

MEETING WITH THE TAIOSEACH: 9 DECEMBER: BILATERAL ISSUES

Points to Make

- Recall warmly my visit to Dublin last December when we agreed programme of bilateral cooperation.
- 12 months on: good opportunity to take stock and move forward.
- 1996 an unprecedented year for bilateral relations: first official visit by Irish President (June). Many other high level visits and opportunities for practical cooperation.
- Hope we can maintain and build on momentum in 1997. Many opportunities for government to government cooperation. Can produce highly worthwhile results (eg cooperation on drugs, social security fraud).
- Discussed with President Robinson at No 10 in June if we could identify high-profile areas for cooperation.
- Youth sector cooperation seems ripe area. So much common ground between our peoples, but historical baggage and current misapprehensions on both sides can add sour note. Sustained programme of youth exchanges, for example, could have tangible, lasting benefits. Such proposals need not be expensive, perhaps even found within existing budgets.
- Should also encourage non-governmental cooperation. Common language, many shared traditions, geographical proximity. Many organisations with funds and will to promote cooperation, if given impetus and recognition by governments.
- For example, recently received letter from Colin Parry (Warrington Project) about developing youth exchange links between Ireland and Warrington, and collaborating with the Irish peace and reconciliation organisation Glencree. An official (FCO) will visit Warrington shortly to discuss these ideas.
- British and Irish officials have prepared draft text for our adoption. Main issues:
 - i) satisfaction at progress achieved under programme of Cooperation agreed in 1995 and determination to sustain improvement in 1997;
 - ii) endorsement of enhanced programme of cooperation in the youth sector: and
 - iii) instruction to officials to consider scope for promoting closer cooperation in the non-governmental sphere.
- Endorse text wholeheartedly. Delighted to pave way to improve relations between our two countries yet further. Shall we jointly approve text and its public release?

/TAOISEACH MEETING, 9 DECEMBER 1996: CIVIL NUCLEAR MATTERS:
DEFENSIVE

Points to Make (defensive)

- Acknowledge concerns over Sellafield. BNFL committed to informed public debate on all aspects of its operations.
- BNFL operations at Sellafield regulated under stringent licensing authorisations. Discharges carefully monitored and have always been within authorised limits.
- Dundalk case Irish Supreme Court judgement allows case to be heard in Irish courts, but has not determined the outcome. BNFL firmly believe that its operations do not cause damage to the health of the Irish population, and that the company will successfully dispute any claim for damages.
- Discharges of Technetium 99 into the Irish Sea have arisen from the reprocessing of Magnox fuel. They are not from THORP.
- The maximum radiation dose of Technetium 99 to members of the public is well within national and international dose limits and will remain so. BNFL have not breached the conditions of their authorisation.
- Intervention Levels, the scientific basis of which is to be reviewed within the EC, are designed to come into force only in the immediate aftermath of a nuclear emergency. Their application is therefore not appropriate.
- BNFL shipments conducted strictly in accordance with international regulations and with 100 percent safety record over 40 years.
- Time not ripe for renegotiating EURATOM Treaty, but prepared to listen to ideas.

Points to make

- understand your strong feelings about decision to make our statement, but had no choice but to publish our position quickly; public speculation and conspiracy theories rife;
- statement does not rule out any outcome and we wish to continue to make common cause with them in this great task;
- not in our power to set a date for Sinn Fein entry - depends as you said in the Dail, on their words and on their adherence to the cessation and the Mitchell Principles;
- we want to see Sinn Fein make themselves eligible to join talks on the basis of a credible ceasefire; Adams' latest words (via Hume) are useless;
- paragraphs 8 and 9 of the Groundrules remain our position - foundation of last week's statement;
- providing those requirements are met, and this must be on the basis of the criteria in last week's statement, in the event of a ceasefire immediately following Summit, Sinn Fein's invitation to the talks within a relatively short timescale is certainly possible - but the onus is on them to deliver and convince us;
- know will continue to work together on common goals of progress in negotiations and inclusive talks.

Decommissioning

- Highly desirable to reach agreed conclusions before any Christmas break

- means that the talks would not be focussed on decommissioning when they resume in the New Year (which would be a disincentive for Sinn Fein)
- justifies a longer Christmas break
- welcome Chairmen's intention to table compromise proposals [next week]. Essential that they should be capable of securing "sufficient consensus" support so that inevitable amendments can be seen off and the proposals voted through
- Chairmen's current thinking may be unlikely to achieve this. Urge you to give your team at the negotiations greater discretion to accept an arrangement consistent with the philosophy of the Mitchell report which could stand a better chance of securing sufficient consensus support
- if your Government could support our proposals of 14 November I believe the deal could be struck before Christmas and a date fixed for the launch of the three strands on resumption in the New Year (a positive incentive for Sinn Fein)

MEDIA: KEY MESSAGES

- Our communiqué position is wholly consistent with HMG's statement of 28 November;
- our position is both fair and reasonable;
- we want Sinn Fein in the talks - but it must be on the same basis as everyone else;
- Sinn Fein's early entry into negotiations is neither ruled in nor out;
- both governments call upon IRA to declare an immediate and unequivocal restoration of the ceasefire;
- in such circumstances, if the criteria which we have spelt out are fulfilled, Sinn Fein's invitation to the talks within a relatively short time is certainly possible - but the onus is on them to deliver and convince us.

Blockade of Churchgoers at Ballymena:

- deeply concerned about events in Ballymena, in particular the attempts to prevent parishioners attending place of worship;
- outrageous act - condemn it and all kinds of discrimination. No excuse for disorder of any kind, especially at this sensitive time.

Other Sectarian Activity

- the current wave of evil attacks on churches and other property are also to be condemned, as are the continuing brutal attacks on individuals in the name of punishment.

ALLEGATIONS AGAINST MARTHA POPELine to Take

- accept without qualification Senator Mitchell's assurance that neither he, nor his colleagues, nor his staff have met Sinn Fein or the IRA since his present appointment;
- Reiterate that we know of nothing that should lead us to any other conclusion.

Background Note

Allegations have been made this week in media reports - both UK and US - about a liaison between Martha Pope and Gerry Kelly. The theme of the stories has been that HMG has discovered this as a result of intelligence reporting. Dr Paisley has previously made similar allegations in the talks, asserting that the Secretary of State has a security report which indicates this. The Secretary of State wrote to Mitchell on 13 November saying that he fully accepted his assurance that none of the chairmen or their staff had met Sinn Fein or the IRA since taking up their present appointments.

2. We know that Senator Mitchell is concerned at the slant which the media are putting on this, particularly in the US - a British dirty tricks operation to discredit Mitchell and US involvement in the talks. There is of course no such thing: but we never comment in any way on intelligence matters, even to discuss, and must not depart from this. The Secretary of State for Northern Ireland has explained this to Senator Mitchell.

CURRENT SECURITY SITUATION

Lines to take

- Confident security forces will do all in their power to deter further attacks.
- Encouraged by recent significant finds and arrests in GB and R of I as well as in NI.
- Reassuring for the public to know that skill and bravery of security forces on both sides of the border are maintaining their successes in apprehending and preventing those involved in terrorism.
- Congratulations to the Garda for their efforts.
- Condemn current campaigns of boycotting traders because of their religion and obstructing worshippers attending their churches in eg Dunloy (ongoing) and Ballymena (3 months).
- Symptoms of the divisions within society.

SECURITY RESPONSE TO BREAKDOWN IN CEASEFIRE

Lines to Take

- Further measured enhancements to security in Northern Ireland were introduced after the bomb explosions in Lisburn. Alert to potential further attacks and remain vigilant.
- If the need arises, we will not hesitate to introduce further enhancements to assist the security forces' efforts to detect and deter terrorists. We will continue to support security forces and protect all the citizens of the UK.
- In light of current security situation it was considered necessary to close High Street in Bessbrook/Strand Road in Londonderry to through traffic. Aware this may cause inconvenience but disruption will be kept to a minimum. Look forward to the day when this security measure - with all others - can be lifted.
- Army presence evident on the streets but necessary in the current situation. Security not back at pre-ceasefire levels.
- Replacement of masts at Army bases part of ongoing refurbishment.

'PUNISHMENT' ATTACKS**Lines to Take**

No let-up in the number of attacks. On average more than 6 each week this year. Already 80 more than last year. These are horrific attacks.

Background

To November this year there have been 306 (203 in 1995) victims of 'punishment' assaults and shootings. Of these, 163 (133) are believed to have been carried out by Republican groups and 141 (70) by Loyalist groups. Loyalists shot 14, Republicans shot 3.

DECOMMISSIONING BILL

Lines to take

- Agree that the best way forward is for both Governments and the political parties to work towards implementation of the report of the International Body.
- Second Reading of our Bill is taking place today (9 December). Hope it will have completed its passage as early as possible in the New Year.
- Grateful for confirmation of the Irish Government's agreement to press ahead with its Bill.

Background

The main provisions of the Bill, which are mirrored in the Irish legislation, are:

- (i) To make provision in respect of decommissioning schemes to apply to arms in Northern Ireland, England and Wales and Scotland.
- (ii) The time limit within which things can be handed in under a decommissioning scheme to take advantage of the amnesty under the Bill.
- (iii) An amnesty from prosecution in respect of certain (mainly possession-related) offences listed in the Schedule, or in the case of GB schemes, similar offences under the law of England and Wales or of Scotland. The amnesty is available only to those acting in accordance with a decommissioning scheme; it is intended to protect those who commit offences through their participation in decommissioning, and is not a general amnesty for terrorist-related offences.

- (iv) A prohibition, except in certain circumstances, on the use in evidence in criminal proceedings of a decommissioned article or information derived from it or anything done in accordance with a decommissioning scheme.
- (v) A prohibition, except in certain circumstances, on the forensic testing of decommissioned articles.
- (vi) Definition of an independent Commission to facilitate the decommissioning of firearms etc and a power to confer appropriate legal status, immunities and privileges.

ANNEX F

PRISONS ISSUES

Line to Take

- There will be no amnesty for those convicted of terrorist-related offences; all prisoners will continue to serve their sentences according to the law;
- In response to the changed circumstances of the cease-fires we introduced in November 1995 legislation to accelerate the release of terrorist offenders and more than 160 prisoners (Loyalist and Republican) have already been released early; this legislation has remained in force despite the breach of the cease-fires by the IRA;
- No formal changes have made to the life sentence review system but the Secretary of State continues to take into account all factors, including the security situation, in considering release decisions; it is important to note that the average life sentence for terrorists is between 14 and 15 years;
- During the cease-fires the prison population for Northern Ireland has fallen from around 1900 to around 1600 both as a consequence of accelerated release and the reduced level of violence.

ii) Changes in Prison Regime in Northern Ireland

Line to Take

- New compassionate leave arrangements were introduced in June 1995 which resulted in a nine-fold increase in the number of successful application from the Maze.

- The changes announced by the Northern Ireland Prison Service on 21 November 1996 represent a further important development of the regime for prisoners in Northern Ireland. They are fully consistent with the main goals of the Prison Service which include maintaining prisoners' links with their families and helping them to prepare for release and are available to Republican and Loyalist prisoners alike. They build on schemes which have already been running successfully for a number of years for example:
- pre-release leave allowances for male and females will be brought into line and will be increased for long sentence prisoners;
- life sentence prisoners who have been recommended for release by the Life Sentence Review Board will be given new alternate week-end home leave;

INTRA-UK TRANSFER

Line to Take

- Since 1992 24 terrorist prisoners have been transferred from GB to NI; this includes 14 prisoners transferred permanently and 10 prisoners on temporary transfer;
- A prisoner will not be transferred permanently where such a transfer would result in a substantial reduction of sentence;
- There are four terrorist prisoners remaining in England who have links to Northern Ireland. Of these one refuses to accept temporary transfer; the other 3, who attempted to escape from Whitemoor and now await trial have been turned down by the Home Office.

- The Government has introduced in the Sentencing Bill legislation that will allow the permanent transfer of prisoners to take place without the sentencing jurisdiction losing control over release decisions.
- Requests for permanent transfer will normally be refused if, as a consequence, the prisoner would be likely to receive a substantial reduction in time to serve.

Background

There have been criticisms of the system of temporary transfer on the grounds that: (a) the need to renew the transfer every 6 months imposes psychological strains on the transferees; and (b) temporarily transferred prisoners do not have access to Northern Ireland's more favourable temporary release arrangements. The new legislation addresses point (a). Issues surrounding, (b) continue to be discussed with the Home Office.

REPATRIATION BETWEEN GB AND ROI

Line to Take

- the British Government has repatriated prisoners to and from the UK since passing legislation in 1985;
- It has only been possible to repatriate prisoners between the jurisdictions since the Republic of Ireland ratified the European Convention on the Transfer of Sentenced Persons in November 1995; only since then the Home Secretary has already agreed to the repatriation of eight prisoners; six of whom were sentenced for terrorist offences. Five of the prisoners have already transferred to the Republic of Ireland;

- further cases are under consideration by the two governments;
- our firm policy is not to agree to the repatriation of prisoners where the result would be a substantial reduction of sentence.

Background

Since the Irish ratified the Convention both governments have been under considerable pressure to repatriate prisoners, particularly terrorists. However, the process is bureaucratic and takes time. In each case both governments and the prisoner concerned must agree to the repatriation.

2. A further 35 cases (all non-terrorists) are currently with the Irish Government and the Home Office are awaiting a response. The Home Office is considering the requests of a further 38 prisoners (including 14 terrorists) and will pass papers to the Irish Government in due course.

3. Eight prisoners located in the Republic of Ireland have applied for repatriation to Northern Ireland but to date there have been no requests from prisoners in Northern Ireland for repatriation to the Republic.

IMPACT OF THE CADDY REPORT

Line to Take

- Professor Caddy has reported to the Home Secretary who has given an undertaking to make known the findings;
- there are three prisoners on temporary transfer in Northern Ireland whose cases may be affected by the findings. It is too early to say what impact the findings will have in their cases.

WHOLE LIFE TARIFFS

Line to Take

The tariffs of life sentence prisoners transferred temporarily from England is a matter for the Home Secretary, advised by the judiciary.

Each case is considered on the basis of the facts of the case, taking into account the recommendations of the trial Judge and the Lord Chief Justice and any representations made by the prisoner.

Background

Two prisoners, Kavanagh and Quigley, have recently been notified that their tariff is natural life. One other prisoner, Magee, is likely to be similarly advised in the near future.

RTE BROADCASTING

Line to take

I am pleased that it may be technically possible to extend RTE reception in Northern Ireland. We have always been in favour of this provided transmissions from UK broadcasters are not affected. Virginia Bottomley wrote to Michael Higgins at the end of last month to suggest the next practical steps to enable the implementation of the planning agreement of 10 May between our officials.

If Pressed

We are clear that UK broadcasters or tax payers should not be expected to help fund work which will increase commercial competition for UK Broadcasters.

NORTHERN IRELAND FORUM

Line to take

- the 8 parties represented at the Forum have settled down to some worthwhile business, as evidenced by the work of the Standing Committees and by a number of constructive debates on a range of social and economic issues;
- the decision by the SDLP to withdraw from the Forum is very much regretted, not least by the remaining Forum members, as it is widely recognised that they have a valuable contribution to make;
- the absence of any nationalist parties at the Forum, while a deficiency, has not prevented the remaining delegates from conducting some meaningful business.

Background

The SDLP withdrew their delegates from the Forum as a result of the disturbances at Drumcree and elsewhere during the summer months. With Sinn Fein having indicated at the outset that they did not intend taking their seats, this has left the Forum without a party capable of representing the nationalist viewpoint.

Despite this acknowledged deficiency, the Forum has settled down to some worthwhile business, including the establishment of five Standing Committees (on Health, Education, Agriculture & Fisheries, the Economy and Public Order) and have held a number of constructive debates on issues such as healthcare, BSE, disability issues, housing and the multi-party Talks.

The Irish Government share the SDLP's view that the Forum is neither necessary nor desirable, and that it represents an unwelcome potential distraction from the Talks process. Recent debates at the Forum on the Anglo-Irish Agreement and on relations with the Republic of Ireland were conducted along entirely predictable lines, and can only have reinforced that view. Interestingly, and showing a deal of courage, the Chairman of the Forum, Mr John Gorman of the UUP, refused under the Forum's Rules of Procedure to adopt the motions passed by plenary on these issues on the basis that they were unlikely to command cross-community support.

The legislation provides that the Forum will cease in May 1997, but may by order of the Secretary of State be extended until a time not later than May 1998. A formal review of the Forum will be conducted in May 1997.

**FUNDING ARRANGEMENTS FOR THE FILM INDUSTRY IN NORTHERN IRELAND -
ANNOUNCEMENT ON 9 DECEMBER**

Lines to Take

- Ministers will today (9 December) announce a package designed to address the two fundamental issues required to stimulate the local film production sector in Northern Ireland. The establishment of a Film Commission to market and promote Northern Ireland locations, talent and facilities to international film and TV producers plus the establishment of a commercially focussed Development Fund to offer loans to established producers to develop both feature films, TV drama series and serials intended to be primarily produced in Northern Ireland and which are intended to give maximum exposure of Northern Ireland locations on the wide and small screens.
- These new arrangements will be financed by a combination of funds from the National Lottery and the European Union Peace and Reconciliation package. The industry representative body, the Northern Ireland Film Council, will also be strengthened by a greater emphasis in its membership on a strategic/commercial approach.

Background

Briefing is provided because the announcement is being made on 9 December.

Unlike the Republic of Ireland and Great Britain, Northern Ireland has not benefited from the significant growth of the international film and TV production industry in the last decade.

There are tax incentives available to producers in the Republic of Ireland. It is significant to note that BBC Northern Ireland is highly successful drama department spent 90% of its £10 million production budget on productions made in the Republic of Ireland.

As the most remote part of the United Kingdom, Northern Ireland has also been unable to benefit from the overseas productions which have always been attracted to studios around London. This vicious circle has meant that in common with other industries in Northern Ireland local entrepreneurial, creative and technical talent has gone to GB to seek career opportunities.

In June 1996, the Department of Economic Development and Education for Northern Ireland commissioned a review of structures and arrangements for the support of film culture in Northern Ireland. This report (the Edmund Report) provides the background to the arrangements for the support of film culture and the film industry which will be announced on 9 December, the details of which are in the line to take.

EU SPECIAL SUPPORT PROGRAMME FOR PEACE AND RECONCILIATION

Line to take

- Welcome the good progress which is now being made in the implementation of the EU Special Support Programme for Peace and Reconciliation.
- Attach considerable priority to the Programme which has the widespread support of local groups on the ground in NI. There would be considerable disappointment if the Programme did not receive an additional tranche of funding for the years 1998-99.
- Would hope to receive sufficient funding in 1998-99 to continue to support the best structures and projects established under the Programme to date.
- Pleased that the European Parliament Budget Committee, following lobbying from both our Governments and pressure from our MEPs, withdrew on 21 October its recommendation for a 100 mecu cut in 1997 commitments to the Special Support Programme. The matter is now being referred for consideration to the Council of Ministers and we await the outcome.

BSE: Line to Take

- We have not implemented the selective cull because we wanted to take stock of the options for certified herd schemes. But we have not said that we will not proceed with a cull.
- Realise the delay is of concern to our European partners. But think it is right to weigh up the options and benefits carefully. We have not abandoned Florence.
- We want the export ban lifted: that is why we are pursuing with the Commission proposals for relaxing export restrictions for animals which are from certified herds. We will be pressing for these to be discussed at the earliest opportunity.
- Very grateful to the Irish Presidency for their support throughout the crisis and, in particular, for the Northern Ireland position.