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MR BRENNAN

cc PS/Secretary of State (L&B)  
PS/Mr Scott  
PS/PUS(L&B)  
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Mr Angel  
Mr Buxton  
Mr Doyne-Ditmas  
Mr Merifield  
Mr Gilliland  
Mr Radcliffe  
Mr Boys Smith  
Mr Bickham

SECURITY COOPERATION WITH THE REPUBLIC

The checklist of measures circulated at Annex B to my minute of 21 December included the idea of an intergovernmental security council. The purpose of this minute is to set out this idea in more detail, so that we can consider it with colleagues in the context of preparing material for the Secretary of State's meeting with Mr Noonan on 9 or 10 January 1984.

2. The proposal stems from the exploration I was asked to make in PS/PUS's minute of 12 December of the ideas outlined in my minute to him of 9 December.

Security Cooperation - Objectives

3. There are four main objectives to be sought in security cooperation with the Republic:

- better policing, both North and South of the border;
- distancing terrorists from the community, so that they are seen as lawbreakers rather than "freedom fighters";
- to take advantage of the current mood in the Republic in favour of firm security action now, and thus to pre-empt the Forum report. This should help to prevent us being wrong footed by an Irish initiative which we might have to reject or which might saddle us with arrangements that would have disadvantages for us;

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- to secure arrangements which are politically feasible given majority opinion in the North;

4. Measures which best serve individual objectives are incompatible with other objectives. Thus, border policing and cross-border cooperation per se would best be served by concentrating upon and improving the kind of RUC/Garda cooperation which already exists. But this might well be seen as an inadequate response to the Forum's proposals. Again, while ideas for an all-Ireland police force and "Gardai on the Falls Road" might be an adequate response to the Forum, they would be unlikely to be feasible given majority opinion in the North.

Security Cooperation - Measures

5. The course of action that most closely accords with the four objectives taken as a whole would be the establishment of an inter-governmental (or Anglo/Irish) security council. In brief:

- a. an inter-governmental security council would be set up for Northern Ireland and the Republic;
- b. the Secretary of State and the Minister of Justice would be the joint Chairmen. The council would be small in number, no more than eight to ten all told. Half would be nominated by the Secretary of State; half by the Minister of Justice. The members would include the Chief Constable of the RUC and the Commissioner of the Garda. Other members could include, on our side, the Chairman of the Police Authority and the

Chairman of the Police Complaints Board. This would allow us to put pressure on the Republic to establish similar institutions. The council would have a small joint secretariat provided by the NIO and the Ministry of Justice;

c. the council would have regular meetings every three months, and special meetings would be convened when necessary, eg in the aftermath of a particularly serious incident with implications for both countries. The meetings would receive regular progress reports from the two Chief Police Officers on their cooperative activities and could oversee a continuing programme of work covering such matters as

- i. the establishment of joint units eg our Mobile Support Unit and the Garda Task Force might be merged into a jointly manned organisation for dealing with terrorist crime, and able in the prosecution of this task to work in both jurisdictions;
- ii. exchange of intelligence;
- iii. technical cooperation eg in training, forensic matters, control of explosives;
- iv. exchange of personnel

v. joint inspection arrangements;

vi. legal matters; including the oversight and review of arrangements for extra-territorial jurisdiction and extradition. In the longer-term there might be a criminal code applying in both jurisdictions, with its own set of jointly manned courts. At the start, of course, people arrested and charged would be tried in the relevant jurisdiction.

6. An inter-governmental security council would focus continuing attention at the highest level on the improvement of security cooperation throughout Northern Ireland and the Republic. Yet there would be no derogation of sovereignty on the part of the United Kingdom or the Republic. The RUC and the Garda would remain independent forces; the Chief Constable and the Commissioner would maintain their links with the Secretary of State and the Minister of Justice respectively. At the apex of police cooperation there would nevertheless be a body representing the full political authority of the governments of the United Kingdom and the Republic. The activities of the police in dealing with crime, particularly terrorist crime, would consequently be more easily seen as legitimate by all sides. In this way, the terrorist might be truly distanced from the community.

7. In the long run, it might be possible to set up a joint police authority for Northern Ireland and the Republic,

appointed by and responsible to the Secretary of State and the Minister of Justice. This would be a further institutionalisation of cooperation. But there would still be no infringement of the operational responsibilities of the Chief Constable and the Commissioner, or any derogation of sovereignty on the part of either the United Kingdom or the Republic.

Security Cooperation - Implementation of Measures to achieve Objectives

8. These are far-reaching ideas. They need further study and consultation with various parties both in London and Belfast eg the Chief Constable and the Chairman of the Police Authority (I have in fact briefly mentioned the idea to the Chief Constable; his initial response was favourable).

9. It is consequently too soon - and too dangerous - to come to Mr Noonan in January with a detailed proposition. Nevertheless, the general idea might be floated at the January meeting. If Mr Noonan expresses interest, more detailed proposals, based eg on those in this minute, could be formulated and, subject to Irish agreement, then put into effect.

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DUS(B)

22 December 1983