

NATIONAL ARCHIVES

IRELAND



Reference Code:	2015/89/83
Creation Date(s):	7 November 1985
Extent and medium:	4 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
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SECRET

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OIFIG AN AIRE COSANTA -

7 November, 1985

AIDE MEMOIRE FOR THE GOVERNMENT

1. The Minister for Defence wishes to inform his colleagues of certain implications for the Defence Forces arising from an Anglo Irish Agreement relating to Northern Ireland. In the event of the agreement being welcomed by both sides in Northern Ireland these implications will not arise. However, having regard to the historical evidence of the failure of Sunningdale Agreement and the current hostile views emanating from all levels of Unionist opinion it is unfortunately clear that the agreement now being proposed will not be welcomed and indeed, will be met with opposition. (It is sadly ironical, that the agreement designed to advance peace in Northern Ireland should now, following the hostile reaction by Mr. C.J. Haughey, find itself commanding only minority support on the island).
2. The extent and form of this opposition can only be guessed at. It is valid to guess that the opposition will be mild, developing into a grudging acceptance of, or at least acquiescence to, the new regime. It is equally valid and arguably more realistic to guess that the opposition will be harsh and confrontational. This opposition can take many forms ranging from peaceful protest into civil disobedience, leading to industrial action onto marches requiring police intervention, through to riots and intercommunal fighting. It is particularly the last contingency that has implications for Defence Forces.

3. Communal fighting, depending on its scale and intensity could lead to pressure for intervention by the Defence Forces either by request from beleaguered Nationalist communities or by request from the British Government if it thought its Forces were unable to cope or if it wished to involve the Republic for political reasons (prelude to withdrawal or share the responsibility for what would by then be seen as a failed initiative). Depending on the scale of the fighting there could also be political pressure in the Republic for intervention on the basis of 'we cannot stand idly by'.
4. Section II of the Defence Act 1954 establishes a Council of Defence to aid and counsel the Minister on all matters in relation to the business of the Department on which the Minister may consult the Council. The Council consists of the Minister of State, Secretary of the Department of Defence, the Chief of Staff, the Adjutant General and the Quarter-master General.
5. The Minister summoned the Council to meet on the 28th August 1985 to consider the contingencies adverted to in Paragraph 3 above.

It was the unanimous view of the Council that the Defence Forces should not under any circumstances be ordered to intervene in Northern Ireland for the following reasons:-

- a. They could not be given a clear mission in military terms
- b. Their numerical strength and equipment are hopelessly in-adequate.
- c. They may not operate outside the jurisdiction of the Republic except on United Nations Duty.

In regard to (a) the contingency envisaged would have the Defence Forces operating in a quasi police role in a hostile environment and probably with only a very general mandate to try and restore peace and prevent inter-communal conflict. Such a role is not appropriate for military forces organised on orthodox military lines and the situation would not be analagous to that pertaining in the Republic where the Military act in aid of the civil power. In the latter situation they do so by request for specified duties and in an environment where they have the support of well nigh the entire population.

In regard to (b) the strength of the Army even with the addition of five hundred extra recruits in the process of being enlisted is adequate only to deal with its present range of duties and in the event of the contingencies adverted to in Paragraph 3 coming to pass there will be a demand for extra duties in the Republic in anticipation of hostile Unionist action. In fact this has already happened.

The first responsibility of the Government is the protection of life and property within the Republic and the Defence Forces, with their limited resources will be fully occupied with this task.

In regard to (c) above it appears by virtue of the terms of the Defence Act 1954 that the Defence Forces are limited to operating within the jurisdiction of the Republic unless extra powers are taken by legislation. Processing of such legislation at the moment would certainly raise apprehensions in Northern Ireland not to speak of the Republic.

6. The Minister for Defence concurs with the view of the Council of Defence and would add that the deployment of the Defence Forces in Northern Ireland would carry with it the near certainty of fatal casualties. Section 17 of the Defence Act 1954 provides that under the direction of the President the Military Command of the Defence Forces should be exercisable by the Government and through and by the Minister for Defence. The Constitutional and legal implications of the phrase 'under the direction of the President' have never been interpreted and the Minister for Defence is unable to advise the Government on what it means in practice.