

18/5 PB 24/6/93  
107/5 JR 25/6/93

FROM: S C LACKIE  
SIL/TPU DIVISION  
22 JUNE 1993

*Mr Lynch  
Please see you  
Dinner list! 24/6*



cc PS/Mr Mates (L,B&DFP)  
PS/Michael Ancram (L,B&DENI)  
PS/Mr Atkins (L,B&DOE)  
PS/Lord Arran (L&B)  
PS/PUS (L&B)  
Mr Thomas  
Mr Bell  
Mr Williams  
Mr Maxwell  
Mr Gamble, DED  
Mr Shannon  
Mr Leach  
Mr Brooker  
Mr Dodds  
Mr Cooke  
Mr Adams  
Mr Dunn  
Miss Harrison  
Mr West  
Mr Archer, RID  
HMA Dublin

*cc Mr Lynch  
Mr Spence 24/6  
Mr Gibson*

*Mr Spence*

1. MS LODGE [BL 22/6]
2. PS/SECRETARY OF STATE (L&B)

BRITISH-IRISH INTERPARLIAMENTARY BODY - 6TH PLENARY CONFERENCE -  
CORK, 28-30 JUNE 1993

Ministers will wish to be aware of the briefing which we propose to submit to the British members of the British-Irish Interparliamentary Body in advance of the sixth plenary meeting to be held in Cork from 28-30 June.

2. The main items on the agenda are as follows:

(i) A Citizens' Inquiry: the Opsahl Report on Northern Ireland

(ii) The Single Market: Cross-border Trade

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(iii) The Development of Tourism

(iv) Extradition Arrangements between Ireland and the UK

(v) Transfer of Prisoners

(vi) Closed Border Roads and Permanent Vehicle Check-Points

(vii) Environmental Implications of Energy Policy.

3. If Ministers are content, the attached briefing will be passed to the British members of the body in advance of next week's meeting.

(SIGNED)

S C LACKIE  
SIL/TPU DIVISION  
22 JUNE 1993  
OAB EXT 6507

SC/SIL/21552



## OPSAHL REPORT ON NORTHERN IRELAND

The international Opsahl Commission was established by Initiative '92 which was founded by Robin Wilson, Editor of "Fortnight" (a NI periodical) and Simon Lee, Professor of Jurisprudence at Queen's University. Its mandate was to give the people of NI an opportunity to express themselves and to seek possible ways forward for Northern Ireland. The purpose of the report is to stimulate further public debate.

The Report's recommendations cover politics and the constitution, law, justice and security, economic and social issues, religion, culture and other issues. The principle recommendations are to be tested in a public opinion poll later this month.

The report's main recommendations on political and constitutional issues are:

- if talks fail, HMG, in consultation with the Irish Government, should establish a Commission to study the situation and make recommendations;
- a Northern Ireland Government should be established with an equal voice for each community;
- Irish nationalism should be legally recognised in UK law;
- HMG should open informal channels of communication with Sinn Fein to (a) test their commitment to the constitutional process; and  
(b) persuade the IRA to de-escalate violence, eventually leading to a ceasefire.

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The reactions of the Northern Ireland political parties to the report has been almost universally negative.

HMG will follow any debate with interest but does not envisage offering a critique of the report.

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POLITICAL DEVELOPMENT

HMG together with the Irish Government and the four main constitutional political parties in Northern Ireland, have been engaged in a series of Talks that were initiated in 1990. These are aimed at securing a widely acceptable political accommodation which would address the key relationships; those within Northern Ireland, within the island of Ireland and between the United Kingdom and Irish Governments.

During 1992 the Talks involved the Irish Government in face to face talks with the main Unionist parties of Northern Ireland - the first time since 1920 that the two Governments and the representatives of all the major constitutional parties of NI sat together to discuss the political future of Northern Ireland.

Talks ended in November 1992 without full agreement but participants agreed that they had identified and discussed most, if not all, of the elements which would comprise an eventual settlement. They also argued that further dialogue was both necessary and desirable.

Both British and Irish Governments believe that the Talks process provides the best opportunity of achieving a substantive and durable political accommodation.

Since the Talks ended there has been a general election in the Republic of Ireland and local government elections in northern Ireland took place last month. The Secretary of State for Northern Ireland has recently initiated a round of talks with the leaders of the main parties to seek their views on how we might move forward. But it is premature to predict what might emerge and also to say when fresh talks might start or in what format they may take place.

HMG has no "blueprint" for a settlement, but to aid new Talks, HMG is prepared to table proposals as a basis for discussion, based largely upon ground already covered. While HMG is happy to discuss

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in outline and share ideas about the possible content of the paper with participants, before it is finalised, it is not HMG's intention that this will be an agreed paper. It will be HMG's responsibility alone.

All the participants agree that by their refusal to condemn IRA violence, Sinn Fein exclude themselves from the Talks process.

HMG remains committed to the position that there will be no change in the status of Northern Ireland as part of the UK without the consent of a majority of the people of Northern Ireland.

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## BRITISH-IRISH INTERPARLIAMENTARY BODY

Report from Committee B on:

## "THE SINGLE MARKET: CROSS BORDER TRADE"

1. The Report makes clear that the work of the Committee was greatly disrupted by the general elections in both the UK and Ireland during 1992. The Committee was therefore unable to address the full mandate which it had set itself (set out in para 1) and concentrated on a single aspect: cross border trade. As a result of the elections it was only possible for the Committee to meet 4 times and it had to cancel two visits to the EC Commission in Brussels.

2. In the light of this, the Report's analysis and conclusions are inevitably of a rather general nature. It concludes that the level of cross border trade is surprisingly low in relation to the total level of each area's trade. The main factors cited as contributing to this include: transport costs, lack of information about markets, exchange rate uncertainties (particularly since the UK left the ERM), differing taxation policies, security and political tensions. In the light of these, the Report contains the following conclusions and recommendations:

- i) there is potential for substantially increased cross border trade (para 7);
- ii) there should be a concerted effort by the public and private sector on both sides of the border to investigate this potential (para 8);
- iii) both Governments should continue to give high priority to North/South and East/West transport links (para 12);
- iv) both Governments should consider what more could be done to present in the South a positive image of commercial life in the North and vice versa (para 14);
- v) continued cooperation between the IDB and the ABT in promoting business throughout the island of Ireland (para 21);
- vi) both Governments to promote joint market research and joint trade and sales initiatives in third countries (para 22);
- vii) early production of an all-Ireland public sector tenders register and continuing efforts on both sides of the border to open up public procurement (para 23);
- viii) gratitude for the work of the IFI and its donors-the USA, the EC, Canada and New Zealand (para 25);
- ix) the two Governments to work with the EC Commission to renew and enhance the INTERREG programme (para 26);
- x) the challenges of the Single Market will best be met by "a further commitment to greater economic integration within the island of Ireland" (para 30).



3. These recommendations and conclusions can broadly be endorsed. None of them is controversial or likely to cause difficulty for either Government. Committee B's Report can therefore be welcomed, while recognising that, given its inevitably broad-brush approach, it can scarcely be seen as the last word on the subject.

The Report states that the work of the Committee was largely confined to the examination of the proposals for a single market in the EC. It also considered the implications of the proposals for the UK and Ireland. The Committee's conclusions are set out in the following paragraphs.

1. In the light of this, the Report's analysis and conclusions are inevitably of a rather general nature. It concludes that the level of cross-border trade is surprisingly low in relation to the total level of each state's trade. The main factors cited as contributing to this include: transport costs, lack of information about markets, exchange rate uncertainties (particularly since the UK left the ERM), differing taxation policies, security and political tensions. In the light of these, the Report contains the following conclusions and recommendations:

(i) there is potential for substantially increased cross-border trade (para 5);

(ii) there should be a concerted effort by the public and private sector on both sides of the border to investigate this potential (para 6);

(iii) both Governments should continue to give high priority to North/South and East/West transport links (para 12);

(iv) both Governments should consider what more could be done to present in the South a positive image of commercial life in the North and vice versa (para 14);

(v) continued cooperation between the UK and the EEC in promoting business throughout the island of Ireland (para 15);

(vi) both Governments to promote joint market research and joint trade and sales initiatives in third countries (para 17);

(vii) early promotion of an all-Ireland public sector research register and continuing efforts on both sides of the border to open up public procurement (para 21);

(viii) guidelines for the work of the UK and the Home-Office, the EC, Canada and New Zealand (para 22);

(ix) the two Governments to work with the EC Commission to review and enhance the TRIMIS programme (para 24);

(x) the objectives of the Single Market will best be met by a further commitment to greater economic integration within the island of Ireland (para 30).



EXTRADITION

- HMG submitted memorandum on extradition between UK and Republic of Ireland in October last year: set out main issues of concern.
- Irish Government will shortly be introducing new legislation on extradition. The previous Government committed itself to legislate, following a Supreme Court judgement in November 1991. The Court ruled that IRA terrorists could claim the so-called "political defence" for offences of possession, as opposed to use, of firearms and explosives, and the possession or use of semi-automatic, rather than automatic firearms.
- HMG hopes that the legislation will prohibit the "political defence" for all terrorist crimes; that the present three-day limit on application for a person's extradition will be lengthened; and that consideration be given to restricting the circumstances in which individuals wanted for extradition are granted bail.
- The Criminal Justice Bill (currently in its Commons stages) contains provisions which place the rule of speciality in extradition arrangements which the Irish authorities on a statutory footing. Rule of speciality is a standard feature of extradition treaties: a person may not be tried for offences other than those for which he was extradited without the consent of the extraditing country. Previously, the rule was adhered to by a 'gentleman's agreement' between the British and Irish Attorneys General.

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## TRANSFERS OF PRISONERS

### INTRA-UK TRANSFER

Under the Criminal Justice Act 1961, prisoners sentenced in one UK jurisdiction may be transferred either permanently to serve the remainder of their sentence or temporarily to receive accumulated visits. However problems arose because of the different practices in relation to the administration of sentences which meant that certain prisoners, notably those serving long sentences or life sentences, would, if transferred permanently from Great Britain to Northern Ireland, serve substantially less time. Ministers were reluctant to agree transfers in such cases.

Recognising the hardship caused to the prisoners and their families, Ministers set up a working group to look at the question of transfer. The outcome of this review was announced to Parliament on 23 November 1992 and the recommendations made by the group were accepted. These included:

- a. a commitment to look at possible legislative changes to overcome the present obstacles to transfer;
- b. revised criteria for transfer;
- c. pending legislative changes, an arrangement whereby, if permanent transfer is not possible, prisoners might be transferred on an extended temporary basis for a period of up to 12 months, renewable on request.

### Current Position

Prisoners continue to be transferred to Northern Ireland on a permanent basis.

To date 5 prisoners who were previously temporarily transferred to Northern Ireland, have had their transfers extended under the new arrangements.

The Home Office is currently considering applications for temporary transfer from a number of prisoners in England with a view to determining their priority for transfer.

### TRANSFER BETWEEN THE UK AND THE REPUBLIC OF IRELAND

The Council of Europe Convention on the Repatriation of Sentenced Persons was ratified by the UK in 1985.

The Republic of Ireland has not yet ratified the Convention thus precluding transfers between the jurisdictions.

Transfers to Northern Ireland of Irish prisoners sentenced in Great Britain can only be considered on exceptional compassionate grounds.



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CLOSED BORDER ROADS AND PERMANENT VEHICLE CHECKPOINTS (PVCPS)/PATROL BASES

Key Points

- Terrorists exploit the border. Security measures are therefore essential to protect vulnerable communities and security installations.
- The closure of border roads, linked with the siting of PVCPS, is an essential ingredient in border security.
- PVCPS were extensively refurbished in 1992. Most now function in addition as Patrol Bases.
- The improved PVCPS are often set back from the road (and often some distance from the border). Some have vehicle bypass roads. Traffic flow has improved, and inconvenience to the public reduced.
- Border roads are only closed where essential on security grounds. The new location of PVCPS in Fermanagh allowed closure orders on 2 minor roads to be rescinded in December 1992.
- It is of course regrettable when necessary security measures cause inconvenience to the general public. But it is the terrorists who are to blame - without them such steps would not be necessary.

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