

NOTE OF DISCUSSIONS BETWEEN THE SECRETARY OF STATE AND THE IRISH MINISTER FOR JUSTICE IN IVEAGH HOUSE, DUBLIN ON 10 JANUARY 1934



The Secretary of State met Mr Noonan, the Irish Minister for Justice, in Dublin on 10 January to discuss security co-operation. The discussions were held at Iveagh House, the Department of Foreign Affairs, and lasted from 4 to 8 pm. The Secretary of State had a private meeting with Mr Noonan for about an hour, followed by a plenary session with officials, and a discussion over dinner. Those present at the plenary session and at dinner were:-

Secretary of State
HM Ambassador
Mr Bourn
Mr Angel
Mr Holt
Mr Lyon

Minister for Justice
Mr Ward
Mr Donnelly
Mr Lillis
Mr Kirby
Mr O'Leary

Private Meeting

2. The Secretary of State reported that Mr Noonan had been relatively cautious and unforthcoming at their private meeting. He had been most concerned that news of the meeting had leaked to the press and that they had appeared to be well briefed on the issues of police co-operation which were to be discussed. He believed the briefing had come from Belfast. Security co-operation was extremely sensitive for his government and the leaks had been embarrassing for him. If further reports of their discussion were to be appear in the press this would adversely affect his views on further meetings.
3. The Secretary of State said that he was sure no briefing had come from UK Government sources. But he could not prevent press speculation.
4. In further discussion, the Secretary of State reported that the following main issues had been raised:-

- (1) The Nangle Affair. Mr Noonan said that this was essentially a matter for the police and not for the government. But the incoming government had not been informed of a meeting between the Chief Constable, Mr Forbes, Mr Ainsworth, and Mr McLaughlin which he said had taken place in January 1983. This inevitably raised suspicions. He did not believe the Chief Constable had been as forthcoming latterly as he had been when the issue was initially raised with him. He suspected an Irish Times article published on 7 January 1984 had been based on briefing from the Chief Constable. This was embarrassing, and had further upset the Commissioner. The Secretary of State said that the RUC could only act on firm evidence and, despite requests, none had so far been produced. He hoped that Mr Noonan would appreciate that the UK authorities had taken this matter as far as they could on the material with which they had been supplied and that the Irish would not feel it necessary to continue to raise this matter in general terms at the most senior levels.
- (ii) Co-operation between Chiefs of Police. The Secretary of State said that it was difficult to continue to affirm good relations between the RUC and the Garda if the Chiefs of Police did not meet. He was prepared to ask the Chief Constable to write again to the Commissioner seeking a meeting, but the Commissioner had not even replied to recent conciliatory letters from the Chief Constable. Mr Noonan said that he did not believe co-operation was dependent on meetings between the Chiefs of Police. He did not rule out a meeting at some stage, at which he thought it better for his department not to be represented, but a good deal of water still needed to pass under the bridge before such a meeting could appropriately be held.
- (iii) Anti-terrorist Operations. Mr Noonan said that he thought Mary Holland had been wrong to suggest in a recent article that people in some areas of the Republic did not support

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the Garda in seeking out terrorists. But he accepted that Dominic McGlinchey had a network of safe houses, although he was confident he would be caught. He believed escapees from the Maze Prison had been active in the kidnapping of Mr Don Tidey. He referred also to recent information about a company which had received a ransom demand.

- (iv) Preventive Detention. Mr Noonan said that it would be difficult for his Government to introduce preventive detention. He thought anyway that the Secretary of State was against it. The Secretary of State said that this was not a matter of principle. Like proscription, the Government would wish to consider it very seriously for Northern Ireland if the Irish Government were to decide to introduce it in the Republic.

5. In conclusion, the Secretary of State emphasised that the current discussions were held in no spirit of criticism or point scoring. They were intended to see whether they could work more closely together to deal with the common enemy of terrorism. He hoped it would be possible to have a further meeting with the Minister in due course.

6. Mr Noonan did not rule out the possibility of a further meeting, but he emphasised the difficulties which such meetings held for him.

Plenary Session

7. The Secretary of State and Mr Noonan discussed the following subjects with officials present.

Police Co-operation

8. After discussion, the Secretary of State and Mr Noonan agreed on the following measures to enhance police co-operation:-

- (i) Regular meetings of Police Superintendents in border areas. The Secretary of State said that, following a re-organisation of RUC Divisions, operational matters were now dealt with in the RUC at sub-divisional level. Except in the Armagh area it would be necessary to nominate Superintendents to conduct liaison with the Garda in the other three border areas. He would arrange for these nominations to be made as soon as possible.
- (ii) Headquarters Liaison Officer. Mr Noonan agreed that, while border Superintendents could deal with liaison in these areas, it was desirable to nominate an officer at Chief Superintendent level in the relevant police headquarters to liaise on wider matters. It was important for the security of the Garda officer concerned, however, that the officer nominated should not be asked to exercise this function for long periods. The Secretary of State accepted the point.
- (iii) Periodic meetings of border Chief Superintendents responsible for the border area. It was agreed that the frequency of such meetings would be a matter for the officers concerned, but it was expected that they would meet about three to four times a year.

9. In conclusion, it was agreed that the Department of Justice would inform the Commissioner and the NIO would inform the Chief Constable of these arrangements. For the security of the officers concerned, no announcement should be made of the arrangements, and they should not be publicly identified. The Chiefs of Police should be asked first to nominate a headquarters liaison officer. It would be for him to activate liaison arrangements at Superintendent and Chief Superintendent levels in the border area.

Insurance for Ransom Victims

10. Mr Noonan said that the risk of kidnapping was increased if companies insured their senior executives against it. Such insurance was not available in Dublin, but he understood it could be

taken out in London. He hoped UK and Irish officials could consider bilaterally what action could be taken to prevent this. There was also an international dimension since similar cover was available from other insurance centres. This had been considered in the past within the context of the European Community (TREVI meetings). Whilst other countries had raised difficulties at the time, he thought the climate might now have changed, and that a fresh consideration by TREVI might be propitious. He hoped the UK Government would support such a proposal.

11. The Secretary of State said that he was content for the matter to be considered bilaterally. He believed such insurance was available in London. It was a serious matter and the UK Government wished to discourage it. But it would not be easy, particularly as similar insurance was available in such centres as New York and Tokyo. But officials could certainly consider whether the UK Prevention of Terrorism Act might be used to prevent such insurance. It would be necessary to consult colleagues in other UK departments.

Anti-terrorist Measures

12. The Secretary of State said that he would welcome an exchange of views and experience with the Irish on the effectiveness of measures which could be taken against terrorists and their political front organisations, particularly Sinn Fein. He was interested in such matters as the operation of the procedure whereby the offence of membership of a proscribed organisation could be proved on the statement of a police officer; the Irish powers to control access to broadcasting media; and the Irish Criminal Justice Bill. There was also the problem of preventing speeches intended to recruit support for terrorist organisations, which might involve developing the laws on incitement and redefining the nature of intent; the scope for reducing Sinn Fein's ability to exploit their constituency work; and dealing with fertilisers which could be used for home-made explosives

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13. The Secretary of State said that he had now decided that no Minister would agree to see any member of Sinn Fein or write to them. Any letters sent to Ministers from Sinn Fein would be dealt with briefly and curtly. Ministers would not normally agree to visit a district council if they knew a Sinn Fein elected member was to be present, although this would need to be considered further if it seemed that the result was to prevent a Minister visiting an area for an appreciable period of time. There was little evidence, however, that Sinn Fein elected members were seeking meetings with Ministers. The main difficulty lay in the handling of constituency work. Sinn Fein workers were proficient at representing those who might have an entitlement to a government benefit. In such circumstances, while every effort was made to deal with the applicant, some contact between Government officials and Sinn Fein workers was probably unavoidable. It was not possible to refuse to consider people's entitlement. One problem was that the SDLP had no effective alternative constituency structure in some areas. The Catholic Church were doing something to provide an alternative source of advice, and the Government were encouraging the development of citizens advice bureaux. The NIO had advised other Government departments on the handling of any approaches from Sinn Fein. He thought the Labour Party leadership were sympathetic to avoiding dealings with Sinn Fein, but there were others in the Labour Party who took a different view.

14. Mr Noonan said that he would welcome a discussion between officials on ways of restricting the effect of Sinn Fein's activities. There was not the same problem, however, about curtailing the effect of their constituency work since this was relatively undeveloped in the Republic and other political parties had well established machines. The major problem for them was preventing access to Ministers when Sinn Fein members could be part of a delegation, particularly if the meeting were to be held outside the department.

Dinner

15. In discussion over dinner, the following additional points were raised:-

- (i) Incitement. Mr Noonan said that at present it was not an offence to incite support for the activities of an unlawful organisation outside their jurisdiction. They were considering an amendment to their 1976 Act to make such an offence extra-territorial. The problem was that speeches were often made in coded language which were well understood by their listeners, but which made it difficult to bring a successful prosecution.
- (ii) Republican Newspapers. The Secretary of State asked whether some action could be taken against those who wrote for, or who published and distributed such papers as Republican News, which was produced and printed in Dublin. He hoped officials could consider whether further action might be taken. Mr Noonan said he was content for informal private discussions to be held on this. Republican broadsheets issued from Northern Ireland as well as from the Republic. The problem was that if one title was stopped, the same paper could appear under a new title.
- (iii) Broadcasting Media. Mr Noonan said that Sinn Fein were prevented from appearing in broadcasts by a Ministerial directive which had been confirmed in the Supreme Court. But the effect was lessened since the whole country could now receive UK broadcasts. While such broadcasts might alienate the majority, they had their effect if they were able to recruit some to the terrorist cause. The Secretary of State said that some programmes were helpful in showing terrorist front organisations for what they were; but he agreed that officials might discuss this further.
- (iv) Explosives. The Secretary of State said that the use of agricultural fertilisers in explosives was a particular hazard in patrolling border areas in Northern Ireland. But he recognised the difficulties of finding alternative acceptable fertilisers. It was agreed that, while a good deal of co-operative effort had been put into this

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issue in the past, it would be useful to consider it again, although neither side could hold out any hope of an early technical break-through.

Conclusion

16. Mr Noonan said that he was content with the arrangements for police co-operation which had been agreed in their discussions, and that officials should discuss as separate issues each of the counter terrorist measures which had been identified. But these measures should not be seen as forming a composite agenda for discussion; nor should the discussions be seen as establishing a permanent standing committee of officials to consider such matters. Such a structure would raise wider political questions which he did not think could be addressed at this stage.

17. The Secretary of State agreed that officials should discuss the measures separately. A standing committee would raise unionist suspicions and would therefore create political difficulties for him as well. It was not his intention that these discussions should necessarily lead to both countries taking the same or joint action. While they shared common problems, it would create difficulties for both sides if it were thought that action would only be taken jointly

Press Statement

18. Mr Noonan said that in view of the leaks to the press about their meeting, the press statement should say no more than that no details of the discussions would be made public.

19. The Secretary of State said that this could fuel speculation and increase pressure on both Governments, but in the light of Mr Noonan's views, he was prepared to agree to the non-committal statement Mr Noonan had proposed.

J. M. Lyon

J M LYON
Private Secretary

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