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*PSM, PSS
Mr Nelbo,*

12 November 1987

*1. Mentioned to
Taoiseach
2. Mr. [unclear] in [unclear]
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16.11.87*

Mr. Des Matthews
Secretary
Department of Justice

Dear Des

The Joint Secretary, Sean O hUiginn and I met Tony Stephens, Deputy Secretary, and Bill Innes, Under-Secretary, at the NIO today to discuss the agenda for the forthcoming special Conference. Mark Elliott, the British Joint Secretary, was also present.

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pe
Paul*

We used the occasion of the meeting to try to establish what the British side's present thinking was on what form the discussion on security co-operation was likely to take and what specific issues were likely to come up. Stephens made it clear, at the outset, that his side had not yet had an opportunity to sit down with Ministers to discuss the Conference agenda nor had they had time, since the decision to seek the meeting, to think very much about the content. Accordingly, ideas emerging at this stage have to be taken as tentative, though I believe that they represent the sort of briefing that these senior officials are likely to present to their Ministers.

Stephens thought that the starting point of the discussion would be the three recent events that had been the subject of the adjournment debate in the Dail on Tuesday i.e. the O'Grady kidnapping, the Eksund arms shipment and the Enniskillen bomb tragedy. He said that his side greatly appreciated the Taoiseach's message of sympathy and condolence and were particularly struck by the promise that everything possible would be done on a joint basis to bring the perpetrators to justice. (He seemed to lay particular emphasis on the reference in the message to working together.) They had thought about whether it would be useful to convene a meeting of the 'quadripartite' group before the Conference but had concluded that, since such a meeting was unlikely to have a structured agenda at this point, it might not be appropriate - though he thought that, depending on the outcome of the Conference, a quadripartite meeting might be necessary fairly soon thereafter.

It was clear that the British side regard the Eksund affair as a matter of major consequence and the revelation that there might have been previous shipments (that got through) was seen as "especially worrying".

Nearly, the British side believe that this particular affair and the 'fall-out' therefrom merits attention. In the course of subsequent exchanges, the idea that it might be worthwhile for both police forces to focus on the affair on a joint basis emerged. The kind of thing envisaged was that Ministers would request the two police chiefs to examine the implications of the affair, focusing in particular on what adjustments to agreed strategy would be required to deal with the new situation. There were various matters that seemed to merit co-operative action such as the desirability of an agreed set of facts (or hypotheses), whether actual or projected landing sites could be identified and, if so, whether there was something to be learned about the organisation of the terrorists in those locations. There was also the idea that there ought to be a pooling of information in relation to the weapons involved, including reference to their sources etc. It was acknowledged, on both sides, that these were, in all probability, matters that were already being studied by the two police forces and that certain co-operative efforts in relation to the affair may already have taken place. There was a feeling, however, that this was the sort of occurrence that Ministers might like to turn into a specific project and, if so, it was thought that they might want to discuss the mandate to be given to the police and the general terms of reference for it possibly with a view to reporting back to the Conference.

The issue of the Eksund arose in the context of references to the joint threat assessment, the importance of which the British side again emphasised. They said Ministers on their side would probably wish to raise it again. It was a matter that was fundamental to the whole programme of measures under Article 9(a) of the Agreement. Mention was made of the fact that the agreed list of activists plus the "unagreed list" had been sent to the Commissioner on 21 October. The expectation of Ministers on the British side is that there would be a further discussion of this at the Conference with a view to agreeing, if possible, what should be done by way of follow-up action. Although the preference on the British side would be to have a fully agreed list, there is acknowledgment that the cause of the disagreement may be accounted for in a difference of interpretation about the definition of 'activist'. From what the British said, it would appear that there is a determination not to allow the unagreed portion of the assessment to detract from the importance of concentrating action on both sides of the border on what has been agreed. As Stephens put it 'the tail should not be allowed to wag the dog in this matter'.

The O'Grady kidnap affair has focused attention on issues relating to the organisation and training of the Garda Siochana and there may be some reference to this at the Conference - though we expressed the view that this might be premature in that (a) a full report on the affair has been called for and (b) it is too early in the tenure of the new Commissioner to expect him to have looked at issues of this kind. However, there was reference to the fact that the whole affair - and especially the criticism of the Garda that had been voiced - had focused attention on the capacity of the force to deal with organised terrorism as well as on the resolve and capacity of the terrorists themselves.

The British side expect their ministers to raise again the issue of communications between the British Army and the Garda. The recent bomb incident at Tullyhammond (Pettigo), where there was a command wire

stretching across the border, illustrated the potential problems which could arise. The British side made clear that they were not saying that there was any problem in the Tullyhammond incident, or in any other similar incident, that would have been solved if direct communication were possible; they were simply saying that, in situations of this kind, the idea that people should be running to telephones when direct radio communication was possible, was "a bit hard to take". They thought that there was now 'a window of opportunity' to get some action in this area.

Questioning by the RUC of suspects in Garda custody is likely to come up again. It would seem that there may be a difference of view about precisely what was agreed at the last Conference. The Chief Constable has told Stephens that he has 15/20 persons in mind who are in the South and whom the RUC wished to see brought in for questioning by the Garda. The RUC seem to be thinking of preparing an 'interviewing brief' that could be used by the Garda with the RUC present in 'the room next door'. Their Ministers, he thought, would want the legal aspects of direct questioning by the RUC looked at again by Working Group II.

In summary, therefore, the picture that emerged was that the British would wish the Conference to look at recent events which give cause for concern and the lessons that both sides can take from them in broad terms, with particular reference to a number of specific issues, such as questioning and communications, upon which they would hope to be able to make progress. They would also hope that the communique from the Conference would project the idea that there had been agreement on accelerating the pace of co-operation.

Later in the evening, in the course of a casual social contact in the Secretariat, the Chief Constable of the RUC, Sir John Hermon, mentioned that he appreciated the recent visit by the new Commissioner which he understood had been suggested by the Taoiseach. In relation to the forthcoming Conference, he expressed understanding of the difficulty facing the Commissioner, who would need time to familiarise himself fully with all aspects of his brief. In reference to current events, he showed an appreciation of the importance for the Garda Siochana of maintaining the present high level of support they enjoyed in the community and the need to keep the main body of the force unarmed. He again emphasised the importance he attaches to pre-emptive intelligence in the fight against terrorism.

Yours sincerely



N. Ryan

c.c. Dermot Gallagher, Assistant Secretary, Department of Foreign Affairs