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M. M. [unclear]
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 Mr. Nally
 Mr O Tuathail
 Mr Davenport
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 Amb Washington
 A-I Secretariat

THE US/UK EXTRADITION TREATY; AND THE FUND - DISCUSSIONS WITH DAVID GOODALL

Dear Assistant Secretary,

I have had three fairly robust discussions with David Goodall of the FCO over the past week about these issues and the linkage between them now established in Washington. It is evident that there is a substantial difference of perception on either side of the Irish sea; and we both thought it desirable to see if the potential for irritation and resentment between Dublin and London - so far kept reasonably well under control - could be reduced.

IRISH VIEW

The IRISH perception is that the British, having joined us in approaches on the Fund in Washington last October and November, have since encouraged Lugar and others to link the Fund with the Extradition Treaty. As we see it, to judge by King's recent visit, the British are now showing a complete lack of interest in the Fund; and this in turn has given our friends in Washington the impression that it is really a purely Irish initiative. As to the Extradition Treaty, we see it as flawed from the outset and we now regard the effort to get it through the Senate as a doomed enterprise. We cannot understand why they want us to make a futile public gesture of support for that effort - to the great jeopardy of two other issues which are of far more import to us and ultimately to them: (i) the effort over a decade to contend, against Noraid and its friends, for the hearts and minds of Irish America; and (ii) the legislation on extradition which we will have to get through the Oireachtas in the Autumn.

BRITISH VIEW

The BRITISH on the other hand find it hard to see how anyone - the US Senators or ourselves - can be genuinely against terrorism and not support the Extradition Treaty; they believe (wrongly I know) that our support could be crucial in the Senate; they think that at best we are withholding this vital support and sitting on our hands - and at worst

that our Embassy in Washington, by nods and winks, is giving the impression that the Extradition Treaty is undesirable. They think that this lack of support from us, interpreted by some people in Washington as concealed opposition could lead ultimately to the defeat of the Treaty to which they are publicly committed and by which they set such great store.

I am here putting the British view at its strongest because that is the way it is probably seen by Mrs. Thatcher. Obviously David Goodall himself has a better understanding of our viewpoint. But even in his case, exasperation, on the lines I have indicated, sometimes breaks through.

I should add that the news media here, while critical of the US attitude to the Treaty (no doubt as a result of regular briefing), have so far not "fingered" us in any serious way. If however the Treaty is eventually defeated, or if Britain has to back down and it has to be withdrawn, we can expect some criticism and ill-feeling to be directed to us. And, in such a case, I would not rely on Mrs. Thatcher - as distinct from David Goodall - having a very clear understanding of the reasonableness of our position.

For this reason it seemed worth trying, in several discussions with David Goodall (at social functions during the week), at least to sort out some of the misunderstanding and irritation - even though neither of us could see too clearly how it can be resolved. Naturally I pressed our view fairly strongly on him and some of it has got across to him better than before - particularly our belief that the Treaty cannot get through in its present form and the danger of providing ammunition to our opponents on two other issues of much greater concern. But here it may be more useful to mention some of the things of interest which Goodall said to me.

LINKAGE

He had already told me on several occasions that - contrary to what we suspect - the British did NOT encourage the idea of linkage between the two issues. He told me again yesterday (Thursday) that he had just had a letter that morning from the Embassy in Washington - apparently a reply to a letter from him to Wright or to Jenkins, the number two, whom he greatly respects. This letter confirmed again explicitly that the Embassy did nothing to encourage the linkage which we deplore. In particular, Goodall said, he has satisfied himself - so far as he can - that our darker suspicions about the activities of Sheinwald (the First Secretary) are misplaced. (It is interesting that he did follow up in this way on my implied criticism of Sheinwald in an earlier conversation. He asked me however to keep his concern on this point particularly confidential.)

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Goodall also feels that, with great respect to both, our two Embassies in Washington, in dealing with their different constituencies, have tended to become privately a bit edgy about each other. He urged on me that we should each try to moderate these feelings which are perhaps inevitable in a situation such as this. (I trust that our own Embassy, if they should eventually see this report, will not take exception to this point, which was well-meant, or to my formulation of it)

FUND

As to the Fund, Goodall says that the British still want it; and he fully accepts that, slow as the progress may be in achieving it, it would be politically disastrous now to be seen to give up on it. While insisting that they did not at any stage seek linkage with the extradition issue, he does acknowledge frankly that the Treaty is now more important politically to the UK than the Fund. He knows that, for us, of course, the reverse is the case.

As to King's recent visit to Washington and its impact - Goodall starts by saying privately "Well you know - Tom King is Tom King". He added that while King accepted the idea of a Fund - already under discussion before he was appointed Secretary of State - King was personally never very enthusiastic about the idea of looking for money. Now that King sees the size of the Fund dwindling steadily and a growing probability that whatever dollars are given will be subject to various restrictive conditions, his suppressed doubts about the whole idea surface in the form of distaste for lobbying anyone about it. Why, King feels, should he give the impression of begging for such a fund - so limited in amount and so freighted with conditions ?

WHAT COULD BE DONE ?

Against this background where do we go from here ? I gathered from Goodall that the British are now coming to accept that it will be necessary to make some amendments to the Treaty text but it was not yet clear what they could be. While I am of course in no position to make any suggestions, I wondered if they might at least be thinking of making it clearer in the text that extradition could be granted only if the offence alleged were a crime in the USA as well as in the UK ? (There seems to be room for doubt as to whether this is the case in the present text in regard to possession of firearms for example). Goodall saw some point in this but we both thought it would not be enough. He also said that some thought is being given to bringing the text into closer conformity with the European Convention on the Suppression of Terrorism. We both acknowledged however that the European Convention model has its flaws. (Of course I did not, in this conversation, imply in any way that amendments such as these would mean any change in our position on the

Treaty - I was simply trying to find out their thinking)

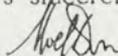
Nevertheless, it occurs to me privately that it would be useful to us here, in discussion, to know exactly how far our Embassy in Washington has been able to go in expressing a position on the Treaty. Is there for example some formula which they have been authorised to use - on such lines for example as "We are not opposed to the Treaty but we believe that it is a matter for the two Governments concerned" (or "for the Senate")? A further question is - if there is such a formula, is there some modest way in which we could strengthen it a bit now, without exposing too much of our flank, so that when and if the whole Extradition Treaty effort collapses, we will be less likely to suffer - unfairly - from resentment on the part of the British, and Mrs. Thatcher in particular ?

As to the Fund, I think there might be room, after the Bank Holiday weekend which is just ahead here, for another effort on my part next week to get David Goodall to agree to a new joint approach in Washington. When we talked yesterday I left him mulling over the points we had discussed and I think it worth trying to press him further in a few days time.

Incidentally, he mentioned in passing that Sir Geoffrey Howe had had a private breakfast yesterday (Thursday) morning with Tom King. This is something they now do "from time to time" (a helpful practice from our viewpoint I would think).

Finally I should say, on the Treaty/Fund issue, that at present even explanations of position by either side seem to have some potential for causing exasperation to the other. I have no wish to contribute to this by my present report; and I fully accept that whatever view I express from here has to be weighed against much wider considerations in relation to Irish America and our own legislation in the Autumn. Nevertheless, and without suggesting how best to handle the issue at the Washington end, I think it worth drawing attention to the danger that there will be ~~some~~ recrimination directed towards us on the part of the British, and Mrs. Thatcher herself if the Extradition Treaty is ultimately defeated or if it has to be withdrawn; and ~~doing~~ ^{the need for} what we can now, in however limited a way, to avert this.

Yours sincerely,



Noel Dorr (Ambassador)

Eamonn O Tuathail,
Assistant Secretary,
Dept. of Foreign Affairs.

* (Of course I know that this is the substance of our position - I wondered if we had devised a particular formula)