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SPEAKING POINTS IN REPLY TO UUP

There are some points made by Ken Maginnis in his contribution to which I promised to reply.

Before dealing with those points, I would like, by way of general comment, to repeat that the Irish Government is fully committed to the process of security co-operation as a weapon with which to defeat terrorism. The evidence of that commitment is to be seen on the ground and in our legal system. There should be no doubt about that and I believe I was able to detect at least a partial acknowledgement of that fact in much of what Ken Maginnis did say. I am grateful for that and for what he said both last week and previously about the Garda Síochána.

ARMS SHIPMENTS

Among the things Ken Maginnis mentioned in his contribution was arms shipments and the use that is made of them. Experience has shown that the successes which are achieved are the product of vigilance on both the domestic and international level. That is as true of illegal importations of firearms as it is of drugs.

Ireland is a small country. It does not have a foreign intelligence capacity of the kind which larger countries have. That means that, in terms of intelligence that can be garnered at the international level, we are largely dependant on friendly countries to provide the information in these matters on which we can operate.

The Gardai, of course, have their own capacity to secure intelligence at the domestic level. They have had their successes and those successes have contributed to preventing attempted importations of arms and discovering arms which have found their way onto our territory. But the reality, of course, is that we are an island and opportunities will always exist for illegal importations of this kind on both sides of the border - as have occurred. We, for our part, will continue to do all that is in our power to safeguard against our territory being used for such purposes but no country can ever guarantee complete success in this regard.

I am also forced to take up the suggestion that he made that there was - and I hope I am quoting him accurately - "a paralysis in the South" in the face of the revelations which followed the capture of the Eksund. That, of course, was not the case. The Government of the day - of which I was a member - reacted quickly and decisively to those revelations. A senior member of the Gardai was immediately sent to France to liaise directly with the French authorities investigating the seizure and, within a short period of time*, the largest search operation ever mounted in the State - Operation Mallard - was launched by the security forces.

The Garda Siochana have maintained the commitment that operation represented in the period since then through an ongoing programme of planned searches which have succeeded in depriving the Provisional IRA of substantial quantities of weapons and explosives - over 1000 firearms, 300,000 rounds of ammunition, and 1200 lbs of explosives since the period in which Operation Mallard was launched.

* The Eksund was seized by the French customs authorities on 30 October, 1987. Chief Superintendent Crowley (later Garda Commissioner) and another senior Garda officer went to Paris to liaise directly with the French authorities responsible for the investigation on 3 November. Operation Mallard was launched on 23 November.

UUP PAPER ON THE INTERNATIONAL DIMENSION OF TERRORISM AND THE RULE OF LAW

I should refer at this point to the paper submitted by the UUP on the subject of the international dimensions of terrorism and the rule of law. I must confess that I am a little uncertain as to the relevance of that paper to our present deliberations.

What I will say, however, is that the Irish Government use every opportunity which arises to impress on the Libyan Government and its representatives our total opposition to terrorism. The Libyan authorities are fully aware of the Government's condemnation of any assistance to groups engaged in terrorist activities, including the PIRA, and of the vital importance of recovering weapons and explosives which have previously been provided to the Provisional IRA. That, I know, has also been the approach of the British Government.

The Irish Government also will, both nationally and through the Twelve, continue to give full support to the measures being taken by the United Nations with regard to Libya.

"RIGHT OF A COMMUNITY TO DEFEND ITSELF"

There was another remark Ken Maginnis made which, if my notes are correct in this regard, somewhat surprised me. That remark was to the effect that it "was not helpful to deny that a community has the right to defend itself". That, in my view, is a dangerous suggestion which is capable of being interpreted by people to justify all sorts of activities. The defender of the community is a badge which all the terrorist groups in the North purport to wear.

UUP PAPER ON EXTRADITION

We have already dealt with the subject of extradition in the course of the opening statements but a number of points would seem to bear repetition in the light of the paper which the Ulster Unionist Party submitted on the subject.

I feel I have to respond to that paper but am uncertain as to how far I can properly go as it would appear the document was originally prepared in contemplation of legal proceedings of some kind, possibly before some body such as the European Court of Human Rights. I am forced to that conclusion by the reference to "the applicants" on page 19. While I am not aware of any such proceedings having been instituted, I need to be careful in what I say if proceedings are contemplated.

The nature of its origin may, however, also help explain the distorted picture it paints. It was quite obviously intended to support a particular case and argument without any concession to objectivity.

A truer picture would show clearly that persons sought for terrorist related crimes have been extradited from Ireland to both Northern Ireland and to Britain and that such persons have also been successfully prosecuted in Ireland under the Criminal Law (Jurisdiction) Act.

It would also show that Northern Ireland and Britain have a special status in the Irish extradition code. For the purpose of those jurisdictions, the legislation provides for a simplified procedure based on the backing of warrants. The legislation which governs that procedure also provides for the extradition of our own citizens in contrast with the position in much of Europe.

A truer picture would show that our extradition code accords with the highest European norms in the manner in which it deals with the political offence exception. Ireland ratified and has given effect in full to the European Convention on the Suppression of Terrorism. It has given it effect without recourse to the reservation permitted under the Convention itself, one of only eight countries to do so. The remaining thirteen parties to the Convention have entered reservations, the effect of which is to preserve the possibility that offences covered by Article 1 of the Convention can be regarded as political offences in certain circumstances.

Those facts are enough in themselves to dispose of the flawed argumentation employed in the paper.

MATERIAL FOR RESPONSE TO POSSIBLE SUPPLEMENTARY QUESTIONS

(FOR USE IF NECESSARY)

[Mr. Maginnis might in turn look for comment on certain other points he made in his contribution. If that is the case, the following material might be used.]

Overflights/Incursions

The position in regard to overflights is that all countries expect the sovereignty of their territory to be respected particularly in regard to overflights or incursions by military personnel - we are no different in that regard.

Road Closures

[Mr. Maginnis suggested that we should contemplate measures such as the seizure of JCBs etc..]

Anybody who has visited the border areas will know that the issue of road closures is a matter of particular concern to the communities affected. It is clear that some closed roads are causing immense difficulties for Catholic and Protestant communities along the border and have resulted in significant social and economic disruption. For that reason, we have sought with the British Government to find solutions to some of the difficulties involved by a variety of approaches.

We will continue to pursue that objective.

Security initiatives - Task Forces/Internment etc.

I am not sure that this is the appropriate place or time at which to enter into a debate on the value or otherwise of particular security initiatives. These are matters which are normally dealt with between the Governments.

I have heard what you have said and we, for our part, are always open to suggestions as to measures which will improve the ability of the security forces to counter the terrorist threat. That said I would also have to say that there are no easy solutions. Those of us with responsibility for such matters have to be convinced that measures which are proposed will prove effective and have to take account of the advice of the professionals in these matters - those who have operational responsibility.

If further pressed on individual items

[Task Forces]

The issue of "task forces" is a case in point. That is the sort of issue on which the advice of the police themselves would be given particular weight as there are arguments for and against the use or diversion of resources into specialised units of this nature. The Gardai do have a "task force" capacity and regard the existing arrangements for its deployment as representing the optimum use of that resource.

[Internment]

Internment is itself an example of the type of option which requires a whole range of factors to be balanced. It certainly did not work when it was last employed in Northern Ireland and clearly can, when implemented at the wrong time or in the wrong way, exacerbate a situation instead of providing a solution. It is not the sort of initiative which any Government - the world over - would embark on lightly.

Ken Maginnis

I listened to the way in which P. Flynn expressed his Government's position on terrorism and found little to disagree with in it. UUP have not been critical of Guards. I personally hold them in high regard, even though, like most police forces, including our own, there are weaknesses in their approach. However, there is sometimes a degree of ambivalence in the response of certain politicians, even in Government in South. I believe the security policy in South is reactive rather than proactive. During the 1980s many shiploads of arms were brought into the South and there appeared to be a serious gap in defences. And for a period afterwards there was almost a paralysis in the South. I acknowledge that large quantities of arms and explosives have been found but they represent less than a third of what came in and I would ask that Irish Government look at Unionist's perception of their reaction. Now I understand their reaction to the accusation that the Republic is a haven for terrorists and yet I can see those who are carrying out acts of terrorism here. To bluntly dismiss my fears is insensitive. I need to be reassured that action is being taken in your jurisdiction to protect my constituents and that doesn't always appear to be the case. We have a difficulty here, for we have to play a part in protecting our constituents. It's inconvenient to close some roads, or to have permanent patrol bases, but they are necessary. What we get, however, is a Minister or a politician hyping up the aggro in relation to bases which you have assisted in providing by providing the necessary cover. That encourages action committees to open the roads, and troops have to be sent, and there is mayhem. If the Guards were to impound the JCBs and hold them for a couple of weeks it would help. It's in little things like this that the greatest help can be provided.

A helicopter overflew the Irish Republic last night. Immediately politicians came out with the promise of vigorous protests at the next Anglo-Irish Conference. This is not helpful either.

Some people believe in a hot pursuit zone. I don't believe that you can operate successfully in unfamiliar terrain. I would prefer cooperation.

I was talking about perception of cooperation. A significant part of your response in the "task force". We were told about this at the time of the Anglo-Irish Agreement. Yet a short time later it disappeared.

The point of the higher cost of security in the South is because of scale. The South now is developing the same problem of criminality and drugs and car stealing as other European countries. I have noticed the increasing sophistication of Garda deployment, but it's not solely related to security.

It has not been helpful to deny that a community has the right to defend itself. No police service in the world is perfect

and there are some good people in our security services. The broad blackening of the security services here has been unhelpful and hurtful and has done damage. A community has the right to defend itself, and if it can't do so within the law it looks to people from whom it should be protecting itself.

There has got to be commitment and compromise. The worst thing is the latent identification with terrorists - the sort of thing which leads people to say "since our boys etc."

For the SDLP to say "we can't advise people to join the RUC" is not helpful. A more generous approach is possible surely.

There is one other aspect of this where we are totally dependent on the two sovereign governments, and this is the international dimension of terrorism. We look to the common commitment of the two governments within the CSCE process. We've got to find a way of agreeing how we deal with those from outside who damage our two countries.

I've tried to concentrate on attitudes and responses. I remember Michael Noonan, in a TV discussion with myself, saying "We have no ethical objection to internment - we've used it frequently" - but he then went on to explain why he couldn't justify it at the moment.

John Wilson tried to convince me that Articles 2 and 3 mean nothing to the terrorists. That isn't my perception. When the terrorist has nothing else to cling to, he clings to the constitutional imperative, and articles have been appearing in their newspapers demanding no change in Articles 2 and 3.

(end of Maginnis's intervention)