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FROM: JOANNE MAXWELL
ANGLO-IRISH SECRETARIAT
15 December 1997

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cc PS/Mr Murphy (B&L)
PS/Mr Ingram (B&L)
PS/PUS (B&L)
PS/Mr Semple
Mr Thomas
Mr Steele

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HMA, Dublin
Mr Fergusson, RID

PS/Secretary of State (B&L)

**DAIL QUESTIONS FOR REPLY BY THE MINISTER FOR FOREIGN AFFAIRS,
MR DAVID ANDREWS**

Please find attached, for your information, a copy of questions addressed to the Minister for Foreign Affairs, Mr D Andrews, and the answers supplied by him.

Signed

JOANNE MAXWELL

Question No. 2

To ask the Minister for Foreign Affairs his views on whether the May 1998 deadline will be met in relation to the all Party talks at Stormont; and if he will make a statement to Dáil Eireann on the current state of these talks.

- Dick Spring

For PRIORITY answer on Thursday, 11th December 1997.

Ref No: 22490/97

REPLY

While there is much work to be done if we are to meet the May 1998 deadline for agreement in the multi-party negotiations, there has been very substantial progress since the negotiations resumed in September. The participants have set out their views on all of the items of the comprehensive agenda, across the three strands.

What is now required is a tighter focus on the core substance of the negotiations, and I am encouraged by the recognition of this among all the participants. In particular, the review Plenary agreed last week to establish a restricted sub-group to identify key issues and determine the best way to structure consideration of those issues. I am hopeful that agreement on these matters will be reached at the review Plenary on its resumption next week. This will enable us to move into a still more intensive phase directly after Christmas, and make it possible to proceed from analysis into direct negotiation on the broad lines of an agreement.

I would wish to take this opportunity to pay tribute to the continuing excellent work of Senator Mitchell and his colleagues. Their judgement and skill as Chairmen are proving to be invaluable.

The Government also has valuable on-going bilateral contacts with all of the parties involved in the negotiations. Most recently, the Taoiseach had useful and

constructive meetings during his visit to the Talks on Monday. We will be maintaining the closest contact with all the participants.

We are very much focussed on the May deadline, and there is no reason why it should not be met. Indeed, I believe that participants would prefer to move even more speedily, if that were possible. Of course, if some additional time were required to complete negotiations which were going well, I am sure there would be general agreement to this. But I hope, and expect, that this won't be necessary.

Question No. 3

To ask the Minister for Foreign Affairs his views on the future of North-South institutional bodies which may flow from the current peace process.

- Gay Mitchell

For PRIORITY answer on Thursday, 11 December 1997

Ref No: 22491/97

REPLY

The policy of the Government in regard to the outcome we wish to see emerge from Strand Two of the multi-party negotiations, as part of an overall settlement, is based on the Framework Document. There should be a North-South body which would provide a focus for practical joint action at island level, for which there is ample scope, and which would also provide the necessary institutional expression of the Irish identity of Northern nationalists. The creation of a North-South body is essential if nationalists are to feel able to give their support to an overall agreement. Equally, there would have to be unionist agreement to such a body, and to its functions.

The powers and structures of a North-South body are matters for negotiations, as is every other issue in the Talks. An indicative list of possible functions for the body is set out in the Framework Document - paragraphs 31 - 33 - but again this is obviously for negotiation. We have made clear our view that the body must, in certain agreed areas, have meaningful powers to make decisions and to have those decisions implemented. In addition, it should operate exclusively by agreement between representatives of North and South, and should be politically accountable in both jurisdictions. We would see it as having the capacity to develop over time, by agreement, in line with the further evolution of the relationship between the two parts of the island.

Question No. 9

To ask the Minister for Foreign Affairs the current position in relation to the case of a person (details supplied) ; and if he will make a statement on the matter.

- Cecilia Keaveney.

For ORAL answer on Thursday, 11th December, 1997.

(Roisin McAliskey.)

Ref No: 22422/97

Question No. 15

To ask the Minister for Foreign Affairs the nature of the representations, if any, he made to the German Foreign Minister regarding the extradition sought from the United Kingdom to Germany of a person (details supplied); the response, if any, he received in this regard; his views on whether it is appropriate that he should involve himself in judicial proceedings involving two other states ; and if he will make a statement on the matter.

- Proinsias De Rossa. (Nominated by: Proinsias De Rossa).

For ORAL answer on Thursday, 11th December, 1997.

(Roisin McAliskey)

Ref No: 22362/97

REPLY

With your permission, I propose to take Question No. 9 and Question No.15 together.

The person named is currently on conditional bail at a London hospital. Despite the excellent quality of the medical care available to her, I am advised that her health continues to deteriorate. Because of her poor health, she has been unable to attend any of the four

committal hearings held to date in connection with a request that she be extradited to Germany. The magistrate has refused to order her extradition in her absence. A further committal hearing is set for 2 January 1998.

I am informed that the High Court will be asked tomorrow to direct the magistrate to take a decision on the extradition request.

Since her arrest, the Government have expressed their humanitarian concerns about the health of the person concerned, the physical and mental suffering which she has undergone and the need to care for her young baby. These concerns have been raised at various levels with the British Government. I have raised them directly with the Secretary of State for Northern Ireland and will continue to do so.

I also brought this case recently to the attention of the German Foreign Minister. The Government believes that, on humanitarian grounds and because of the nature of the case, every avenue should be explored to help have her case speedily resolved. This was the basis on which the approach was made.

At all times, the Government have been careful to avoid involvement in the judicial process itself. The representations made relate solely to the exercise of discretionary powers falling within the competence of the executive.

I have now received a reply from Minister Kinkel. He has replied that humanitarian aspects are of particular importance in this case, and that Germany would welcome a swift ruling by

the British courts on the extradition request. He also states that the decision on the extradition application is a matter for the British courts.

To ask the Minister for Foreign Affairs if he will have talks with his British Counterparts to ensure that searches of people travelling from Ireland, at points of entry to the UK are discontinued, in view of the continuation of the cease-fire in Northern Ireland.

- Austin Deasy.

FO. ORAL answer on Thursday, 11th December, 1997.

Ref No: 22478/97

REPLY

I assume that the Deputy is referring to those powers of search contained within the British Prevention of Terrorism Act.

Under the terms of Schedule 5 of that Act, any person who has arrived in or is seeking to leave Britain or Northern Ireland by ship or by aircraft may be examined and/or searched by an examining officer. This applies also to land travel between Northern Ireland and this jurisdiction.

The powers apply to persons of any nationality, including British nationals and other EU citizens. They are seen by the British authorities as a means of countering international terrorism as well as terrorism related to the Northern Ireland conflict. The Prevention against Terrorism Act does not confine examination and search powers to traffic between Ireland and Britain. However, the indications are that a majority of persons examined are stopped at points of entry and departure for Common Travel Area traffic; separate figures are not available for the number of persons who are actually searched under these provisions.

The Government has frequently expressed its concern at the provisions of the PTA, particularly those whose application appears to have a disproportionate impact on the Irish community in Britain or persons travelling between the two islands, such as the powers

relating to port and border controls. We will be pursuing our concerns in the context of the proposals for permanent counter-terrorism legislation which the British Home Secretary will present early next year in the form of a consultation paper.

To ask the Minister for Foreign Affairs if he will pursue, with the British Government, the need to remove the permanent vehicle checkpoints at Mullan, Gortmullan and Wattlebridge on the Fermanagh and Cavan Border ; and if he will make a statement on the matter.

- Brendan Smith.

* For WRITTEN answer on Thursday, 11th December, 1997.

Ref No: 22572/97

REPLY

The Government's view is that permanent vehicle checkpoints, including those at Mullan, Gortmullan and Wattlebridge, should be removed as soon as possible.

We welcome the removal of six permanent vehicle checkpoints since September 1994 but would like to see greater progress. The recent decision to remove the street furniture of the vehicle checkpoint structure at Cloghoge on the Dublin-Newry road is a positive step.

I would assure the Deputy that we will continue to make representations within the framework of the Anglo-Irish Intergovernmental Conference seeking the removal of permanent vehicle checkpoints, including those at Mullan, Gortmullan and Wattlebridge. We believe that greater progress on this issue would provide a further tangible response to the reduced security threat and would contribute to the building of confidence and trust.