



# An Chartlann Náisiúnta National Archives

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# ROINN AN TAOISIGH

Subject to verification

Uimhir.....

PERSONAL AND SECRET

## Convention on the Suppression of Terrorism

The British Ambassador, by arrangement, met the Taoiseach, in his room at 11.30 a.m. today. The meeting lasted for approximately 30 minutes. The following is the broad lines of the conversation.

Taoiseach: I asked you to come in to see me so that I could keep you up to date on what is happening. I think that is due to you.

Ambassador: Thank you very much. I appreciate what you are doing. I would like also to thank you for not making open references to a statutory safeguard.

Taoiseach: I am afraid that is something which cannot run. At the meeting yesterday 57 Deputies spoke. To a man they were against extradition and some of them were against it totally. Others would consider it only with the strongest prima facie safeguard. I hope I can say this without offence but I think you should know the position. There was a very large volume of opinion that an Irish person could not get a fair trial before British courts.

Ambassador: That is not incomprehensible to me at all.

Taoiseach: There was also a very strong feeling of support for myself and for the Government at the meeting. They said they would trust us to do what was right. We are now getting ourselves into a position where we would almost prefer that there should be no extradition. But we are living in a modern world and we know what is happening there. This is the most fundamental and deep issue that has ever come up in our Party. Feelings on it are extraordinarily intense. I will be meeting the National Executive tonight. I expect feelings there to be even more forceful.

Taoiseach  
To see please  
79/11/87

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I want you to understand that the meeting yesterday was not hysterical in any sense. It was a very restrained meeting. The whole atmosphere was measured. I am really in a difficult situation. We are facing a sort of political abyss. We will undoubtedly have to go by way of statutory safeguards. Understand me now when I ask this question. I am not proposing anything. I simply want to get my mind clear. Would you prefer that we should defer for, say, 6 months rather than introduce a system of statutory safeguards which I understand you may well find unacceptable?

Ambassador: I understand your reason for asking the question perfectly. I think I know the answer. But I think you will want me to refer to London and Belfast and I will do that. I think it will be no surprise to you if I say that Mr King and other Ministers will be dismayed if you go the statutory route.

The real difficulty is that we have different legal advices. I take it there is common ground on judiciability. Neither of us wants it. The law officers in London have not been able to devise a system in statute which is foolproof. No Attorney General likes to be brought before a court; to be brought before a foreign court is even worse.

I think we would see the statutory requirement as a stepping back from the existing system. It introduces a complicating factor. Courts could drive a coach and horses through the system altogether.

There would also be the political effect. Having hoped you were coming towards us, we find that instead we are moving further apart. We are both lurching into a crisis.

The problem is that we have not yet been shown a statutory formula which could be judgeproof; but of the formulae which we have seen, some are more unacceptable than others. To my mind, formula (4) is the least unsatisfactory. I could certainly press my authorities very hard indeed and I think I would get a lot of sympathy, if not support, from Burns, King and Howe, who would be allies in this. One way or another, can I emphasise very strongly that when you have come to a decision, there should be some communication at political level. The Prime Minister has a very understated understanding of what is happening. She thinks that there is something procedural at the root of the difficulty.

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On deferral, my reply is to thank you and to say I understand why you are suggesting this now. But I have to say to you also that we would rather you went ahead.

Taoiseach: I put forward the suggestion simply to open all the options: time is needed to tease out all the formulae.

The other route is the statutory one. The sooner we get the draft the better.

Ambassador: We want to co-operate fully with you on this.

Taoiseach: This is not any longer a question of my good will and my desire to be helpful. It is simply a matter of what is politically possible. I expect a horrendous meeting at the National Executive tonight. We have been taken by surprise by the intensity of feeling which this subject has roused. We are almost back to civil war type emotion.

A further complicating factor is the Birmingham Six case. We understand that there is a strong chance that the appeal will be thrown out. The judges there seem to be acting in a way which is quite antagonistic to the defence. If that bombshell comes, I think I'll apply for the Chiltern Hundreds! We are told that there is a possibility of a decision next week.

Ambassador: I'll see if I can get advice as to the likely outcome and the timing of the decision.

The difference between option (3) and option (4) is that there is a possibility that I can get co-operation for working under (4). Option (3) is something we just could not work. Could this consideration sway the situation?

Taoiseach: No. We are forced to go for option (3). It is politically essential. The turbulence on the scene here is extraordinary and we will have Blaney and co. working things up over the week-end.

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Ambassador: I'm afraid my light has gone out. I will report everything you have said and see if we can come up with something.

Despite the content of the conversation, the tone was extremely cordial, on both sides, throughout.



Dermot Nally

19 November 1987.

Copy to: Mr Noel Dorr, Secretary, Department of Foreign Affairs.

Mr Joe Brosnan, Assistant Secretary,  
Department of Justice.