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Statement by the Taoiseach, Mr. Charles J. Haughey, T.D.
on Anglo-Irish Relations in Dail Eireann
Wednesday, 17 February, 1988.

A Cheann Comhairle,

I move:

"That Dail Eireann takes note of recent developments affecting Northern Ireland and Anglo-Irish relations and re-affirms its determination to take any and all action necessary to ensure the full use of the procedures and structures set up by the Anglo-Irish Agreement and to secure the achievement of the goals of that Agreement"

I know that the House has been most anxious to have a further debate on the issues arising from the statement in the House of Commons on 25 January, 1988 by the British Attorney General, Sir Patrick Mayhew, on the Stalker/Sampson Report, and the judgement of the British Appeal Court on 28 January, 1988 upholding the convictions of the Birmingham Six. I thought, however, it would be desirable to defer a debate until after the adjourned meeting yesterday of the Special Intergovernmental Conference had concluded. I am grateful for the co-operation and patience shown by the House in deferring further debate until today.

In my statement I will also deal with my meeting with the British Prime Minister in Brussels on 12 February.

THE STALKER/SAMPSON AFFAIR

I have already outlined to the Dail in my statement of 28 January the sequence of events and the principal happenings in the Stalker affair but let me remind Deputies briefly of them again because of their importance as the background to the present difficulties.

Six men were shot dead and one seriously injured by members of

the RUC in three separate shooting incidents in County Armagh in the period November-December 1982. Five of those killed were unarmed and they were killed from close range. Weapons which were old, without bolts and useless, were found at the scene of the shooting of two others in a hayshed near Lurgan. It was established that the security forces had the hayshed under close surveillance for some time; and it has been suggested that these weapons may have been planted there by the security forces as part of a stake-out.

These deaths naturally caused the greatest concern in Ireland, Britain and elsewhere.

We have to contemplate a situation in which six people were killed by the police; and one seriously injured -all within three months. Of these seven victims five were certainly unarmed and there is reason to believe that the other two were innocent victims of a stake-out. False evidence was given at a trial and there was evidence of an official cover-up to hide an undercover operation on the territory of this State. Police inquiry followed police inquiry at the insistence of the DPP but no report was ever published. A senior British police officer appointed to clear up the matter says publicly that he was obstructed at a very high level; and at the height of his enquiry he was removed in circumstances which strain credibility. Now in a statement to the House of Commons the British Attorney General has announced that evidence does exist sufficient to warrant prosecutions against members of the police for perversion of the course of justice. But he has also said that, following consultations with unnamed persons, it has been decided that no prosecutions will be taken for reasons of national interest; and the report will not be published.

It would, I think, be an under-statement to describe this sequence of events as 'remarkable'. And it would certainly be extraordinary if the Irish Government which has such a direct and vital interest in peace, stability and the rule of law in this island, North and South, were to consider the present

situation satisfactory. We simply do not.

RECENT MEETINGS

As the House will be aware, the Government decided on Tuesday, 26 January, that because of the serious implications of the British Attorney General's statement for public confidence in the administration of justice in Northern Ireland and for cross-border security co-operation, they would seek an immediate special meeting of the Intergovernmental Conference for the purpose of clarifying the issues involved. The Government's concerns were put to the British Government, through the British Co-Chairman of the Conference, Mr. King, on 2nd February in Belfast and at the resumed meeting of the Conference, held yesterday also in Belfast. The two Ministers who represented the Government at these meetings, Mr. Gerry Collins, Minister for Justice and Mr. Ray Burke, Minister for Energy and Communications, also had the opportunity of an informal meeting with Mr. King and his Minister of State, Mr. Stanley, in London on Wednesday, 10 February.

MEETING WITH THE BRITISH PRIME MINISTER

I also had a meeting with the British Prime Minister, Mrs. Thatcher in the margins of the European Council in Brussels on 12 February. At that meeting, I conveyed the deep concern and the emotion aroused in Ireland by the developments of the Stalker/Sampson Report, the Birmingham Six case and related matters and the importance I attached to an adequate response to the views and proposals put forward by the Irish side at the Special Intergovernmental Conference on 2 February. The Prime Minister stated that the formal response of the British Government would be provided through the Conference by Mr. King. She listened carefully and courteously throughout to the views I put forward; confirmed her view of the importance of the relationship between the two Governments; and made it clear that she considers the Anglo-Irish Agreement the best hope for the future. I said that I considered the response by the British Government so far to be unsatisfactory. The Prime Minister accepted that this was my view.

OUR CONCERNS

The issues that we put to the British side at the first meeting of the Conference were:

- that the Stalker/Sampson Report be published;
- that the decision not to prosecute RUC officers identified in the Stalker/Sampson Report against whom there is evidence of wrong-doing should be explained and the decision reconsidered;
- that there must be a response on the absence of consultation in the Conference prior to the announcement by the Attorney General that there would be no prosecutions in the public interest;
- that a full report should be provided on the covert operation by members of the Northern security forces in our jurisdiction on the night of 12 December, 1982;
- that the trust and confidence which must exist between two police forces engaged in security co-operation has been seriously damaged;
- that the Home Secretary consider the use of the wide-ranging powers available to him in regard to the Birmingham Six;
- that there be an awareness of the importance for extradition of the handling of both the Stalker/Sampson affair and the Birmingham Six case because of the effects both these issues have on confidence in the administration of justice and on public confidence; and that the requirements of the 1987 legislation be met.

The response to these proposals was from our point of view inadequate. We have been told that the Stalker/Sampson

Report will not be published; and that there will be no reconsideration of the decision on prosecutions. Nor has there been anything in the nature of a positive response to our concerns about the Birmingham Six.

On the other hand some progress has been made on other matters. I understand that Mr. King will be making a statement in the House of Commons this afternoon dealing with the possibility of disciplinary charges and with changes in the structure and control of the RUC. The Minister for Justice will intervene later in the Debate on this aspect.

With regret, I have had to conclude that no progress has been made on matters of grave concern to us. We have reached an impasse for the present on these issues.

Overall Anglo-Irish relations as such are not at an impasse. There can and must be progress on other important aspects of Northern affairs in discussions in the Anglo-Irish Conference, such as Fair Employment and other matters of very direct and practical concern to the nationalist community in Northern Ireland.

PROBLEMS OF CONFIDENCE

I think it necessary at this point to explain clearly and in some detail to the House just why it is that we say the response on some of the main issues which we raised is unsatisfactory. The Government believe that confidence has been seriously eroded; and they believe that they should have been entitled under the letter and the spirit of the Anglo-Irish Agreement to be informed and consulted in advance of the Attorney General's statement on 26 January on issues which have such a critical bearing on mutual trust and confidence as between the two Governments, between the police forces North and South and between the nationalist community in Northern Ireland and the authorities who administer justice and who operate security policy. This was not done.

It is argued by the British Government that the

Stalker/Sampson Report is a police report and, to quote an answer which Mr. King has given in the House of Commons on a number of occasions, "police reports of this kind are not normally published". It may be that police reports are not normally published. But these are not normal circumstances.

It is said to us that in considering issues of the public interest and of national security the British Attorney General acts and must act alone, that he is not subject to political direction and that he would refuse political direction if it were given. It would not be appropriate for me to comment on this view of the British Attorney General's role. That is an internal British matter. Our concern is that there is an Agreement. It is not an Agreement with the Northern Ireland Secretary of State. It is an Agreement with the British Government. It cannot be acceptable to us that matters which are of vital political importance, and in which our interest is formally recognised under the Agreement, should be unexplained or unexplainable because, we are told, they are within the remit of the Attorney General's quasi-judicial role and a matter exclusively for him.

It is said too that the British Attorney General acts in this and similar cases in a manner described as "quasi-judicial". That in itself indicates that there is a political as well as a legal content to his consideration of these matters. In fact, in his statement he acknowledges that he went outside the legal and judicial area and took political considerations such as "public interest" and "national security" into account. The Attorney General has consulted others on these aspects. In his statement to the House of Commons he stated:

"I have consulted. It is the right of those whom I consulted to indicate to me matters that in their view bear upon the public interest".

Quite clearly this brings his statement and the decision into the political arena and amenable to the political process.

Under the terms of the Anglo-Irish Agreement the Irish Government too have clear and explicit rights in this matter and these rights have not been met. Under Article 2(b) of the Agreement for example

"The United Kingdom Government accepts that the Irish Government will put forward views and proposals on matters relating to Northern Ireland within the field of activity of the Conference In the interest of promoting peace and stability, determined efforts shall be made through the Conference to resolve any differences'.

This is clearly a matter "within the field of activity of the Conference". Indeed, it goes to the heart of a major issue addressed by the Conference - the need to ensure that the security forces and the system of administration of justice in Northern Ireland are such that they can command the support of both communities. Yet, despite these explicit provisions, despite our additional interest arising from the subsidiary matter of an undercover operation on our territory and despite expectations raised by past comments by British Ministers at the Conference and in Parliament there was no consultation -there was not even an advance text before the Attorney General made his statement in the House of Commons on 26 January. We simply learned after the event that although there was evidence sufficient to warrant prosecutions for perversion of the course of justice, the Attorney General had held "consultations" and as a result the DPP in Northern Ireland, who acts under his aegis, had decided that no prosecutions would be brought. This, it appeared, was to be the end of the matter as far as prosecutions were concerned; and the report which had been so long in the preparation, would not be published.

I have to say - and I have said - the matter cannot be allowed to rest at that. It is not enough to speak of the position of the Attorney General; or that he himself must be the sole judge of who should be "consulted" on a matter where

his consultations clearly extended beyond purely legal issues into the political field.

EXTRADITION

The Stalker/Sampson affair and the Birmingham Six case also impinge in a very direct way on extradition. Although neither case itself involved extradition, both cases nevertheless have clear implications for confidence in the administration of justice and in the prospects of fair treatment for Irish people who might be extradited to Britain or the North. Extradition is an issue about which there has been widespread and increasing concern in this country. The major concerns have been that extradition should not be unreasonable or arbitrary and that a person who is extradited should get a fair trial in the requesting country. The events of the past few weeks have demonstrated how well-founded these concerns are.

It was to meet these concerns that the Government introduced the Extradition (Amendment) Act 1987 so as to provide vital new safeguards for our people in our extradition arrangements with Britain and Northern Ireland. The principal safeguard, now enshrined in our law, is the requirement that the Attorney General must form an opinion concerning the existence of a clear intention to prosecute on the part of the requesting authorities and the evidential basis for such an intention. The Attorney General, after he has completed his consideration of each case, is required to give a direction to the Commissioner of the Garda Siochana not to endorse an extradition warrant unless he is of the opinion that there is such an intention and that this intention is founded on the existence of sufficient evidence.

The exercise of this important new function, is under the Act, a matter for the Attorney General and it is for him to consider in each case the information which he deems appropriate to enable him to discharge his statutory obligation. On the 17th December last the Attorney General wrote to the British Attorney General confirming the

requirements of Irish law under the new Act.

Notwithstanding this the Attorney General was informed by the British Attorney General that the latter would not provide any material relating to the evidence forming the basis for the British prosecuting authority's intention to prosecute.

I have been informed that warrants in a number of cases to which the 1987 Act applies have been received. I am informed by the Attorney General that a confirmatory note from the British Attorney was received by him in respect of one case but the absence of any material relating to the evidence in any of these cases means that the provisions of the 1987 Act have not been complied with. The present position is that no warrants to which the 1987 Act applies have, as yet, been endorsed. The implications of this situation are, of course, quite serious. If the British Government persists in refusing to operate the new procedures in accordance with Irish law, and the Attorney General does not receive the necessary information, extradition will not be possible at all in cases covered by the new Act.

I want to give this House a solemn assurance that the new Act passed by the Oireachtas in December last will be strictly adhered to and the safeguards provided for will be fully implemented. The exercise of his functions under the Act is entirely a matter for the Attorney General and I have every confidence that he will exercise those functions fairly and effectively.

I also wish to remind the House of my announcement in December that it is the intention of the Government to monitor the trial of persons who are extradited from this country.

Extradition is a very important instrument in the fight against serious crime and international subversion. Extradition is also an inherent part of the international rule of law as it is applied between civilised and democratic States.

It would not be a solution to anything to allow extradition to remain inoperative. Indeed to do so would create a grave problem in itself. The prudent, practical course is to have extradition but only to have it subject to reasonable and effective safeguards in the interests of Irish citizens. As I have already pointed out, these safeguards are now in place following the enactment of the Extradition (Amendment) Act, 1987 and it is on the basis of these safeguards, or not at all, that extradition will proceed. That represents a balanced rational approach to the needs of the situation. It is the approach adopted by the Government and the Oireachtas, as is our right.

THE PREVENTION OF TERRORISM ACT

I should also like to mention briefly another matter - the controversy about the intentions of the British Government in regard to the Prevention of Terrorism Act which cloud the atmosphere further.

Since the Act was first introduced in 1974 it has been renewable annually and it has been replaced by a wholly new Act every five years. The current Act is due to lapse in 1989 and it is expected that a new Bill will be introduced in the British Parliament to replace it. The Government have been informed that the present intention of the British Home Secretary is to propose that the Act will continue to be titled formally The Prevention of Terrorism (Temporary Provisions) Act and should continue to be renewable annually, but that the provision for replacement of the entire Act every five years should be removed.

The Home Secretary's statement in the House of Commons last night was a first reaction by the British Government to the report of the person appointed to review the Act, Lord Colville. The Government have already expressed views to the British Government and to the reviewer, Lord Colville, on the content of the Act and on its day-to-day operation in Northern

Ireland and in regard to Irish people in Britain. We have been assured by the British Government that we will have an opportunity for full discussion of their intentions before new legislation is introduced. It should be realised that whatever about the purposes of this legislation, its implementation has been discriminatory and insensitive and has caused widespread resentment among law abiding Irish people who rightly or wrongly view it as racist in its operation.

SECURITY CO-OPERATION

I come now to the issues of security and security co-operation. I want to make our position absolutely clear. Responsibility for the security of this State and the obligations in the security field which we have towards our neighbours in Northern Ireland rest fundamentally on the Garda Siochana and Defence Forces. The Garda Siochana is the Police Force of this State and as such is responsible under our Laws and Constitution to the people and Government of Ireland. It is not in any sense an Anglo-Irish Police Force.

The resources that we as a State have committed, and are committing, to the security area in general are in place because it is our judgement that they are necessary in the interests of all of the people who live in this island. We have put, and we retain, these resources in position, despite their very heavy cost, because we believe that it is right and necessary to do so. Our commitment in this area is freely given, in the common interest of society, North and South, to ensure that the forces of terrorism - whether domestic or of international origin - will not prevail. I want to emphasise that our determination and resolve to do everything in our power to defeat the men of violence and to maintain democracy and the rule of law will in no way be lessened by the unfortunate events and difficulties of recent weeks.

To be effective, however, co-operation in any sphere demands trust and confidence between those who co-operate. Trust and confidence of a very high degree is most certainly an essential requirement between two Police Forces who are

engaged on co-operation as sensitive, as complex and indeed as dangerous as that engaged on by the Garda Siochana and the RUC. Any sensible and responsible person must acknowledge that a certain amount of damage has been done to our common security concerns by the developments we are discussing.

The events leading to the Stalker/Sampson Report and the controversial removal of Mr. Stalker from his enquiries at a particularly crucial stage, have cast a shadow over the reputation of the RUC for some time past. But relationships between the two Forces did improve over recent years because of our expectation that the Stalker/Sampson Report - when it eventually came - would clear the air.

The clear expectation, encouraged by numerous exchanges on the matter between Ministers and senior officials was that all issues arising from the alleged shoot-to-kill incidents would be publicly aired, that those culpable in any wrong-doing would be identified and brought to justice and that the clearest possible signals would go out that events of the nature complained of could never again happen or be countenanced. To the extent that it has now become clear that this will not happen, all the doubts have surfaced again and may indeed have intensified.

I am well aware of the appalling casualties suffered by the RUC. Over 250 members have been killed or murdered, often in cold-blooded and callous circumstances, and hundreds more maimed or seriously injured. I understand the suffering and loss endured not just by the victims but by the widows and families, colleagues and friends. I am aware too of the determined efforts of the RUC in recent times to apply more evenhanded policies, for example in the control of parades. These things were securing for the Force a level of acceptance. For this reason the recent decisions about the Stalker/Sampson Report, which do so much to undermine this acceptance, cannot be in the ultimate interest of the RUC itself. Confidence has been eroded, or possibly it might be more accurate to say, confidence in those who have

responsibility for these matters has been eroded.

This has very real implications for the Garda Siochana. The Garda Siochana here enjoys virtual total community support. This is one of the most valuable assets that any police force can have. It cannot be allowed to be endangered. A loss of confidence is not something that can be restored by direction -it is not possible to compel one force to have confidence in another or to give that full measure of confidential co-operation which should exist. These things come only from motivation based on trust in the standards and integrity of the other side.

It has been publicly stated that disciplinary proceedings may be considered, involving certain members of the RUC, arising out of findings of the Stalker/Sampson Report and that certain structural changes may take place. We will observe any changes under these headings and see what impact they may have on the restoration of trust and confidence between the two Police Forces.

In the security area, we have two priority objectives:-

- (i) the protection of the security of this State, and
- (ii) the protection, to the utmost of our ability, of the interests and security of all the people of Northern Ireland.

It is those objectives that dictate cross-border co-operation. It is obviously in the interest of both communities that this co-operation should be as effective as possible. Only the men of violence stand to gain from anything less.

As a civilised State we have an obligation to defeat the forces of terrorism and subversion and we will discharge that responsibility.

CONCLUSION

These then are our concerns. I have tried to give the House as clear an account as possible of just how serious they are and on what they are based; how far they have been met; and more significantly how far they have not been met; and what I believe our policy must be in face of this situation.

These concerns are, I believe, widely shared, in Northern Ireland and in Britain; and they are well understood and shared abroad by news media and others who take a serious interest in Northern Ireland and in Anglo-Irish relations.

I believe that the debate in the European Parliament last week was also a remarkable manifestation of European opinion as well as considerable moral support to the position of the Irish Government on these issues.

Let me say before concluding, how important it has been that the Government in presenting our case to the British Government were able to count on the full backing of this House. The Leader of the Opposition Deputy Dukes made it clear in the debate we had on 28th January, that he found the decision of the British authorities not to bring prosecutions for perversion of the course of justice, "astounding". He felt too that disciplinary proceedings would "not respond to the concerns that have been expressed in this House and elsewhere".

Likewise, Deputy O'Malley in the same debate said that the announcement of the British Attorney General "leaves in place within the RUC force in the North a cadre of police officers who are known to have perverted the course of justice and to have organised perjury and misinformation on a massive scale." He too thought that mere disciplinary action would be completely inadequate. Deputy Spring has also been strong and firm in asserting that what has happened is unacceptable.

The support in this House has done no more than reflect the strong feelings of Irish public opinion on these issues.

We want to see the present difficulties resolved to our satisfaction in the interests of political progress in Northern Ireland.