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# ROINN AN TAOISIGH

Subject to Verification

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PERSONAL AND SECRET

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Meeting between the Taoiseach and Prime Minister Thatcher  
Copenhagen, 4-5 December 1987

The Taoiseach met the Prime Minister in Eigtveds Pakhus where the European Council was being held, following the conclusion of the afternoon session of the Council at 7.05 p.m. The meeting lasted for approximately half an hour. It was attended by Mr Charles Powell, the Prime Minister's Principal Private Secretary, and the undersigned. These notes are in direct speech but do not reproduce the conversation verbatim.

Prime  
Minister:

I am extremely upset by your moves on extradition. They are a step backwards. We have been working a system for 20 years or more and here now I find that it is changed without consultation. My Attorney, Paddy Mayhew, tells me that there is no way his documentation can be kept out of the Irish courts. He says that previous cases have been thrown out by the Irish courts for all sorts of frivolous reasons. One case was thrown out because documents were not stapled together. I can see a time when our Attorney General would be called before an Irish court to answer to it.

I am very angry about all this. My feelings go deeper than anger. He tells me there may never be another extradition case again. I know now from what you told me that you have extreme difficulties with your people, but where are they living? They are going back to the black and tans - or is it 400 years ago? The way they act shows the way an Irish court would behave with our Attorney General.

I did not have to sign the Anglo-Irish Agreement. I could have got by without it. The only thing it has brought me is criticism and bad blood with the Unionists. I had thought that if we operated it for a time, we could calm their fears: that has not come about. The Nationalists are quite glad about it. I though we could build on all that.

Then we get this! I appreciate your problems. I know the level of crime you have in Dublin. I know your Gardai have difficulties. There is a level of Provo support which can provide safe houses in many areas. What is going to happen now is that we will not get extradition and your courts can look through Paddy's warrants.

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Taoiseach: I am sorry you feel so strongly. I can see you feel anger.....

Prime Minister: It is not anger. It is far deeper than that. The whole thing has suddenly collapsed.....

Taoiseach: I will take your last point first. On security, which was one of the reasons for the Agreement, you are getting more than I would ever have thought possible. One of the things I did recently was to send the new Garda Commissioner to see Jack Hermon.

Prime Minister: Yes, there is an enormously better relationship.

Taoiseach: I sent him up to straighten things out.

Secondly, we mounted recently the most massive security operation in the history of the State. We have uncovered lots of things. We found two big dug-outs, one on the east coast and one near Gort in Galway. These were very large affairs which seemed to have been intended for the Eksund shipment. We also found some arms and a number of escapees from the Maze.

Prime Minister: Yes, and the man who kept the dentist: that was a dreadful thing.

Taoiseach: All that is far more important than the legalities involved in the European Convention on the Suppression of Terrorism. You are getting full co-operation in that area; and in the legal area, the political plea can no longer be used to prevent extradition. I was left with that problem. If Garret FitzGerald had put through his legislation 12 months ago things would have been easier. There was 12 months delay when I came in.

I sent our Attorney General to Mayhew to keep him informed. I want to get over this procedural thing and get all administrative difficulties out of the way.

Prime Minister: Administrative!

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Taoiseach: We had always understood that the Attorney's Certificate would be sent.

Prime Minister: Yes - informally.

Taoiseach: Your fear was that your Attorney General would be brought before an Irish court.

Prime Minister: We have a very full objection to that.

Taoiseach: We agree with you. We have not done this thing unilaterally. We have kept you informed all along and we have consulted fully. This is not a unilateral operation. We have said that we will leave your Attorney out of the picture altogether and we have framed our legislation very deliberately with that in mind. The only person involved, if he is to be involved at all, is the Irish Attorney General, not the British Attorney General. We are very conscious of the dignity, status and susceptibilities of the British Attorney General.

Prime Minister: I have said this! (implying that the Attorney did not accept what she was saying?)

Taoiseach: What we want is minimal. Our requirements are that the very least should be done that will enable the system to work.

Prime Minister: Once you have put it in statute, the courts will look at it.

Taoiseach: Nobody could claim that the existing system works satisfactorily. We have had continual fracas outside court houses. People have been arrested and then released and then re-arrested. That is not very satisfactory. We must straighten all this out. I am not saying that what we are doing is fool-proof but that is what we are trying.

Prime Minister: There is no way you can court-proof what you are doing.

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Taoiseach: You know the Kane case. A warrant was sent by fax and this caused problems in the courts. We want to stop that sort of thing and get the documentation in order as far in advance as possible. I guarantee that our people will deal with this issue satisfactorily and expeditiously.

Prime Minister: One other thing. We are a least favoured nation....

Taoiseach: You are the most favoured nation.

Prime Minister: You are not backing our warrants.

Taoiseach: But we do continue the backing of warrants system. Our Act is framed negatively. The Garda Commissioner will back a warrant unless he is told by the Attorney not to. In the vast majority of cases that is the way it will happen. Maybe some cases will have to be looked at in more detail but they will be few. We will look at the Certificate with your people - but bear in mind that our legislation is negatively framed.

Prime Minister: Why do I even try!

Taoiseach: Keep trying. You are one of the most able politicians. In the Council you want binding and effective budgetary discipline. Apply the same thing here.

Prime Minister: I worked very hard at the Anglo-Irish Agreement. We thought we were getting better security.

Taoiseach: You are getting better security - far better than you have ever got.

We are not sure if the recent operation uncovered everything. We understood that there were previous shipments but there were previous finds in 1986 in Leitrim, for example, and on the Welsh border.

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Prime  
Minister:

I know how the newspapers are selling all this. They are treating our relationship with Chirac very badly. Our papers are simply terrible.....

Taoiseach:

I am certain that we can make the new extradition arrangements work. We will do anything to remove anomalies. Our Attorney's offices can arrange things before anything goes to court. Anyway, if the thing does not work satisfactorily we will review it in 12 months and come to new arrangements.

Prime  
Minister:

I was asked in the House of Commons why I did not reciprocate. Our whole object is to make extradition easier. We will be revising our arrangements with Spain to get rid of difficulties. They say that you are making it too tough to extradite. We have got to stand together against terrorism.

Taoiseach:

Look at this fellow we have (O'Hare). We want to make it work. We are keeping the existing system of backing warrants. I am prepared to admit that there will be a new safeguard procedure. But you have the Convention on Terrorism.

Prime  
Minister:

Against the background of Enniskillen and the Eksund.

Taoiseach:

I would ask you to exercise your authority with your law officers. Don't say we did this unilaterally or broke faith. Give the new system an opportunity and we will see that it does work properly.

Prime  
Minister:

We will try it: we have no option.

Taoiseach:

There are two ways. You can do it in good faith and with full co-operation from the Attorney's office, and then it will work - backed up with massive security co-operation. It is no good if we can get them but the process then breaks down. What is more important than all this is actual security co-operation on the ground.

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There then followed some general discussion which was notably more friendly and relaxed than earlier in the meeting. The lines of the briefing to be given to the press, of which a copy is attached, were agreed.

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5 December 1987.

Copied to: Attorney General,  
Noel Dorr, Secretary, Dept. of Foreign Affairs  
Joe Brosnan, Dept. of Justice  
M. Russell, Attorney General's Office.

EUROPEAN COUNCIL, COPENHAGEN, 4/5 DECEMBER, 1987

Meeting between Taoiseach and Prime Minister

The Taoiseach and the Prime Minister met in Copenhagen this evening to discuss current issues in Anglo-Irish relations.

The Prime Minister, while welcoming Irish ratification of the ECST, expressed concern about recent changes to existing extradition procedures between the United Kingdom and the Republic of Ireland. The Taoiseach outlined the assurances he had given in the Dail that it was the intention of the Irish Government to make the new arrangements work satisfactorily and that if any difficulties should arise, the procedures would be further reviewed.

The Prime Minister and the Taoiseach agreed to maintain and strengthen further the cooperation between the two Governments against terrorism.

They also had an exchange of views on the operation of the Anglo-Irish Agreement.