

NATIONAL ARCHIVES

IRELAND



Reference Code:	2007/116/749
Creation Date(s):	January 1977
Extent and medium:	26 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

Programme for Mr. Mason's Visit

1030	Arrive Baldonnel
1115	Meeting with Ministers for Foreign Affairs and Industry and Commerce on cross-border economic questions.
1230	Courtesy call on Minister for Justice
1300	Lunch
1500	Meeting with Ministers for Foreign Affairs and Justice on political and security questions.
1600?	Joint press briefing
1700	Courtesy call on the Taoiseach
	Private dinner

Next day

a.m.	Courtesy call on Mr. Lynch (to be arranged by British Embassy)
	Depart Baldonnel

Agenda

Morning

1. General Review of North-South Economic Co-operation
2. Newry Dundalk Study
3. Lough Erne Catchment Area Study

Afternoon

1. General review of political and security situation
in Northern Ireland
 2. North-South Security Co-operation
 - Police-to-Police Co-operation
 - Explosives
 - Exchange of Forensic Information
 - Overflights
 - White Cards
 - Application of anti-terrorist legislation
-

FATAL CASUALTIES IN NORTHERN IRELAND

1969 - 31st December 1976

	1969	1970	1971	1972	1973	1974	1975	1976	TOTAL
<u>Total Number of Civilians Killed</u>	12	23	114	323	170	167	211	245	1,265
<u>*of which Sectarian Assassinations</u>									
<u>Roman Catholic victims</u>	-	-	-	90	51	78	92	98	409
<u>Protestant victims</u>	-	-	-	39	32	40	57	91	259
<u>Total Number of assassination victims</u>	-	-	-	129	83	118	149	189	668
<u>Security Forces casualties:</u>									
<u>Prison Officers</u>								1**	1
<u>Army</u>	-	-	43	103	58	29	14	13	260
<u>UDR</u>	-	-	5	24	9	5	7	16	66
<u>RUC</u>	1	2	11	17	13	16	11	24	95
<u>Total Number of Security Forces casualties</u>	1	2	59	144	80	50	32	54	422
TOTAL CASUALTIES	13	25	173	467	250	217	243	299	1,687

* No records for 1969-1971.

** Figure from October 1976.

* includes 5 mistakenly killed in Catholic-owned bar.

** category from October 1976 only

	JAN	FEB	MARCH	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
<u>CTARIAN ASSASSINATIONS</u>													
Catholic	16	5	7	7	9	12	11	6	5	10	9	1	98
Protestant	17	9	6	3	7	18	11*	5	4	5	4	2	91
TOTAL	33	14	13	10	16	30	22	11	9	15	13	3	189
<u>... KILLED BY SECURITY FORCES</u>													
Republicans	-	1	-	3	1	1	-	1	-	-	-	2	9
Loyalists	1	-	-	-	-	1	-	-	-	-	-	-	2
<u>OTHER CIVILIAN DEATHS</u>	2	6	1	2	2	-	-	5	1	5	2	1	27
<u>IRA-MILITARY ORGANISATION</u>													
<u>DEATHS</u>													
IRA/IRSP Feud	-	-	-	-	-	-	-	-	-	-	-	-	-
Prov. IRA/Off. IRA Feud	-	1	-	-	-	-	-	-	-	-	-	-	1
UDA/UVF Feud & feuds within UDA/UVF	1	-	-	-	1	-	-	-	2	-	-	1	5
IRA self-destruction	2	2	-	-	-	1	2	-	-	3	-	-	10
Loyalist self-destruction	-	-	-	-	-	-	-	-	-	-	-	-	-
Intra-Prov. IRA killings	2	-	-	-	-	-	-	-	-	-	-	-	2
<u>SECURITY FORCES</u>													
Prison Officers										1**	-	-	1**
Army	1	-	4	-	-	-	2	2	-	1	2	1	13
UDR	2	1	-	5	-	-	1	-	-	2	5	-	16
RUC	3	3	-	1	6	2	2	1	1	1	1	3	24
GRAND TOTAL	47	28	18	21	26	35	29	20	13	28	23	11	299

STATISTICS ON SECURITY PART II

(Statistics issued by
Northern Ireland Office)

Page 3

	Yearly Totals						1976 Quarterly Totals			1976
	1970	1971	1972	1973	1974	1975	Jan - March	Apr - June	July - Sept	Jan. - Nov.
HOUSE SEARCHED (2)	3,107	17,262	36,617	74,556	71,914	30,092	6,940	10,168	9,405	32,532
FINDS: FIREARMS	324	717	1,264	1,595	1,260	825	187	261	189	766
FINDS: AMMUNITION (ROUNDS)	43,095	157,944	183,410	187,399	147,202	73,604	18,862	20,281	16,747	65,234
FINDS: EXPLOSIVES	793	2,748	41,488	38,418	26,120	11,565	11,154	6,138	2,849	21,351
ICCS MADE			75	512	312	11	0	0	0	0

Persons charged with serious security-type offences (1)

	31 July - 31 Dec 1972	1973	1974	1975	Jan-March 1976	Apr-June 1976	July-Sept 1976	Jan-Nov 1976
Murder	13	71	75	138	40	10	22	115
Attempted Murder	16	85	75	83	13	38	33	103
Firearms Offences	242	631	544	480	70	112	91	333
Explosives Offences	86	236	161	100	63	35	47	207
Theft Act	111	186	232	314	45	33	50	163
Other	63	205	275	97	63	61	98	257
	531	1,414	1,362	1,197	294	289	341	1,178

(1) These figures are not available in consolidated form for earlier years

(2) Includes occupied and unoccupied houses searched

statistics issued by
Northern Ireland Office)

	Yearly Figures						1976 Quarterly Figures			1976
	1970	1971	1972	1973	1974	1975	Jan - Mar	April - June	July - Sept	Jan. - Nov.
SHOOTING INCIDENTS	213	1,756	10,628	5,018	3,206	1,803	442	448	575	1,781
EXPLOSIONS	153	1,022	1,382	978	685	399	207	181	218	721
BOOMERS NEUTRALISED	17 ⁽³⁾	493 ⁽³⁾	471 ⁽³⁾	542	428	236	129	117	103	398
WEIGHT OF EXPLOSIVES IN LBS ⁽¹⁾										
in explosions	746	10,972	47,462	47,472 ⁽³⁾	46,435	13,753	6,171	3,023	5,203	16,961
neutralised	59	3,001	19,978 ⁽³⁾	32,450	27,094	11,159	5,121	4,885	3,103	15,217
MALICIOUS FIRES ⁽²⁾				587	636	248	141	64	175	431
ARMED ROBBERIES ⁽²⁾		437	1,931	1,215	1,231 ⁽³⁾	1,201	251	158 ⁽³⁾	180	733
AMOUNT STOLEN		£303,787	£790,687	£612,015	£572,951	£572,105	£169,653	£185,327	£117,007	£505,171
DEATHS: CIVILIANS ⁽²⁾	23	115	322	171	166	216	78 ⁽³⁾	68 ⁽³⁾	51	237
Sectarian and interfactional associations ⁽²⁾ shown in brackets)			(122)	(87)	(95)	(144)	(45)	(30) ⁽³⁾	(16)	(119)
DEATHS: ARMY/UDR	0	48	129	66	35	29	8	5	5	28
DEATHS: RUC/RUC'R'	2	11	17	13	15	11	6	9	3	20
INJURIES: CIVILIAN ⁽²⁾		1,800	3,813	1,812	1,680	2,044	524	729	495	2,028
INJURIES: ARMY/UDR	620	390	578	548	483	167	56	43	83	241
INJURIES: RUC/RUC'R'	191	317	466	291	235	263	49	72	38	201

1) Estimated weight only

2) Consolidated figures not available for earlier years

3) Figure amended since previous quarterly report due to revision of earlier records

Northern Ireland District Councils

1. Northern Ireland has 26 District Councils, with 526 Councillors, elected in May 1973 for a four-year period. The Councils assumed their responsibilities on 1 October 1973, following the local government reorganisation based on the Macrory recommendations. These responsibilities were extremely circumscribed. Apart from a limited power of nominations to other bodies, the Councils are responsible for cleansing and sanitation, abattoirs, cemeteries, environment, entertainment, sport and recreation, markets and fairs, gas supply, consumer protection, promotion of tourist development schemes and enforcement of building recommendations.

2. After the 1973 elections, Loyalists had majorities on 17 out of the 26 Councils. The SDLP was the largest party on 3 Councils: there was a non-Loyalist majority on 6. On 3 Councils, there was no clear majority.

3. The experience and the operation of the District Councils since 1973 has, in general, reflected the above results. The following is the general position:-

- (a) most Councils with Loyalist majorities have continued to operate in a sectarian manner;
- (b) some Councils with Loyalist majorities seem to have functioned in a non-controversial fashion, although this may merely indicate a general low level of activity;
- (c) Councils with non-Loyalist majorities or with finely-balanced Loyalist/non-Loyalist membership have succeeded in introducing elements of power-sharing. It is suspected that such power-sharing is conditional on the absence of a Loyalist majority.

There is also the special case of Fermanagh which returned 10 Loyalists and 10 non-Loyalists in 1973. However, on a number of occasions in 1975, 2 UPNI Councillors voted with the non-Loyalists.

4. Five Councils - all with non-Loyalist majorities - have succeeded in reaching a basis for agreed co-operation with regard to filling Council posts, representation on committees, delegations and various bodies and with regard to their functions generally. These Councils are Derry, Down, Newry and Mourne, Omagh and Strabane. Magherafelt District Council has also adopted a power-sharing arrangement, although the SDLP has retained the chairmanship since 1973. The most striking success in

this category has been Derry City Council where Councillors have, by and large, succeeded in working in harmony on behalf of the community. There is considerable doubt, however, on the part of SDLP members in Down, Newry and Omagh as to the degree of genuine power-sharing that exists. Mr. McGrady, Chairman of the SDLP Sub-Committee on Local Government, points out that in Down (as in Newry and Omagh) power-sharing is a one-sided arrangement which creates an unreal situation: it exists only because the Loyalists are in a minority.

5. By contrast, Councils such as Armagh, Ballymena, Banbridge, Coleraine, Cookstown, Craigavon, Larne and Limavady have maintained the sectarian attitudes and practices of the former local authorities, in spite of the innocuous nature of their present powers and functions. In these Loyalist-dominated Councils, the posts of chairman and vice-chairman are retained by the majority and non-Loyalist Councillors are generally totally excluded from representation on committees, delegations, area boards and other statutory bodies. They also execute their functions in a biased manner, banning the use of Council facilities on Sunday, for example, seeking to influence staff appointments, or discriminating against the minority in the allocation of Council funds. Politically divisive resolutions are adopted, e.g. condemning power-sharing and the Council of Ireland, calling on the British Government not to suspend firearms certificates. The main impetus for the return of the former local authority powers also comes from the Loyalist Councils. A number of such Councils - Ards, Ballymoney, Belfast - have succeeded in avoiding internal political dissension and in permitting minority representation on sub-committees, etc., whilst retaining the positions of chairman and vice-chairman and overall control in the Council. Indications are, however, that given a return of major functions, such as those sought by the Association of Local Authorities, most, if not all, of the 17 Loyalist-dominated Councils would revert to their former discriminatory ways.

6. The most recent election to the 13-member Executive of the Association of Local Authorities (a non-statutory body consisting of representatives of all 26 District Councils) resulted in the three former SDLP seats being filled by Loyalists. Alliance, with 67 Councillors, has now two representatives on the Executive, whereas the SDLP, with 85 Councillors, has none. At the SDLP annual conference on 5 December 1976, Mr. McGrady claimed that the Association, through its executive committee, had usurped the rights of District Councils by

pre-empting discussions by Councils; the Association was aided and abetted in this, he said, by the Department of the Environment which looked on the Association as the only vehicle of local government opinion. Another significant development has been that the Housing Council, which is seeking further powers in relation to housing, no longer elects an SDLP representative to the Housing Executive. (In December 1975 the 85 SDLP Councillors formed a separate District Councillors' Association, with which Alliance and UPNI Councillors could liaise. While denying that the new body was set up as a rival to the main Association, the SDLP sees it as a necessary means of making their views known on local government questions with political connotations.)

7. Since 1974 there has been a strong Loyalist campaign to return substantial powers to the local authorities. Although those Councillors with non-Loyalist majorities have also experienced the frustration of the limited powers of the District Councils, the SDLP has adamantly opposed the return of powers to the Councils because of the fear that power would continue to be used in a biased way. The Minister of State at the Northern Ireland Office, Mr. Moyle, has indicated that District Councils are to get increased responsibility in the fields of sport and community relations.

8. Some recent examples of the abuse of a majority position by individual District Councils are listed in an appendix.

Examples of Sectarian Practice by Northern Ireland

Local Authorities

Armagh

The District Council steadfastly refused to accept responsibility for a £48,000 community centre, situated in a mainly Catholic area, despite the fact that it had the powers and indeed the duty to do so. The centre, which had been started by the former town council and completed by the Housing Executive, lay idle for two years. A local community association was finally forced to assume responsibility for the centre, with the aid of the central authorities.

Minority representatives are almost totally excluded from Council sub-committees and totally from representation on the area boards as a result of block voting by the Loyalist majority. (One SDLP member has been appointed to a Council sub-committee.)

Banbridge

In early 1975, four Catholics were employed by Council officials as temporary labourers, but the Loyalist majority on the Council arranged to have them dismissed. None of the senior officers of the Council is a Catholic. The single SDLP member of the Council is excluded from membership of the major committees and from representation on area boards.

Ballymena

In January 1976, the Council decided by a majority vote to exclude GAA clubs from participating in planning local sports facilities. Explaining the ban, a DUP Councillor claimed that Gaelic associations are "politically motivated" and seek to "usurp our British heritage".

Coleraine

The single SDLP and three Alliance members of the Council are excluded from all major sub-committees and from representation on area boards.

Cookstown

The only Catholic official employed by this Council, prior to the opening of a new town swimming pool on 29 November 1976, was the Recreation Officer, who was statutorily inherited from the earlier Urban Council. In the Council's first year of operation, one Catholic Councillor was elected to sit on the Housing Council. This was the only post of significance given to a Catholic Councillor. At the annual general meeting in June 1974, all appointees were re-elected, with the exception of the Catholic Housing Council nominee, who was replaced by a Loyalist. Block voting by the majority ensured a similar result in 1975.

In April 1975 the Council decided not to send members or officials on a weekend educational tour to parts of Donegal, organised by the Sperrin Tourist Development Association. The Council is a member of the Association, along with Strabane, Omagh, and Magherafelt District Councils, all of whom decided to send representatives.

SDLP members of the Council, including Mr. Paddy Duffy, party treasurer, have alleged discrimination in appointment of staff for the new swimming pool in the town, alleging that, out of 15 appointments, only one or two are Catholic, and that these have been appointed to the most menial jobs.

Craigavon

In October 1974 the manager of a £500,000 recreation centre resigned following a ban by the Council on Sunday opening. In January 1975 the Council's recreation committee refused the use of a local hall on a Sunday for an Irish dancing competition. The Council has also banned Sunday swimming in its three swimming pools and Sunday boating on its two lakes and has in addition decided to close its golf course and ski-slope on Sundays. Referring to the issue of Sunday closure, a DUP Councillor said "We in Craigavon are involved in a struggle against Republicanism ... This whole issue is designed to undermine the Protestant way of life".

In February 1976 the Council's chief recreation officer announced that £5 m. was to be spent on recreation facilities in Craigavon over the next five years.

The SDLP is not represented on delegations or on area boards.

On 17 January 1977 Mr. D. Calvert, DUP member of Craigavon Borough Council, urged the Council not to register under the recent Fair Employment Act, which was enacted to promote equality of opportunity in employment between people of different religions. Mr. Calvert alleged that the Act would introduce discrimination in job allocation. The Council postponed a decision for a month.

Fermanagh

The 1973 elections returned 4 Official Unionists, 4 UPNI, 1 Unity Unionist, 1 Independent Unionist, 4 SDLP, 4 Unity, 1 Independent and 1 non-party. In practice, the Council comprised 10 Unionists and 10 non-Unionists and failed initially to reach agreement. The area was administered for some time by a Commission of six civil servants appointed by the Secretary of State. A Council meeting in January 1974 elected a Unionist Chairman and the absence of a non-Unionist Councillor at the annual general meeting in June 1974 allowed a Unionist majority to retain the chair. A subsequent series of motions of no confidence were defeated by means of the Chairman's own casting vote.

In April 1975 the Council was instructed by the Local Government Staff Commission to reverse its decision not to appoint a Catholic as recreation officer. The Catholic had been selected by the Council's own duly appointed appointments committee. Two UPNI Councillors voted with the non-Unionists to uphold the appointment.

In June 1975 the same two UPNI Councillors were called upon to resign when they voted with representatives of the minority to allow the election of an SDLP Chairman.

Limavady

The Loyalist majority on this Council uses its majority of one to exclude the four SDLP members from the main Council sub-committees and from representation on the area boards.

When the post of Head of Department in the new Council's engineering division was being filled, the previous incumbent (a Catholic) was rejected in favour of a Loyalist, even though he was apparently the better qualified. It is understood that there is only one Catholic (a female clerical employee) on the staff of the Council.

Lisburn

The large Unionist majority prevents the single SDLP member from participating in any of the Council's main sub-committees or in area boards.

Major building development planned for the Poleglass area in West Belfast was reduced by about half following representations from members of Lisburn Council and others. The development, which would in effect have extended Catholic West Belfast, would have been in an area safe for Catholics, who constitute the bulk of the present emergency housing list. The Housing Executive's original plans provided for a £50 million complex, with 4,000 houses, 6 schools and a 60-acre industrial area, and the overflow would have affected the electoral balance, particularly in neighbouring Lisburn Borough Council area, which is Loyalist-dominated. (The decision to reduce the size of the development was taken by the Northern Ireland Office.)

Ulster Defence Regiment

1. Strength. Total membership is 7,769, of whom roughly 1,600 are full-time, and the remainder part-time. There are 649 female members. On 17 December 1976, the Secretary of State for Northern Ireland, Mr. Mason, while announcing a reduction of 500 in British Army presence in Northern Ireland to 14,000, also announced an intended increase in full-time membership of the UDR by 200 and that this figure would be further increased in the future. It is expected that some currently part-time members of the Regiment will make up part of the increase. The UDR Press Office is uncertain when the level of 1,800 full-time complement will be reached.

2. Criminal activity by members. We have detailed information (attached) in respect of 57 members or former members of the UDR convicted of criminal activity since its establishment in 1970. The following is a summary of the convictions:

	<u>Convictions</u>
Murder/Manslaughter	3
Attempted murder	1
Bombing offences	6
Robbery	15
Assault	2
Illegal possession of weapons	19
Intimidation	3
Miscellaneous (e.g. dangerous use of arms, indecency, etc.)	8
	<hr/> 57

In addition, charges are pending against four members of the Regiment on separate counts of murder, manslaughter, assault and armed robbery, along with a number of less serious charges. It is clear, however, that our researches have not thrown up all the convictions and in particular it should be noted that a reply to a question in the House of Commons on 11 November 1976, mentioned six convictions for murder/manslaughter where our research had only identified three.

Co-operation on Explosives

1. The most recent meeting in the series of official contacts concerning explosives took place in London on 7 January. The meeting reviewed progress and expressed general satisfaction at what had been achieved. A general summary of that review is set out in the following paragraphs. It should however be noted that in spite of progress in co-operation, the most recent figures for finds of commercial explosives in the North would appear to indicate that 83% of illegal commercial explosives there are of Southern manufacture and colour-coded for Southern use. A comparable figure for detonators is 49%.

Marking of Commercial Explosives

2. Commercial explosives manufactured at Cloona (Enfield), which has a virtual monopoly of supply throughout Ireland, have been dyed pink since 1 January 1972 when exported to the North and left undyed when intended for use in the South. A more sophisticated system of marking of explosive wrappers is now being put into effect, following extensive discussion at official level. Under this system each item produced is given a separate identity number and records are kept of the firm to which each item is issued. If wrappers from illegally held explosives are subsequently recovered, it should be possible to identify who was the last person to receive the explosives legally. This new system has been in operation since September for (a) sticks and (b) cannisters of Frangex. It is hoped to extend it to the third form of commercial explosives manufactured at Enfield (sausages) within the next few weeks when a new marking machine has been installed and accounting procedures implemented.

Marking of Detonators

3. All detonators used in Ireland are imported, mostly from Britain, although some Austrian detonators are also used in the South. ^{almost} All detonators used in the South are imported by IIE of Enfield. With effect from sometime next month there will be installed at Enfield a detonator scratch marker machine, which is on loan from the British authorities and which will be used to codemark individual detonators. Out of the total of approximately 1,000,000 detonators used per year, about 70,000-100,000 will be marked. Their supply will then be recorded on the same sort of system as that described above for

commercial explosives. The decision as regards which firms will receive marked and which unmarked detonators will be taken largely on the basis of police intelligence.

Fertiliser-based explosives

4. Both in Britain and in Ireland research is being done on the problem of making it more difficult for terrorists to make explosives out of fertilisers. The broad line of this research is to find an additive which can be added to the fertiliser without impairing its agricultural usefulness but which will substantially reduce the detonability of any mixture based on such fertiliser. Clearly, the additive must not be easily separable from the fertiliser by any simple process such as leaching. No answer to the problem has yet been found. Research continues and information is exchanged on different avenues explored. (It is possible that some of these exchanges are less than frank because of the commercial advantages which would result from a breakthrough on this problem.)

Exchange of Information

5. The British authorities give us, on a regular basis, details of each find of illegal commercial explosive and of each bomb using commercial explosive in the North. They also give us summaries of similar information in respect of finds in Britain and we give them very crude statistics on finds here. Similar information is exchanged in respect of finds of detonators.

6. According to the British figures, as mentioned above, 83% of finds in the North of illegal commercial explosives have gone illegally from the South. The Department of Justice has expressed some doubt as regards the accuracy of the information on finds of "Southern" commercial explosives in the North but this question has not been raised with the British authorities.

7. The British authorities have asked for more detail as regards the information on finds which we give them. Although the initial reaction received from the Department of Justice was to the effect that no more detail was available because all explosives finds were detonated immediately, it was agreed at the meeting of 7 January

that this question would be re-examined with a view to meeting the British request.

"Coop" Mixture

8. At the meeting of 7 January, the British raised the question of the explosive called "Coop" mixture - a mixture of sodium chlorate and nitro-benzene. Sodium chlorate has been withdrawn from use in the South and nitro-benzene is subject to the normal controls on explosives. Nitro-benzene has been withdrawn from use in the North but still has extensive industrial use in the South. The British had wished to suggest that nitro-benzene be withdrawn from use in the South also. It was explained to them that this would present difficulties. It was also explained that sodium chlorate is now totally unobtainable in the South and it was suggested that they should look again at the question of a similar régime for sodium chlorate in the North. This they have agreed to do. The use of nitro-benzene here is also being reviewed.

Note

A summary table of finds of commercial explosives and detonators in the North in the period January-November 1976 is attached.

Department of Foreign Affairs

21 January 1977

SECURITY REPORTS - QUARTERLY FIGURES

January-November 1976

1. Finds of commercial explosives and detonators in Northern Ireland^{1/}

Summary January-November 1976

EXPLOSIVES

Lbs.	As % of all found
IIE undyed ^{2/} 1,071 $\frac{3}{4}$ ^{3/} (133)	83.7%
IIE dyed 84 $\frac{1}{2}$ (18)	6.6%
Irish or British manufacture, exact origin uncertain 69 $\frac{1}{2}$ (9)	5.4%
Manufactured outside G.B. or Ireland 41 (12)	3.2%
Uncertain origin 14 (3)	1.1%
TOTAL all finds 1,280 $\frac{3}{8}$ (168)	100%

Finds of IIE undyed in the North in 1975 amounted to 1,282 lbs, comprising 62% of all finds of commercial explosive

DETONATORS

Lbs.	As % of all found
Manufactured G.B. Marked for Republic 568 (205)	48.9%
Manufactured G.B. Marked for N.I. 33 (6)	2.8%
Manufactured USA Illegal in U.K. 190 (43)	16.4%
Manufactured Germany. Illegal in U.K. 6 (1)	0.5%
Austrian -	-
Too damaged for identification 2 (2)	0.2%
Manufactured G.B. Unmarked ^{4/} 360 (87)	31.0%
Other 1 (1)	0.1%
Military 1 (1)	0.1%
TOTAL 1,161 (324)	100%

- ^{1/} Based on fortnightly reports supplied via the British Embassy.
- ^{2/} Intended for use within the Republic only and hence illegally imported into Northern Ireland.
- ^{3/} Number of finds in brackets.
- ^{4/} Unmarked and manufactured in G.B. either before 1971 for use in the home or foreign market (including Republic and Northern Ireland) or since 1971 for use in G.B. or the rest of the world excluding the Republic and Northern Ireland.

Overflights

1. Following a number of requests from the British authorities for overflights to a depth of 3 km. along the border for photo-reconnaissance purposes, the matter was considered at Government level on 24 June and it was agreed that the Minister for Foreign Affairs could inform the British authorities that overflights to a depth of 2 km. by the British would be granted on the following conditions:

- (i) that there would be no flights over Irish Army installations which would be identified and notified to the British authorities;
- (ii) that permission would be granted for ten series of flights subject to the flights being staggered over the border areas; no two flights over the same area in any period of approximately ten days should occur.

2. In the light of subsequent differences which arose in relation to the application of the above decision, the matter was again considered at Government level and it was decided that the word "flights" in (ii) above should be regarded as including the possibility of multiple border crossings within each flight in question, on condition that any such flight should not involve a total period of more than twenty minutes within our airspace and subject to the normal requirements in regard to security overflights generally. This information was conveyed to the British Embassy on 10 January 1977.

3. Statistics are attached relating to the various categories of overflight by British military aircraft which have been permitted since 1973.

PERMITTED OVERFLIGHTS OF THE BORDER BY BRITISH MILITARY AIRCRAFT

Year	TOTAL	"Security"	Transport	Clonoony Salient	Meteorological Research	Ordnance Survey
1973	8	8	-	-	-	-
1974	57	6	-	23	-	28
1975	146	86	2	48	-	10
1976	103	42 ^{1/}	10	38 (to 30 Nov)	8	5
	314	142	12	109	8	43

1/ Three of these overflights were in the 2 km. photographic reconnaissance series .

Inter-Police Talks

1. Arising from the decision taken by the Minister for Justice and Mr. Rees at a meeting on 18 September 1974, frequent meetings now take place, at different levels, between the Gardaí and the RUC. There is also in operation a system of direct communication between the two police forces.

2. Scarcely any detail is available of the material discussed directly between the two police forces. It is the understanding of the Department of Justice that the operation of the present arrangements is satisfactory and that no particular problems arising in the framework of the inter-police talks are likely to be raised at the present meeting.

3. The British Embassy has, however, indicated that the Secretary of State will have a few words to say on this subject, probably along the lines that while the framework for inter-police contacts now instituted is satisfactory, there is some dissatisfaction on their part with the flow of intelligence.

Department of Foreign Affairs

20 January 1977

BORDER INCURSIONS

Year	Total reported incursions	Reported by British authorities	Reported by other sources	Raised with British authorities	Admitted by British authorities (includes column 2)
1973	76 (43) ^{1/}	24	52	23	28
1974	132 (79)	29	103	92	51
1975	71 (35)	27	44	41	47
1976	55 (25)	24	31	29	35

^{1/} Figures for aerial incursions in brackets.

ALLEGED BORDER INCIDENTS 1976 (to 31 December)

Monthly return

	Shootings	Bombings	Cross-border escapes	Other	Total*
January	7	3	1	-	11
February	5	-	-	-	5
March	1	-	-	2	3
April	7	3	-	-	10
May	7	-	2	-	9
June	8	2	2	-	12
July	7	3	-	-	10
August	5	1	1	1	8
September	3	3	1	-	7
October	1	1	2	-	4
November	3	2	-	-	5
December	2	1	-	1	4
	56	19	9	4	88

* 1974 - 182
1975 - 120

According to British statistics, of the 4,064 shootings, explosions, bombs neutralised, malicious fires and armed robberies in Northern Ireland in the period Jan-Nov 1976, only some 2% are alleged to have had a confirmed cross-border element.

"White Card" Instructions to British Army personnel
in the event of incursion

1. At the meeting with the Northern Ireland Secretary of State on 28 May, there was mutual agreement on the need to do everything possible to minimise the number of incursions by British Army personnel. With regard to the procedure to be followed where accidental incursions occur, it was agreed that it would be useful to see a copy of the instructions given to British soldiers who find themselves in this position. On receipt of the text of the instructions, the Departments of Justice and Defence and the Attorney-General's Office were consulted.

2. The Departments of Justice and Defence did not consider it appropriate for them to comment on the instructions. The Attorney-General's Office felt that it would be better that this Department should make no comment - except perhaps to say that comment was considered not to be appropriate - and that, in general, care should be taken that any comment relating to the instructions by this Department should be "in a form which will not permit of a plea of consent being made for future incursions". The Attorney-General added that, if it were decided to make a comment, reference might be made to certain specified aspects of the instructions but that any "agreement" in relation to the instructions should be avoided if possible. Following further consultations it was generally accepted that not to comment could be construed as implying some form of tacit acceptance of the instructions and comments along the lines of the attached speaking note were agreed. These comments were conveyed orally to the British Embassy at a meeting on 25 October 1976.

3. At the meeting on 25 October, the British Embassy official expressed thanks for the information conveyed and stressed that British Army personnel do not operate on this side of the border and that every effort is made to avoid incursions. The helpful attitude of the Irish authorities in cases where accidental incursions had taken place in the past was fully acknowledged. In response to a query regarding what other action by the Gardai might be involved if an accidental incursion by British Army personnel took place at night or in plain clothes (see paragraph 3 of the speaking note), it was stated that such action would obviously depend on the specific circumstances involved and that it was not possible to say what action might be deemed necessary in a particular case.

4. On 12 January, the British Embassy expressed concern at the apparent implication that troops who accidentally cross the border at night or in plain clothes will be treated as a special case. The British authorities feel that troops in such circumstances, if they produce satisfactory evidence of identity, should be treated in the same way as those who accidentally incurse by day and in uniform. The Embassy also enquired if the British authorities might have sight of the Garda instructions in the matter. A reply in this regard has not yet been conveyed. However, at the discussion of 12 January it was pointed out that what was in question was the application of the same procedure in differing circumstances. This procedure would be clear in the case of accidental incursions of troops in uniform by day, but other cases were not so clear-cut and would have to be examined case by case. Doubt was also expressed whether it would be possible to give more detail on the precise procedure which our security forces would follow in the event of an incursion at night or by troops out of uniform. This preliminary reaction has been discussed with the Department of Justice and they agree that any reply to be given to the British authorities should be along the same lines.

SPEAKING NOTE

Incursions

1. At the meeting on 28 May there was general agreement on the need to do everything possible to minimise the number of incursions by British Army personnel. With regard to the procedure to be followed where accidental incursions occur, the Minister agreed that it would be useful to see a copy of the instructions given to British soldiers who find themselves in this position. It would not of course be appropriate for us to offer comment on an internal British military document of this nature, but it might be helpful if I make a number of points in relation to the general question.

2. Our principle anxiety regarding incursions is that they should be avoided. All incursions by British Army personnel - whether accidental or not - are a breach of international law and also render the personnel subject to our civil and criminal law. Everything possible should be done to avoid such incursions. Should incidents nonetheless occur, we reserve our full rights as to how we should react.

3. Generally speaking, the Gardaí - where they are satisfied that British Army personnel have inadvertently crossed the border - would escort them back to the border as quickly as possible where the incursion takes place during daylight hours and the British Army personnel are in uniform. If members of the British Army cross the border at night, for example, or if while operating in plain clothes they enter the State, other action by the Gardaí may be necessary.

4. We consider that no limitations should be placed, whether by standing instruction or otherwise, on the extent to which British Army personnel who find they have incurred should co-operate with the Irish security forces, e.g. by surrendering arms, answering questions, allowing themselves to be finger-printed, etc. Obstruction of the lawful security forces might constitute a breach of the criminal law, as would indeed possession of firearms within the State without a firearms certificate. Breaches of the criminal law are matters for the Director of Public Prosecutions.

SAS Incursion, 5-6 May 1976

1. Eight men, of whom six were in civilian clothes, were stopped on the Flagstaff Road, Co. Louth, a short distance from the border, carrying a considerable quantity of weapons. Representations were made by Ambassador Galsworthy and directly by the British Prime Minister. (None of the accounts given by the soldiers tallied with the explanation given by the Ambassador.)
2. The eight men were charged in the Special Criminal Court under Sections 2 and 15 of the Firearms Act 1925 with possession of firearms without a certificate and possession of weapons with intent to endanger life. They were released on bail and flown back immediately to Northern Ireland.
3. The case is scheduled to come before the Special Criminal Court on 7 March.