deep regret. He explained that the officers were off-duty and were using their own private car without the knowledge or approval of their superior officers. He explained that all the policemen had been suspended pending a full enquiry.

3. A newspaper report appeared on Saturday 4 December 1982 that warrants had been issued by the Special Criminal Court. The British Embassy made enquiry on Monday 6 November and were informed that no warrants had been issued. On 7 December the British Chargé d'Affaires, acting under instructions, raised the matter with this Department and said he would like us to have knowledge of the consequences of such a prosecution at this time in Northern Ireland and Britain. Public opinion would be aroused. There would be strong disapproval. His authority hoped that we might show restraint in the matter.

It was pointed out to the Chargé that it was the DPP, not the Government, who decided on the merits of prosecution in every case. The DPP has an independent position in this regard as in Britain. The Embassy's representations would be brought to

IRISH AND BRITISH EXCHANGE RATE ATTRIBUTED TO THE NORTHERN IRELAND  
SITUATION

attention but it was doubtful whether they could affect the outcome.

Estimated Extra Security costs to the Irish Exchequer, 1980 to 1983

4. Warrants for the arrest of the four RUC men have now been issued by the Special Criminal Court. At the meeting of the Attorneys General this week, the matter was raised by the British who suggested, inter alia, that the charges (possession of firearms without a licence, possession in suspicious circumstances and possession with intent) against the men were too severe. The Attorney General resisted this suggestion. The British side said that it was unlikely that they would use their legislation, the Criminal Jurisdiction Act 1975, to prosecute the four RUC men in Northern Ireland. They thought the better course of action would be to deliver the men in accordance with the extradition request.

	IREM	1983	%	IR£/head
1980	80	315	25.4	24
1981	99	410	24.1	29
1982	125	488	25.6	36
1983	Department of Foreign Affairs		26.5	38

March 1983

Burdens on UK Exchequer

Responsibility for public expenditure for 'Law, Order and Protective Services' in Northern Ireland was assumed by the Northern Ireland Office in January, 1974. This expenditure programme provides for:-

- the maintenance of law and order (excluding all British Army costs);
- 100% grant to the Police Authority for Northern Ireland;
- cost of the Prison and Probation Services;
- compensation in respect of criminal injuries and damage to property resulting from terrorist attacks; and
- Crown prosecution legal and back-up services, DPP's Office, Crown solicitors and the like.

The total cash limits for 1983/84 under the above headings together with the administration costs of the Northern Ireland courts, is about St £400 million (excluding all Army costs). While there is no valid basis on which such expenditure can be apportioned between 'normal' costs of law and order services in Northern Ireland and the 'extra' costs due to the 'troubles' there, it has been estimated by the Department of Finance (on the basis of the level of expenditure on law and order services before the current troubles) that approximately three-quarters of the non-military spending on security in Northern Ireland might be attributed to the current unrest there.

# IRISH AND BRITISH EXCHEQUER COSTS ATTRIBUTED TO THE NORTHERN IRELAND SITUATION

## SUMMARY NOTE

### Estimated Extra Security costs to the Irish Exchequer, 1980 to 1983

- 1 The Department of Finance (assisted by the Departments of Defence, Environment and Justice) has, for some years, compiled estimates of the extra costs to the Irish Exchequer associated with the Northern Ireland situation. These costs are deemed to include:-
  - the increase in Army strengths since 1968/69 and associated non-pay expenditure;
  - extra manpower and other costs in the Garda and Prison services, and
  - State-funded compensation for malicious injury and damage to property attributable to the current unrest in Northern Ireland.
- 2 The latest revised estimates for such extra costs, expressed as a percentage of 'total' security costs and per head of population resident in the State for the years 1980 to 1983 inclusive are as follow

	<u>Extra security costs due to NI situation</u>	<u>Total RI expenditure on security</u>	<u>Extra costs as percentage of total expenditure</u>	<u>Extra costs per head of RI population</u>
	<u>IR£m</u>	<u>IR£m</u>	<u>%</u>	<u>IRE/head</u>
1980	80	315	25.4	24
1981	99	410	24.1	29
1982	125	488	25.6	36
1983	134	506	26.5	38

### Burdens on UK Exchequer

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2 The total cash limits for 1983/84 under the above headings, together with the administration costs of the Northern Ireland courts, is about St £400 million (excluding all Army costs). While there is no valid basis on which such expenditure can be apportioned between 'normal' costs of law and order services in Northern Ireland and the 'extra' costs due to the 'troubles' there, it has been estimated by the Department of Finance (on the basis of the level of expenditure on law and order services before the current troubles) that approximately three-quarters of the non-military spending on security in Northern Ireland might be attributed to the current unrest there.

3 The table hereunder takes the UK Exchequer's point of view and reckons all such expenditure as an additional charge on the British taxpayer / ignoring the potential offset on a 'peaceful' hypothesis where the cost of the Northern Ireland Ministry of Home Affairs would represent a minor component of a much smaller subvention. To this must be added the extra costs of British Army operations in Northern Ireland attributable to the extraordinary security situation since 1969. At the start of 1983, there were about 10,000 troops stationed in Northern Ireland compared to a 'standard' strength of some 5,000 or so, which might be expected in a comparable area in the UK. Questions in the Houses of Commons are generally answered in terms of the extra (and not the total) cost of the British Army in Northern Ireland (and this forms the basis of column 2 in the table underneath).

Expenditure on security in NI by UK Exchequer, 1980-1983

	<u>Expenditure on law, order and protective services and NI courts</u>	<u>Extra costs of British Army in NI</u>	<u>Cost of NI security to UK Exchequer per head of UK population</u>
	St £m	St £m	St £/head
1980/1	312	111	8
1981/82	344	149	8
1982/3	369	134	9
1983/4	398	n.a.	n.a.

2.4 The Under-Secretary for State for the Armed Forces has tentatively suggested that 'the total cost of the armed forces in Northern Ireland in 1980/1 could be £250 million'. (Hansard, 23/6/81, col 123).

3 Per Capita Comparisons

The final column in the above Table divides the UK Exchequer costs (as explained above) by the estimated UK population.

4 Conclusion

4.1 On the basis that three quarters

of the non-military spending on security in Northern Ireland is attributed to the current troubles and using figures already cited, the estimated extra security costs to the Irish and British Exchequer for 1983 and 1982-83 is as follows:

Irish costs (1983)

IRE£134m

British costs (1982/83)

Stg £410m

relate to

4.2 These figures / security costs only and do not, of course, take into account losses to the economies North and South in trade, commerce and tourism arising from the troubles in Northern Ireland

Roinn an Taoisigh

18 March, 1983

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