



CONFIDENTIAL

PRIME MINISTER'S MEETING WITH MR AHERN, 12 DECEMBER

BACKGROUND

Cooperation between Ireland and the United Kingdom

1. It is intended that the two Prime Ministers should issue a joint statemet (attached) in the margins of the Luxembourg conference, reaffirming the programme of cooperation between their two countries. A summary of cooperative measures and a fuller report will also be made publicly available.
2. The aim of these East-West contacts (which began some years ago) is to normalise the UK-Ireland relationship, rather than have it dominated by Northern Ireland. The common language, close social ties, ease of travel, and common legal framework all offer good opportunities for cooperation.
3. At Noordwijk on 23 May the Prime Minister and Mr Bruton issued a similar statement to the present one. Mr Ahern's Government is equally keen to develop the East-West links. In the past six months Ministers from almost all Departments have met their counterparts, and at official level contacts continue to be easy and productive.
4. The Irish Government is particularly keen to develop links around education and information technology, and we agree that this provides a fruitful area of cooperation which can build upon new programmes in both countries. It has the added merit of possibly providing a way in which individual schools can cooperate across the Irish Sea.





CONFIDENTIAL

5. The National Curriculum does not readily allow Irish to be taught in English Schools. The Irish wish to see this changed. DfEE have invited the schools who wish to, to use certain technical opt-outs and are unwilling, at this stage, to change the curriculum.

**Irish beef exports/farmers' protests**

6. Protests by British farmers at ports since 30 November have been directed at Irish lorries importing cheap Irish beef (perfectly legally). Some drivers have responded to pickets requests to turn back, although the police are ensuring that those who wish to continue can do so unimpeded, as required by our single market obligations on the free movement of goods (FMOG). The situation has calmed over the last few days, although protests at ports continue. The UK has responded positively to the measured Irish Government reaction and demands that Irish beef imports should not be affected. Throughout, the Irish have been understanding.

7. Farmers (and their unions), whose incomes have fallen in real terms by 37% (1996-97) due to BSE and the strong pound, want the Government to take up the UK's allocated Green Rate compensation. But this would involve significant costs to the Exchequer, because the way the mechanism works would reduce the size of next year's UK abatement. MAFF/HMT discussions continue.





CONFIDENTIAL

8. As requested at Amsterdam, the Commission recently adopted draft proposals designed to protect FMOG. These would greatly accelerate existing Article 169 complaints procedures where FMOG is seriously disrupted: precisely the kind of situation experienced over Irish beef imports. We broadly support and wish to take forward as a Presidency priority.

### **Bloody Sunday**

9. On 30 January 1972 13 people were killed by the parachute regiment during a demonstration in Londonderry. Relatives of the victims, and the Irish government, have sent extensive material to the government, claiming that the initial Widgery Tribunal was flawed and that there should be a new enquiry. The Taoiseach, reflecting the growing impatience on the nationalist side for a British response, recently announced that the Irish material would be published in early 1998. Given the great sensitivities, it will be crucial to brief the Irish painstakingly on our eventual decision on Bloody Sunday before any announcement (eg an apology) is made. The NIO and MOD are trying to establish, through a solicitor agent, whether the former paratrooper, whose allegations form the core of the Irish new material, is prepared to stand by these allegations.

### **Roisin McAliskey**

10. Roisin McAliskey is wanted by the Germans to face charges relating to the Osnabruck bomb attack in 1996. She was arrested on 26 November 1996 and since then the extradition request has been under consideration by the UK courts.





CONFIDENTIAL

11. The case has aroused considerable antagonism amongst nationalists in Northern Ireland, the Republic and the US. The Irish Government have made several representations in the past on both the initial refusal of bail (bail decisions are a matter for the courts) and the length of the proceedings. We understand that David Andrews raised the case with the German Foreign Minister recently, asking the Germans to consider withdrawing their request for her extradition. As far as we are aware, this is the first direct approach the Irish Government has made to the Germans on the subject. By contrast, the Irish Justice Minister did not raise the case with the Home Secretary in the margins of the JHA Council on 5 December.

12. Under the European Convention on Extradition, a prima facie case is not required, but the requesting state must provide the court of committal with identification evidence, particulars of the offence and a statement of the relevant law. The full evidence will not therefore be heard unless and until Ms McAliskey is returned for trial in Germany.

13. The proceedings have been very slow, both because of the birth of her baby (in May) and because the magistrate has been reluctant to issue a decision in her continuing absence from court on medical (mental health) grounds. The CPS are currently trying to get the High Court to instruct the magistrate to take his decision through Judicial Review, which the defence are not resisting. Since the birth of her baby, the court has granted Ms McAliskey conditional bail at a specialist mother and baby unit in hospital.

CONFIDENTIAL





CONFIDENTIAL

### Prison Transfers

14. Prison issues affecting republicans are seen as a key confidence issue and barometer of the government's commitment to progress in Northern Ireland. It is likely that Gerry Adams will have raised such issues with the Prime Minister on 11 December. Final decisions on 7 of the repatriation cases currently with the Home Office have not been made because the sentences being served in each case are longer than that available for the equivalent offence in the Republic of Ireland (with the effect that the sentences could not be enforced following repatriation). The Irish Government has introduced a Bill allowing for their courts to make orders to enforce sentences which exceed the minimum in the Republic. They hope to enact the Bill by 16 December.

15. The so-called Balcombe Street gang were convicted of a series of horrific offences. They were eventually convicted of six counts of murder and one of manslaughter, as well as numerous other offences and received a total of 47 sentences. The judge recommended 35 year sentences, but the Home Secretary makes the final decision on the tariff (which could be a full-life tariff), and is taking into consideration formal representations received (on 2 December) on behalf of Martin O'Connell. Tariffs are required before their repatriation applications can be processed further.





CONFIDENTIAL

**BSE**

16. Ireland has been the most supportive of our EU partners throughout the BSE crisis, despite the events of the past week. If raised, it would be worth outlining progress since May and the political importance of early partial relaxation. The UK continues to work on the conditions laid down in the Florence Agreement, and is working with the Commission on two schemes - the Certified Herds Scheme (CHS) and Date-Based Export Scheme (DBES) - which would bring a partial relaxation of the export ban (possibly by the middle of next year). The CHS has been revised to take account of the scientific committees' expert opinion. The Commission will table a proposal for the CHS soon. We recognise that initially it will only apply to Northern Ireland. Scientists approved the DBES on 9 December, which should lead to more significant exports. We aim to discuss next steps with the Commission soon.

17. Some EU partners eg Germany have expressed irritation at the handling of the Government's decision to ban beef on the bone (announced on 3 December following a leak). This will tend to increase Partners' caution about any relaxation of the export ban, although there is no logical link between the two issues, and the latest measures only underline the Government's determination to put public health first.





CONFIDENTIAL

### Duty Free

18. Ahern may raise this. The Irish Government opposes the planned abolition of intra-EU duty and tax free sales in 1999 and Ahern has lobbied the Prime Minister on this in the past.

19. The decision to end intra-EU duty free was taken in 1991. It could be reversed now only if the Commission brought forward a new proposal which was agreed by all fifteen Member States. The chances of this are slim. Commissioner Monti is firmly opposed to any further extension of the current duty free regime and most Member States accept that it is an anomaly in the Single Market. Nevertheless, duty free traders, alcohol and tobacco producers and the travel industry are campaigning hard for a change of policy.

20. The Irish are worried that abolition of intra-EU duty free will make some of the ferry routes from Ireland to the UK and the Continent unviable and will lead to widespread job losses. In order to put pressure on the Commission to extend the current regime, they want the Council to agree to a study into the effects of abolition. There was little support for this when the Irish put it on the ECOFIN agenda during their Presidency; but at the Transport Council in June a number of Member States (including ourselves) supported a Finnish call for a study. Nothing came of this since the Commission said duty free was a matter for ECOFIN.

21. The Irish now believe there is growing support for an extension of the current duty free regime, and may press for European Council conclusions on this. Conclusions language about the need to reassess abolition in the light of its effects on jobs may not be beyond reach. But explicit support for an extension looks unlikely.





CONFIDENTIAL

22. Our line on duty free is that extension beyond 1999 is not realistic, even if it were economically desirable (which is far from certain). But we could support a Commission study if there was a consensus in favour of this. We would like such a study to look at practical issues such as the successor regime to duty free, rather than raising hopes that the current regime will be extended. If operators do not believe the 1999 deadline is real, they will continue to delay necessary restructuring.