

EM 806

PREM 19/508

S
806

Meetings with the Taoiseach
 M. Haughey

IRELAND

Anglo-Irish Joint Studies
 PART 4

Pt 1 - May 79

Pt 4 - March 81

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
18.3.81		18.6.81		20.10.81			
19.3.81		2.7.81		- ends -			
24.3.81		3.7.81					
25.3.81		6.7.81					
31.3.81		7.7.81					
6.4.81		11.7.81					
9.4.81		17.7.81					
29.4.81		30.7.81					
1.5.81		31.7.81					
3.5.81		3.8.81					
5.5.81		6.8.81					
14.5.81		17.8.81					
4.6.81		20.8.81					
5.6.81		3.9.81					
16.6.81		12.10.81					
		19.10.81					

PREM 19/508

PART 4 ends:-

20.10.81

PART 5 begins:-

22.10.81

CONFIDENTIAL

file
Inland

Bf 30. 10. 81

SIR ROBERT ARMSTRONG

Anglo-Irish Summit

Given our imminent departure for Mexico, I have not shown your minute to me of 20 October on this subject to the Prime Minister. I am sure that she would be content with the list of objectives at Annex A and with the list of briefs at Annex C..

It would be helpful if we could receive the briefs by close of play on Friday 30 October. I note that we may be getting supplementary briefs early the following week.

MICHAEL ALEXANDER

20 October 1981

CONFIDENTIAL

SP


CONFIDENTIAL

MR. ALEXANDER

Anglo-Irish Summit

I minuted the Prime Minister on 16th October about my visit to Dublin last week and the meeting which I had with the Taoiseach. In that minute, I set out Dr. Fitzgerald's ideas about the format of the Anglo-Irish Summit, the agenda and Ministerial participation.

2. The Summit will be the second of the higher profile meetings which the Prime Minister and the then Taoiseach agreed on when they met in London in May last year. It will be the first since Dr. Fitzgerald became Taoiseach, but the principal common objective will be the same for him as for his predecessor and for Her Majesty's Government, namely to continue and to be seen to continue the process of developing close relations between the two countries.

3. A more detailed assessment of the British and Irish objectives is set out in Annexes A and B. These objectives do not cover some of the detailed questions raised in my minute of 16th October: the publication of the Joint Studies; the setting up of a Parliamentary counterpart to the Anglo-Irish Co-operation Council; the British response or non-response to the Taoiseach's constitutional initiatives through a restatement of the guarantee and the idea of a joint Press Conference at the end of the Summit. These are all points which will have to be taken further with the Irish in the light of the Prime Minister's comments on my minute, both before the Summit and during the Summit itself. But, as a broad indication of both sides' aims, I think that these lists of objectives will suffice as guidance for Departments in the preparation of briefs. I attach at Annex C a proposed list of briefs.

4. I should be grateful if you could let me know whether you are content with these objectives and the proposed list of briefs, subject of course to further preparatory talks with the Irish which will be taking place over the next three weeks. The briefing meeting for the Summit is due to take place on Thursday,

CONFIDENTIAL


CONFIDENTIAL

5th November. I will try to arrange to let you have the briefs by close of play on Friday, 30th October in time for the Prime Minister's weekend box. But there are to be further talks with the Irish, probably on 29th and 30th October and this may mean some supplementary briefs reaching you early in the week of Monday, 2nd November.

RA

Robert Armstrong

20th October 1981



CONFIDENTIAL

ANNEX A

UK OBJECTIVES

1. To maintain, and if possible, enhance the Irish commitment to our common efforts against terrorists.
2. To confirm HMG's continuing commitment to closer Anglo-Irish relations and the Joint Studies and to confirm our willingness to keep the Irish Government fully informed about our policies in Northern Ireland.
3. To make clear to the Taoiseach the limits imposed on HMG's freedom of action by the facts of life in Northern Ireland.
4. As a necessary contribution to those objectives, for the Prime Minister to establish a good working relationship with Dr. Fitzgerald.
5. To gain Irish support on European Community issues of concern to us.
6. To influence Irish positions on international questions and to encourage them to work closely with us in the Security Council.

CONFIDENTIAL



CONFIDENTIAL

ANNEX B

LIKELY IRISH OBJECTIVES

1. For Dr. Fitzgerald to establish the kind of working relationship with the Prime Minister which will enhance his ability to achieve early progress on his other aims.
2. To explain Dr. Fitzgerald's ideas on relations between North and South and in particular the role of his plans for constitutional development; and to seek a British response helpful to his advocacy of these changes. To put across his ideas on giving a political dimension to the follow-up to the Joint Studies by involving politicians from Northern Ireland in the process.
3. To press for political progress in Northern Ireland on lines which would preserve the position of moderate Catholic politicians.
4. On EC matters, to emphasise the importance to the Irish economy of the Common Agricultural Policy and the consequent need to safeguard Irish interests in the course of restructuring.
5. On international issues, to assert the Republic's neutral line and separate identity.

CONFIDENTIAL



CONFIDENTIAL

ANNEX C

LIST OF BRIEFS (with suggested lead departments indicated)

- | | | |
|----|---|------------------------|
| 1. | Steering Brief | FCO/NIO/Cabinet Office |
| 2. | Republic of Ireland:
Political and Economic
Situation | FCO |

The Joint Studies

- | | | | |
|----|---|----------------|--|
| 3. | The Joint Studies:
Progress and Future | Cabinet Office |) in consultation
with the govern-
ment departments
most closely
involved in each
Study |
| 4. | Institutional Structures | Cabinet Office | |
| 5. | Citizenship Rights | Home Office | |
| 6. | Security Matters | Cabinet Office | |
| 7. | Economic Cooperation | FCO | |
| 8. | Measures to Encourage
Mutual Understanding | FCO | |

Northern Ireland

- | | | |
|-----|-------------------------|-----|
| 9. | Political Situation | NIO |
| 10. | Security | NIO |
| 11. | Position in the Prisons | NIO |

Other

- | | | |
|-----|--------------------------------|-----|
| 12. | European Community Issues | FCO |
| | Mandate | |
| | Insurance | |
| | Air Fares | |
| 13. | International Affairs | FCO |
| | Arab/Israel | |
| | Iran/Iraq | |
| | East-West Relations and Poland | |
| | Afghanistan | |
| | South Africa/Namibia | |

CONFIDENTIAL



10 DOWNING STREET

From the Principal Private Secretary

20 October, 1981

Dear Stephen,

Your Secretary of State had a word with the Prime Minister after Cabinet this morning about her view - which was recorded in Michael Alexander's letter of 19 October to David Wright - that it would be very damaging for him to visit Dublin in advance of her meeting with Dr Fitzgerald.

After a brief discussion the Prime Minister agreed, though still with some reluctance, that Mr Prior might pay such a visit, given the importance he attached to it as a possible means of making some progress in Anglo/Irish relations. She warned him that it was, in her view, a visit which would need to be particularly carefully prepared beforehand and equally carefully handled at the time.

I am sending copies of this letter to John Halliday (Home Office), Roderic Lyne (FCO), Jim Buckley (CSD), David Heyhoe (Lord President's Office), Stephen Gomersall (Lord Privy Seal's Office), Jim Nursaw (Law Officer's Department) and David Wright (Cabinet Office).

Yours ever,

Sheila Whinnery.

S Boys-Smith
Northern Ireland Office

CONFIDENTIAL



10 DOWNING STREET

From the Private Secretary

19 October 1981

Kear David

The Prime Minister has seen Sir Robert Armstrong's minute to her of 16 October about his visit to Dublin last Wednesday. She has made a number of comments.

The Prime Minister has approved the text of the announcement enclosed with Sir Robert Armstrong's minute which, it is proposed, should be issued on Tuesday 20 October announcing the forthcoming meeting between the Prime Minister and the Taoiseach.

As regards the form of the meeting itself, the Prime Minister would prefer to have note-takers present throughout her meeting with the Taoiseach. She would be content for Mr. Nally and Sir Robert Armstrong to join the discussion at some convenient moment. The Prime Minister agrees that community matters should be discussed between the Foreign and Commonwealth Secretary and the Irish Foreign Minister. She agrees that the Secretary of State for Energy should participate in the discussions.

The Prime Minister thinks that it would be "very damaging" for the Secretary of State for Northern Ireland to visit Dublin ahead of her meeting with the Taoiseach. She feels this strongly in the light of the recent bombing attacks in London.

The Prime Minister agrees that the question of the publication of the Anglo/Irish joint studies is one which requires the most careful consideration. She herself does not wish to see the five studies published. However she believes that we shall be under great Parliamentary pressure to agree to publication and that there will be much suspicion if we refuse to do so. She therefore sees some force in the Taoiseach's argument. She has not taken a firm view in favour of publication but believes that it would be wise to review all five studies, in Sir Robert Armstrong's words, with "great care with an eye to publication". The Prime Minister is doubtful whether publication of a self-contained document not referring to the other joint studies would resolve suspicions in Parliament and elsewhere.

/ The Prime Minister

CONFIDENTIAL

JH

The Prime Minister is not clear what is meant by a Parliamentary Grouping which would be wider than the existing Anglo/Irish Parliamentary Group. She does not see how any "Parliamentary Grouping" could include members other than MPs. The Prime Minister has taken note of Sir Robert Armstrong's comment that it might not be helpful to the Taoiseach for her to comment in public on the Taoiseach's initiative about amendment of the Irish Constitution. She has noted that she has already commented in an interview which she gave to Mr. Hugh Evans in Melbourne on 29 September. I enclose a text of her remarks.

The Prime Minister is not happy with the suggestion that the phrase "Anglo/Irish Standing Conference" should be used to describe the proposed inter-governmental structure. She would prefer to stick to the title "Anglo/Irish Co-operation Council".

The Prime Minister is "very doubtful" about the proposal that there should be a "pre-summit" meeting between UK and Irish officials at the end of this month.

The Prime Minister would prefer a joint press conference or none at all at the end of the summit.

I am sending copies of this letter to John Halliday (Home Office), Roderic Lyne (Foreign and Commonwealth Office), Jim Buckley (Lord President's Office), Stephen Boys Smith (Northern Ireland Office), Stephen Gomersall (Lord Privy Seal's Office) and Jim Nursaw (Law Officers' Department).

Yours ever

Richard Alexander

David Wright, Esq.,
Cabinet Office.

CONFIDENTIAL

Ireland

SB



10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

Anglo/Irish Summit

I agree that there is no need to trouble the Prime Minister with the revised text of the announcement of the forthcoming meeting between the Prime Minister and the Taoiseach.

I am sending a copy of this minute, together with a copy of the enclosure to your minute of 19 October, to Mr. Ingham. I would be grateful if he would arrange for the announcement to be issued at 11.30 tomorrow morning.

And

19 October 1981

HE That poses an interesting point. What are your thoughts about the comments just recently of the new Prime Minister of Ireland, Dr. FitzGerald. He has talked about holding a referendum to alter the constitution there, to end the Republic's constitutional claim on Northern Ireland. Also to revoke the ban on divorce. His explanation was, among others, that he wanted to make his country more acceptable to Protestants who live in Northern Ireland. What are your thoughts about his offer?

PM Obviously the changes of the law which he makes are wholly a matter for the people of the Republic of Ireland and I wouldn't dream of interfering. I can only say that if ever he wanted to change he really would have to bring this about by persuading the people of Northern Ireland that it would be for them to decide what they wished to do. As you know it has always been a matter of great offence for many of the people in Northern Ireland that the constitution of Southern Ireland was that they regarded Northern Ireland as part of Southern Ireland. He's quite right, it has offended many people. Whether of course they'll change it he'll have to decide of course with a referendum. But I think it may be that he is making a great deal of effort to make it absolutely clear that he detests the use of force and I must say the Prime Minister of the Republic of Ireland has been extremely clear. They detest the work of the IRA, it ^{has} even become a forbidden organisation in Southern Ireland. They've made it clear to the United States and I admire them for it and I agree with them wholeheartedly. If they ever want any changes to be brought about it has to be done by persuasion and I think they are fully realising that.



10 DOWNING STREET

Prime Minister

Sir Robert Armstrong's report on his visit to Dublin is attached.

There are some points on which your decision is needed. Do you agree points A, B, C, D, and I?

There are other points on which I know Sir Robert would welcome any indication of your views. These are points E, F, G, H, and J. You may wish to comment in the margin on these.

Finally on the question of a press conference raised at point K, Bernard Ingham supports Sir Robert's advice that you should agree to a joint press conference. You will recall that you had some reservations about not having a joint press conference with Mr Haughey in retrospect. Agree to a joint press conference?

See margin not

WJGN

16/10

CONFIDENTIAL



Ref. A05757

MR. ALEXANDER

Anglo-Irish Summit

↙ With my minute of 16th October to the Prime Minister I enclosed the text of a draft press announcement.

2. I understand that the Prime Minister is content with the draft, and has agreed that the announcement should be issued on Tuesday 20th October at 11.30 am.

3. The Irish Government have proposed two changes in the text. Both are of an editorial nature: they would like the names included in the first sentence, and they would like the last sentence made vaguer. I do not think that these changes affect the substance of the announcement, and I doubt whether we need trouble the Prime Minister with them.

4. If you agree, you may like to invite Mr. Ingham to issue the press announcement tomorrow morning at 11.30 am, in the terms attached.

ROBERT ARMSTRONG

19th October, 1981

CONFIDENTIAL



PRESS NOTICE

The Prime Minister, The Right Honourable Mrs. Margaret Thatcher MP, and the Taoiseach, Dr. Garret Fitzgerald TD, have agreed that they and their colleagues should meet during the next few weeks. The last such meeting was in Dublin in December 1980. The Prime Minister has invited the Taoiseach to come to London on this occasion and the Taoiseach has accepted her invitation. Other details will be announced in due course.


CONFIDENTIAL

PRIME MINISTER

With officials of the Foreign and Commonwealth Office, the Northern Ireland Office and the Cabinet Office, I visited Dublin on Wednesday, 14th October to complete the work on the Anglo-Irish Joint Studies, with a view to reporting to you and the Taoiseach for your meeting on 6th November.

2. Before the meeting of officials, I was taken immediately upon my arrival in Dublin to see the Taoiseach.

3. The Taoiseach said that he was much looking forward to his meeting with you. He recalled earlier meetings with you when you were both in different positions (in particular one when he thought that he might have wrecked Anglo-Irish relations: you and he were on a boat, not under cover, the conditions were not particularly good, and you were minded to go into the cabin, but Dr. Fitzgerald persuaded you not to do so, and you were almost immediately drenched by a passing wave). The first objective of next month's meeting would be to establish a relationship between himself and you, though he hoped that the meeting would be successful in substantive terms as well. On the Irish side public references to the meeting in advance would be low key, in order not to arouse expectations; if the meeting had a good outcome, the public effect of that would be the more welcome for not having been anticipated. I indicated that our presentation would also be low key.

4. The Taoiseach said that, when the Dail resumed on Tuesday, 20th October, he would certainly be asked whether he had any plans to meet you. He would prefer not to prevaricate about this, though obviously he would not wish to announce a date until much nearer the time. Such visits were usually announced simultaneously in the two capitals, and he would prefer that this pattern should be followed on this occasion. He envisaged an announcement on Monday, 19th October (or at the latest) the morning of Tuesday, 20th October, to be made simultaneously in London and Dublin, to the effect that the Prime Minister and the Taoiseach had agreed to hold the next in the series of regular Anglo-Irish bilaterals within the next few weeks, and that the

CONFIDENTIAL



CONFIDENTIAL

Prime Minister had invited the Taoiseach to visit London accompanied by appropriate colleagues. I said that I would pursue this with Mr. Nally. I should be grateful for authority to propose to him an announcement as in the draft attached (Annex A); if you agree, I will propose to Mr. Nally that it should be issued on Tuesday, 20th October at 11.30 am.

Agree? Yes
A

5. As to the form of the meeting, the Taoiseach's ideas were very much in line with our own. We envisaged a period before lunch, when you and he would meet without other Ministers; a working lunch, to consist mainly of Ministers but with the two Ambassadors and possibly two officials (one on each side); and a plenary meeting after lunch. As to the Taoiseach's meeting with you we envisaged a short time at the outset when you would be completely on your own (Dr. Fitzgerald thought about ten minutes, but clearly it could be as long as you both wanted when the time came), after which you would be joined by one official each. If it was thought convenient, because you were discussing the Joint Studies, I think we could extend this, so that Mr. Nally and I were present as well as Mr. Alexander and his Irish counterpart as note-takers.

Agree B
These
arrangements?
* Should
make a
note of them
present
otherwise
not

6. For agenda, we agreed that it would consist of:-

- (1) Anglo-Irish Joint Studies
- (2) Northern Ireland
- (3) Other Bilateral Issues
- (4) European Community Matters
- (5) Any Other Business (including any discussion of world political issues)

I formed the impression that the Taoiseach was not particularly anxious to spend much time on Community matters with you, and I suggested that these could well be discussed between the Foreign and Commonwealth Secretary and the Irish Foreign Minister at a meeting of their own before lunch, on which they could report at the plenary meeting after lunch.

Agree C
Yes

7. The Taoiseach said that he proposed to be accompanied by the Tanaiste (Deputy Prime Minister and Leader of the Labour Party), Mr. O'Leary, and by the Foreign Minister, Dr. Dooge, who should by then have been confirmed in office. I said that I thought that you would be accompanied by the Foreign and



CONFIDENTIAL

Commonwealth Secretary and the Secretary of State for Northern Ireland. The Taoiseach said that Mr. O'Leary was also Minister for Industry and Energy; energy matters would feature significantly in the bilateral issues (in particular the two electricity "interconnectors") and he was sure that Mr. O'Leary would wish to see the Secretary of State for Energy. I said that I thought that you would be very happy to add the Secretary of State for Energy to the British representation, even though it would mean that the British had one more Minister than the Irish. We discussed briefly whether other Ministers should take part in the consultation, as had happened in Dublin in December 1980; but we came to the conclusion that there was no particular case for that on this occasion.

Agree?
Yes

8. The Taoiseach said that he very much hoped that it would be possible for the Secretary of State for Northern Ireland to visit Dublin before he himself came to London. Although formally it would be a visit to the Foreign Minister, in practice he would want to see Mr. Prior himself. He thought that such a meeting was virtually indispensable, and might make all the difference to the success of his meeting with you. He urged very strongly that a visit by Mr. Prior to Dublin should be arranged before 6th November. I said that I knew that the Secretary of State was considering this very carefully. He had hoped that he might be able to meet Dr. Dooge when he was in London for meetings earlier this week; that had not in the event been possible, and in any case I realised that it was not a substitute for a visit to Dublin at which Mr. Prior would meet the Taoiseach. I thought that the only consideration which might incline the Secretary of State against such a visit would be the reactions of the Protestant community in Northern Ireland. He was already thought to have leant too far in the direction of the Republicans in his response to the end of the hunger strike; he would not want to put himself into a position where the Protestants would say that he was going to Dublin to receive his marching orders. I knew that he was thinking seriously about the idea of a visit to Dublin and I would make sure that both he and you were aware of what the Taoiseach had said to me.

I intend to think it would be very dangerous for Mr. Prior to go to Dublin ahead of the meeting - especially in view of the attacks - London in London.

CONFIDENTIAL

CONFIDENTIAL

9. Our conversation then turned to the subject of the Anglo-Irish Joint Studies, and first to the question of publication. The Taoiseach said that he knew that it had been agreed between you and his predecessor that these studies should be completely confidential, and he understood the reasons for that; but the secrecy round the studies had aroused great suspicions in Mr. Paisley and the Unionists in Northern Ireland. I said that the proposals which officials would be putting to him and you would provide for a fairly full summary of the reports of the Joint Studies, which would be intended for publication as an annex to the communique of their meeting. The Taoiseach feared that this would not completely allay suspicions in the North: it was clear from the summary (the draft of which he had seen) that there were other documents behind it (the five individual reports), and the Unionists would suspect that there were "sell outs" in the reports which were not included in the summary. In his view it was for consideration whether not only the summary but the reports themselves should be published. I said that the reports had not been written with a view to publication, and I thought that, if there was any question of their being published, both the Irish and British Governments would need to review them with great care with an eye to publication. Mr. Nally commented that the reports included material provided by a number of Departments on the understanding that the reports would not be for publication; those Departments would have to be consulted. I suggested that an alternative might be to modify the summary so that it became a self-contained report of the Joint Studies, and did not contain references to study groups. It was left that further consideration would have to be given to these alternatives and the decision would eventually be for you and the Taoiseach to make when you met. It was also clear to me that the idea of publication of the individual reports was very much the Taoiseach's own; his officials would very much prefer not to publish them. They will so advise, and they made no secret of their hope that you would be against publishing the reports and would support the alternative suggestion of making the summary a self-contained report of the Joint Studies for publication.

Must not

*E
We would be under great pressure to do this. We would like to see the report published. We would like to see the report published. We would like to see the report published.*

10. In parenthesis I should add that we have, with the Irish, converted the summary into a self-contained report: I attach a copy herewith (Annex B). We shall also be looking through the individual reports to see what changes would be needed to make them fit for publication; but we advise against it.

11. The Taoiseach made it clear that he would be urging you to agree with his view that a Parliamentary counterpart of the proposed inter-governmental Anglo-Irish Co-operation Council should be instituted in parallel with the inter-governmental Council. This view is, of course, reflected in the relevant study report. The Taoiseach attaches importance to this because the inter-governmental Council is in a sense only a rationalisation and co-ordination of existing contacts - though it may in time lead to more. The Taoiseach sees the Parliamentary counterpart as being the only forum in which representatives of Northern Ireland can be effectively brought into the process. I said that it was not wholly easy to see how this would in effect be done, given that there was at present no elected assembly in Northern Ireland. The Taoiseach took the point, but said that it would be necessary to find some way round it; perhaps by some process of nominating Members of the former convention which he believed was in suspense but had not been formally abolished. I said that this was clearly something which he would have to discuss with you when you met. I thought that the British Government's position was that it would be better to proceed by stages, starting with the inter-governmental Council and progressing to a Parliamentary grouping, which would be wider than the existing Anglo/Irish Parliamentary Group once the inter-governmental Council had got under way. There remained a number of political difficulties to resolve about a Parliamentary group which went wider than the Parliaments in London and Dublin: problems of sponsorship, choice of representatives, and organisation. We can clearly expect the Taoiseach to press this issue when he comes to see you.

Handwritten notes:
 Surely we already have an Anglo-Irish Parliamentary group in the U.K. F. Parliament? Is there one in Dublin? Any group would have to be committed by P.S.

12. The Taoiseach then referred to his recent initiatives for amending the Irish Constitution so as to take out the "constitutional claim" to the six counties and to liberalise the provisions on such matters as divorce. He said that he had launched this initiative on the radio because it was necessary to make an impact on the people at large in a way in which a speech in the Dail or Senate could hardly do. It could be argued that he had not got the presentation quite right in his radio interview, partly because he was responding to questions rather than making a considered statement. But he clearly felt that his second bite at the cherry, in his speech in the Senate, which was a considered statement, had

CONFIDENTIAL

been a better statement of his position. He said that these statements had started a process which would go on for a long time. Mr. Haughey's reactions had been predictably intransigent, but not all Members of Fianna Fail thought as Mr. Haughey did. In particular, the reaction of Mr. Owen Ryan, the leader of the Opposition in the Senate, had been much more moderate. Mr. Ryan was an old friend of the Taoiseach and the Taoiseach knew that Mr. Ryan privately agreed with most of what he was saying, though naturally he could not go as far as this in public. There were others who thought like Mr. Ryan, and in his speech in the Senate the Taoiseach had been able to refer with good effect to statements by previous Taoiseachs, including Mr. De Valera, about the eventual need to reform the Constitution on the lines he was now suggesting. Reactions from the country suggested that there was a good deal of support for what the Taoiseach was saying: from middle class people but, predictably at this stage, much less from working class people who were traditionally hard-line Republicans.

13. I said, speaking personally, that I thought that the Taoiseach's initiative was very much in line with your own thinking that, if there was to be any rapprochement between North and South, it could only come as a result of the Republic wooing the Protestants in the North and taking measures which would bring them to accept that their way of life, their beliefs and their freedoms would not be at risk in a closer link with the South. You might well feel, however, that it would not be helpful to the Taoiseach that you should publicly commend the initiative in public: that might be the kiss of death.

I said something about it on the radio. G

14. The Taoiseach said that, however, that might be, prospects for his initiative in the coming months would be greatly improved if his meeting with you was a success. He very much hoped that you would be able to respond to his initiative. He suggested that your response might take the form of some re-statement of the British guarantee to Northern Ireland in a more positive form. ? He was not calling in question the principle that the unification of Ireland could come about only with the consent of the people of Northern Ireland; indeed he claimed that he himself introduced the term "consent" in 1969. But he said that the British Government always expressed the guarantee in negative form: that there would be no change in the constitutional status of Northern Ireland

CONFIDENTIAL

without the consent of the majority of the people of Northern Ireland. Only in 1973 had this been expressed more positively, to the effect that the British Government would support a change in the constitutional status of Northern Ireland if the people of Northern Ireland themselves wished it. It would greatly improve the prospects for his initiative if at your meeting with him you were able to agree a formulation which repeated that the British Government would support a constitutional change if the people of Northern Ireland themselves wished it, and that the British Government would be happy to see the two parts of Ireland working more closely together with a view to creating a closer relationship.

H 15. I said that I would report what the Taoiseach had said faithfully to you and your colleagues. Speaking personally, I could not see why there need be any objection in principle to a repetition of the formula used in 1973; the main question would be whether it was politically expedient to repeat it at this time, and that would be for Ministers to decide. I did not comment on the "happy to see" part of the Taoiseach's formulation, and the Taoiseach obviously noticed that I had not done so, because he stressed once again that he would like to see a statement which included both parts of his formulation - "would support change if the people of Northern Ireland wished it" and "would be happy to see the two parts of Ireland working closer together" - in whatever words seemed appropriate.

16. In my subsequent negotiation with Mr. Nally about the Joint Studies I was able to reach satisfactory agreement on all five reports and on the draft summary for publication, except on one point. This is the title of the proposed inter-governmental structure. Three alternatives for this remain on the tables: "Anglo-Irish Council", which the Irish want but I have rejected; "Anglo-Irish Co-operation Council", which we could wear but the Irish rejected (they were not to be tempted at this stage by "Council for Anglo-Irish Co-operation", though they recognised that it might re-emerge at your meeting with the Taoiseach), and "Anglo-Irish Standing Conference"; which the Irish tentatively canvassed and I said we could probably accept. I think that Standing Conference would in fact suit us well, since it avoids altogether the word Council with its Sunningdale overtones. If you agree, I will make a further attempt to settle for "Anglo-Irish Standing Conference"; the Irish might be willing to settle for this, rather than leave this as an issue which had to be sorted out by you and the Taoiseach when you meet.

Agree? I
NO



CONFIDENTIAL

17. On the passage in the summary which mentions the "guarantee" and was the subject of Mr. Rickett's minute to Mr. Wright of 12th October, we were able after something of a struggle to agree on the following which I think fully safeguards the point you had in mind: -

"As between Northern Ireland and the South the problem went deeper. In this context the issues which were relevant were the "constitutional claim" and the "guarantee"; and Church/State relationships. Action to reduce misunderstanding of these matters would clearly be needed."

18. The five reports and the summary, as now agreed with the Irish, will be circulated in the OD(AI) series as soon as a number of editorial points have been tidied up. As I said in paragraph 10, the summary has been recast as a self-contained document which does not suggest the existence of five other documents. It now formally constitutes Mr. Nally's and my report to you and the Taoiseach on the outcome of the Studies which you and his predecessor commissioned at Dublin Castle last December; and (as previously envisaged) it could (if you and Dr. Fitzgerald agree) serve as an annex to be attached to the communique published about the consultation on 6th November.

J

Don't feel

I don't want to publish - but I can see that revision will be made if we don't

19. I think that this will resolve the question whether or not the five Studies themselves should also be published. The Taoiseach accepts that they could not be published without your agreement. His officials made no secret of their view that publication would not be desirable. I told Mr. Nally that in my view you were unlikely to agree to publish the Studies, as opposed to the summary. Mr. Nally replied that he thought Dr. Fitzgerald would accept that. Hence the importance of revising the summary (as we have done) to eliminate any suggestion that other documents exist but are being suppressed.

20. Mr. Nally and I agreed that the existing Anglo-Irish machinery should be kept in being to consider post-Summit follow-up action in the areas covered by the Studies. He and I will meet soon after 6th November to take stock. In that context I have given him a check list of action points which arise if the outcome of the Studies is approved at the Summit. This, too, is being circulated in the OD(AI) series; and I attach a copy herewith (Annex C).



CONFIDENTIAL

21. Mr. Nally and I also agreed that there should be a pre-Summit meeting of United Kingdom (including Northern Irish) and Irish officials at the end of October to give preliminary consideration to the possible wording for the Summit communique. I am in touch with the Foreign and Commonwealth Office and the Northern Ireland Office about this.

Am very doubtful about it - this

22. There is one question about the arrangements for the Summit meeting on 6th November which we have not discussed with the Irish, because we need to take your views. That is the question whether there should be a joint Press Conference by you and the Taoiseach, separate Press Conferences or no Press Conference at all at the end of the visit. At the end of the Dublin Summit in December 1980, you did not give a Press Conference but the then Taoiseach did. I think we can take it for granted that, even if we agreed with the Irish that there would be no Press Conference at the end of the visit, Dr. Fitzgerald would certainly talk to his Press as soon as he got back to Dublin. He is (as you know) an articulate, not to say voluble, talker, and, particularly if he thinks the meeting has been a success, he may run away with himself at a subsequent Press Conference. I believe that there would be something to be said for agreeing to a joint Press Conference, at which you would at least be able to hear what he was saying, and to correct on the spot any misapprehensions or misunderstandings to which his observations might otherwise give rise. The question whether there should be a Press Conference and what form it should take is one we should need to discuss with the Irish before the visit takes place, and I should be grateful for instructions.

I should prefer a joint press conference or none at all

K

23. I am sending copies of this minute to the Home Secretary, the Foreign and Commonwealth Secretary, the Lord President, the Secretary of State for Northern Ireland, the Lord Privy Seal and the Attorney General.

Robert Armstrong

16th October 1981

CONFIDENTIAL

DRAFT PRESS ANNOUNCEMENT

The Prime Minister and the Taoiseach have agreed that they and their colleagues should meet during the next few weeks. The last such meeting was in Dublin in December 1980. The Prime Minister has invited the Taoiseach to come to London on this occasion, and the Taoiseach has accepted her invitation. The date of the meeting and the composition of the delegations will be announced in due course.

Agreed met

CONFIDENTIAL

ANGLO-IRISH JOINT STUDIES

At their meeting in Dublin on 8 December 1980, the Prime Minister and the then Taoiseach commissioned joint studies covering possible new institutional structures, citizenship rights, security matters, economic co-operation and measures to encourage mutual understanding, in order to assist them in their special consideration of the totality of relationships within these islands. These joint studies were undertaken by senior officials of the two Governments. In carrying out their task officials bore in mind the already close relations between the two countries and their common membership of the European Community. The outcome of the studies was as follows.

POSSIBLE NEW INSTITUTIONAL STRUCTURES

2. Officials noted that the unique relationship to which the two joint communiques of May and December 1980 referred was the result of geography, history and population movements. The joint studies brought out the variety and multiplicity of contacts between the two countries. They confirmed that in many fields relations and co-operation between the two countries were closer and more extensive than between other countries in Europe where a particularly close relationship had been given specific institutional expression. Officials agreed that, over a very wide range, these relations, involved common interests, mutually beneficial exchanges and developing co-operation but recalled that the communique of 8 December 1980 had recorded agreement that the full development of the links between the two countries and their peoples had been put under strain by division and dissent in Northern Ireland.

3. Officials considered how the development of the unique relationship between the two countries might appropriately be enhanced by giving it more comprehensive institutional expression, without impeding the many informal links; and in this context examined the following possibilities:-

- (i) the establishment of an [Anglo-Irish Council]/[Anglo-Irish Co-operation Council]/[Anglo-Irish Standing Conference] to provide the overall framework for intergovernmental consultation, at Head of Government, Ministerial and official levels, on all matters of common interest and concern, with particular reference to the

CONFIDENTIAL

achievement of peace, reconciliation and stability and the improvement of relations between the two countries and their peoples; and what might be the component elements of the structure, its functions and certain aspects of its operation;

(ii) how the parliamentary links between the two countries might most appropriately be developed as the natural and desirable complement to the establishment of a new intergovernmental body;

(iii) the establishment, as an adjunct to the proposed inter-governmental Council, of an Advisory Committee on economic, social and cultural co-operation, with a wide membership reflecting vocational interests;

(iv) the establishment as an interim measure, pending the creation of an Advisory Committee as at (iii), of an "Anglo-Irish Encounter" organisation, under the direction of an Executive Board composed of independent public figures of repute and ability and government representatives, with the major function of organising high-level conferences on the Koenigswinter model.

CITIZENSHIP RIGHTS

4. Officials reviewed the rights and privileges on the one hand, and the obligations and duties on the other, of citizens of each country residing in the jurisdiction of the other. The areas looked at were eligibility to vote and to stand for elective offices; employment in the civil and armed services; legal rights and obligations (including jury service); social rights; consular protection; and freedom of movement.

5. It was noted that, in the absence of a written Constitution on the British side, the various rights and obligations are defined by specific Acts of Parliament, which Parliament being sovereign can later amend. The role of the Courts in this context is to interpret legislation. On the Irish side, by contrast, there is both specific legislation covering a similar range of subject matter and a written Constitution guaranteeing fundamental human rights. Proposals to alter the Constitution must be approved not only by Parliament but also through a referendum. The Courts have power to strike down legislative Acts held by them to be inconsistent with the Constitution.

CONFIDENTIAL

6. It was further noted that each of the two countries maintained provisions which ante-dated the requirements of their common European Community membership and afforded in different ways privileged treatment to the citizens of the other. Indeed, each accorded the other's citizens virtually all the rights and privileges available to its own. At the same time a number of differences were identified, notably in respect of the two countries' practices in relation to the control of movement of non-citizens; and in respect of the qualifications for local elections in Northern Ireland as compared with Great Britain.

7. Officials noted the decision of the Irish authorities to extend voting rights in national elections to resident British citizens. Officials also reviewed possibilities for dealing with other differences; but made no agreed proposals for doing so.

SECURITY MATTERS

8. The joint studies did not embrace existing cross-border security co-operation, which is being developed in other competent channels. But officials identified several other areas of activity in which there has been mutually beneficial co-operation over the years between the relevant authorities in the two countries. They studied how best to develop the existing co-operation in such fields as maritime emergencies and safety (including air/sea search and rescue and hydrographic surveys) and fishery protection.

9. Officials also considered the administration and working of the criminal law in the two countries. They noted that the criminal law in the two parts of Ireland shared an origin in the common law and in pre-1921 statutes and that there were close similarities in many facets of judicial practice, as well as certain similarities of population, social conditions, attitudes and number of offenders. They also took note of continuing consideration of aspects of Irish criminal law and procedure and their equivalents in England and Wales. Against this background officials considered the establishment of regular channels for communication and consultation between those concerned on the normal run of criminal law questions (eg the treatment of young offenders) in both parts of Ireland and also between the Irish Departments concerned and their counterparts in England and Wales.

CONFIDENTIAL

10. As regards the commission of terrorist offences officials took note of the strongly felt desire on the part of the great majority of the people within these islands that those who committed crimes of violence should not be able to escape prosecution and conviction. They considered methods of ensuring that such persons were successfully brought to justice. It was agreed that the principal obstacle in securing convictions was in obtaining evidence that was admissible and sufficient to discharge the burden of proof. The British side drew attention to the view widely held in the United Kingdom that there should be a change in the Irish stance on extradition for offences committed by terrorists. The Irish side pointed out that this would require a change in their law which in their view would involve a departure from generally accepted principles of international law and so require an amendment of the Constitution. Officials concluded that attention should be concentrated on improving the gathering of evidence and the operation of the reciprocal extra-territorial legislation, which both sides wished to see used effectively; and they considered ways in which the necessary further exchanges could be arranged.

ECONOMIC CO-OPERATION

11. Officials considered a wide range of existing and potential areas of economic and technical co-operation, both bilateral and in the context of the two countries' common membership of the European Community, and made recommendations as to how these might be encouraged and developed. They agreed that the machinery of Anglo-Irish Economic Co-operation (AIEC) had proved effective within its terms of reference in fostering the development of economic and technical matters of mutual interest. If a new inter-governmental institution were established as envisaged in their work on institutional structures, the Steering Group on AIEC (and its subordinate groups) or a comparable official level body might appropriately be placed under the aegis of that new institution.

12. Among the subjects considered were:-

- future co-operation on energy, in particular the possibilities for electricity interconnection (both across the land border and across the Irish Sea) and for the supply of gas from the Kinsale field to Northern Ireland and the exploitation of new energy technologies;
- the exchange of information on pollution of the Irish Sea and co-ordination of responses to pollution emergencies;

CONFIDENTIAL

- broadcasting of television and radio programmes direct to the home from a satellite;
- co-operation in the field of animal and plant health;
- the facilitation of economic development in Lough Foyle, Carlingford Lough and the nearby offshore areas;
- industrial development, particularly of small and craft industries;
- trade promotion;
- industrial training;
- tourism;
- continuing co-operation in the economic development of border areas;
- science and technology.

13. Officials believed that further work in this field would make a contribution towards the improvement of the economies of these islands and that the practice of economic co-operation would in itself generate further co-operation.

MEASURES TO ENCOURAGE MUTUAL UNDERSTANDING

14. Officials analysed the reasons for misconceptions in each country over attitudes and Government policies in the other, and considered measures that the two Governments might appropriately take, jointly or separately, to remove such misconceptions and improve mutual understanding.

15. It was recognised that, as between Britain and the South of Ireland, the problem appeared to be more one of lack of knowledge than of misconception. This might be remedied by efforts aimed at a more intensive exchange of information. As between Northern Ireland and the South the problem went deeper. In this context the issues which were relevant were the "constitutional claim" and the "guarantee"; and Church/State relationships. Action to reduce misunderstanding of these matters would clearly be needed. Institutional arrangements were also required, deliberately framed to reduce suspicion and distrust, together with measures to make more effective the prosecution of offenders who seek to evade justice by crossing from one side of the border to the other. Moreover, greatly increased contacts and joint endeavours in appropriate fields, as well as intensified information exchanges, might all offer some hope of progress.

CONFIDENTIAL

16. Officials noted that there existed already a welcome multiplicity of contacts and that it was desirable that these should continue and be developed. In this context they considered a range of possibilities, including:-

- increased contacts between officials concerned with youth and sport activity and the scope for increased co-operation between sporting organisations in both parts of Ireland;
- the development of the already considerable contacts between vocational and community relations groups in both parts of Ireland;
- in the field of education, increased exchanges between teachers and inspectors as well as between pupils and students; particularly the potential for more use by students from the South ~~of Ireland~~ of tertiary education facilities in Northern Ireland;
- the active pursuit of co-operation between the Open University and the proposed Distant Study Unit of the National Institute for Higher Education in Dublin;
- the establishment of a formal scheme for interchange of officials;
- the encouragement and expansion of close co-operation and contacts between the Arts Councils, North and South, in Ireland; and between both of these Councils and the Arts Councils in Great Britain.

14 October 1981

CONFIDENTIAL

ACTION POINTS ARISING FROM THE JOINT STUDIES

(Those marked * are referred to in the summary for Publication)

1 Structures

- 1.1 Intergovernmental body to be created *
- 1.2 Consideration to be given to ways of strengthening parliamentary links *
- 1.3 Anglo/Irish Encounter organisation to be formed. *
- 1.4 Consideration to be given to creation of Advisory Committee on economic, social and cultural matters. *

2 Citizenship rights

- 2.1 Note to be taken of Irish intention to expand franchise for Dial elections to UK citizens living in Ireland.
- 2.2 Note to be taken of Irish request that residents qualification for local elections in Northern Ireland be modified to conform with practice in Great Britain. *

3 Security

- 3.1 Further cooperation in air/sea rescue to take place. *
- 3.2 Further cooperation on hydrographic service to take place *
- 3.3 Increased cooperation on fishery protection to be undertaken.
- 3.4 Further cooperation on aircraft movements to be undertaken.
- 3.5 Arrangements for the transmission of information about certain fishing vessels and other sensitive matters to be pursued with continuing discretion.
- 3.6 Scope for cooperation on civil defence to be explored.
- 3.7 Discussions to take place about United Nations peace-keeping forces.
- 3.8 Experts to consult about the administration and working of the criminal law (other than terrorists). *
- 3.9 Scope for publicising Irish commitment to and cooperation in combatting terrorism to be kept under review.

CONFIDENTIAL

- 4.13 Discussions on joint trade promotion to be continued. *
- 4.14 SITPRO and IREPRO to introduce joint report on further scope of trade facilitation.
- 4.15 The groups responsible for industrial training to compare notes. *
- 4.16 Cooperation between tourist promotion bodies to be encouraged. *
- 4.17 Officials to discuss scope for cooperation in public purchasing.

5 Measures to encourage mutual understanding

- 5.1 Encouragement to be given to further meetings between Ministers and agencies responsible for youth and sport including possibility of Irish-British exchange scheme for young people. *
- 5.2 The work of the voluntary agencies in community relations field to be welcomed. *
- 5.3 North/South cooperation between the two countries UNESCO national commissions on exchanges between schools and teacher training institutions to be encouraged. *
- 5.4 Exchanges between schools inspectors to be welcomed and hope uttered for similar exchanges in teachers. *
- 5.5 Churches collaborative work in educational field to be welcomed.
- 5.6 Examination to be made of scope for better matching resources and requirements for university places in Northern Ireland and the Republic. *
- 5.7 Encouragement to be given to collaboration between (Irish) National Institute for Higher Education and (Britain) Open University. *
- 5.8 Agreement for exchanges of officials to be drawn up. *
- 5.9 Cooperation between the two countries Arts Councils, and between other professional and academic bodies, to be welcomed and encouraged. *

CONFIDENTIAL

3.10 Attention to be given to improved evidence gathering and the operation of reciprocal extra-territorial legislation by means of consultations between the two countries police and law officers departments. *

4 Economic Cooperation

- 4.1 Joint grouping of senior officials to oversee agreed measures for enhancing economic cooperation. *
- 4.2 Further bilateral exchanges to take place on energy matters. *
- 4.3 Further bilateral exchanges to take place on questions of marine pollution and counter measures. *
- 4.4 Indications of and potentiality for collaboration on direct broadcasting by satellite (DBS) to be discussed. *
- 4.5 The possibility to be examined of establishing all Ireland institutions for animal and plant health. *
- 4.6 Examination to be given to possibility of settling boundaries in Lough Foyle and Carlingford Lough, or finding other ways of removing inhibitions to economic development in those area. *
- 4.7 Further coordination to be undertaken in matters of transport and road safety.
- 4.8 Efforts to be made to stimulate cooperation in scientific and technological fields. *
- 4.9 Irish Department of Agriculture and UK Agriculture Departments to consult periodically.
- 4.10 Officials to examine ways of increasing coordination in economic development of border areas, and Ministers to be involved in monitoring progress of cross border studies on the Erne Catchment area. *
- 4.11 Officials to explore further scope for cooperation on industrial development. *
- 4.12 Note to be taken of continuing contact between Industrial Development Authority and Northern Ireland Department of Commerce in encouraging small and craft industries in border area. *

CONFIDENTIAL



10 DOWNING STREET

From the Private Secretary

MR. WRIGHT
CABINET OFFICE

Anglo-Irish Joint Studies

The Prime Minister has seen Sir Robert Armstrong's minute to Michael Alexander of 9 October, reference A05695.

The Prime Minister is content with Sir Robert's proposals for the handling of his meeting with Mr. Nally on 14 October, based on the decisions of OD, with one exception. As I reported to you earlier today, the Prime Minister was unhappy with the proposal that Sir Robert might agree to the inclusion of the words in square brackets in paragraph 14 of the draft summary of the five joint studies, and especially with the reference to the "guarantee". She felt that the wording in square brackets implied that the guarantee was considered as a "remedial" measure, and that the UK Government might be willing to bargain it away. She commented that the guarantee was not a remedial measure and that it was not negotiable.

We spoke about the Prime Minister's concern, and I suggested that Sir Robert Armstrong might propose an alternative form of words for the passage in square brackets, which would meet the Prime Minister's concerns, but which might be acceptable to the Irish. The Prime Minister subsequently agreed the following re-draft of the third and (square-bracketed) fourth sentences of paragraph 14 of the draft summary attached to OD(AI)(81)13:

"As between Northern Ireland and the South, the problem went deeper. Issues about which there was a particular need for greater mutual understanding were the 'constitutional claim', the 'guarantee' and Church/State relationships. Action to promote this greater degree of understanding would need to be sustained. Institutional arrangements were also required"

I am copying this to John Halliday (Home Office), David Heyhoe (Lord President's Office), Stephen Boys-Smith (Northern Ireland Office), Stephen Gomersall (Lord Privy Seal's Office) and Jim Nursaw (Law Officers' Department).

W/S Rickett

12 October 1981

CONFIDENTIAL

Red

CONFIDENTIAL

Redraft of third and (square-bracketted) fourth sentences of para 14 of draft summary attached to OD(AI)(81)13.

"As between Northern Ireland and the South, the problem went deeper. Issues ^{about} which ~~particularly~~ ^{there was a particular need for greater understanding} gave rise to ~~misconceptions~~ were the "constitutional claim", the "guarantee" and Church/State relationships. ~~Remedial~~ ^{to provide for a greater degree of understanding, would} Action ^{sustained} ~~to correct these misconceptions~~ and need to be ~~far reaching~~. Institutional arrangements were also required....."

CONFIDENTIAL

Ref: A05695

CONFIDENTIAL

MR. ALEXANDER

Prime Minister

Content to proceed as
at A ?

*Yes - but we
not below
or point-d.
I cannot offer Mr
the point - Mr
not.*

Anglo-Irish Joint Studies

My submission to the Prime Minister of 30th July (A05350, paragraphs 2 and 3) reported my agreement with Mr. Nally's suggestion that before her Summit meeting with Dr. Fitzgerald (6th November) officials should draft a summary of the outcome of the five Joint Studies which, if she and Dr. Fitzgerald agreed, could be published as an annex to the Summit communique.

2. Attached to OD(AI)(81) 13 of 5th October is a draft summary for this purpose which has recently been agreed with the Irish at Mr. Wade-Gery's level. I am meeting Mr. Nally to consider this on 14th October. Meanwhile OD's Ministerial Sub-Committee on Anglo-Irish Relations met on 8th October under the Lord President's chairmanship (with the Secretary of State for Northern Ireland and the Lord Privy Seal present among others) and approved the draft, subject to the following points:

- (a) A reference to our common membership of the European Community should be inserted in paragraph 1 and perhaps also paragraph 10. We will agree a suitable form of words with the Foreign and Commonwealth Office before I see Mr. Nally.
- (b) I should insist that the title of the proposed intergovernmental body should include the word "Co-operation" before Council (so that the title is "Anglo-Irish Co-operation Council") in paragraph 2(i) of the summary, as well of course as in the structures Study itself (which on present plans will not be published).
- (c) I should insist on the inclusion of the words in square brackets in paragraph 9, in order to demonstrate publicly that we have raised the extradition issue which is so important to Unionist opinion.
- (d) I could if necessary agree to the inclusion of the words in square brackets in paragraph 14, including the reference to the "guarantee".

*Yes
mt*

✓

✓

*I am unhappy about the wording. It needs
a) if the guarantee is a "remedial" measure (??)
we can insist to buy in it away. It is it's
remedial measure and it can't buy in with the wording
not*

CONFIDENTIAL

CONFIDENTIAL

A / 3. I should be grateful if you could confirm with the Prime Minister before 14th October that she is content for me to proceed on this basis. On 2(b), the title of the proposed Council, I should like to be free to offer "Council for Anglo-Irish Co-operation", if the Irish would be prepared to settle for that.

4. My meeting with Mr. Nally will also have before it the five actual Studies, as annexed to OD(AI)(81) 8 - 12. I do not think the Prime Minister need look at these in detail at this stage. She has already seen the most important of them, on structures (now at OD(AI)(81) 8 but also attached to my minute to the Prime Minister A05414 of 6th August). The only other sensitive issues arise on the extradition passage in paragraph 14 of the security Study (at OD(AI)(81) 10); and on the different treatment of the Republic's nationals as between Northern Ireland and Great Britain, as discussed in paragraph 55a and 56 of the citizenship Study (at OD(AI)(81) 9). The Ministerial Sub-Committee was content with the five texts subject to -

- (i) my pressing Mr. Nally to accept our formulations rather than the Irish ones where these are at present in square brackets in the Structures Study, and failing that to set out the two divergent views side by side;
- (ii) my securing an amendment to the opening of the final paragraph of the security Study, to make clear that the argument against amending the Irish constitution to meet our extradition wishes is an Irish one and not something on which both sides agree; and to remove the reference to the adequacy of evidence as a difficulty (since typically the evidence in such a case is not inadequate so much as undeployed).

5. I am sending copies of this minute for information to the Private Secretaries to the Home Secretary, the Lord President, the Secretary of State for Northern Ireland, the Lord Privy Seal and the Attorney General.

RA

Robert Armstrong

9th October 1981

GRPS 280

CONFIDENTIAL

CONFIDENTIAL

FM DUBLIN 081500Z OCT 81

TO IMMEDIATE FCO

TELEGRAM NUMBER 351 OF 08 OCTOBER 1981

FOR RID

MY TELNO 348: BRIEFING FOR SIR ROBERT ARMSTRONG'S VISIT

1. IN ADDITION TO BRIEFING YOU WILL BE PREPARING ON PREPARATION FOR THE SUMMIT AND THE ANGLO-IRISH JOINT STUDIES, I BELIEVE SIR ROBERT ARMSTRONG SHOULD ALSO BE PREPARED TO DISCUSS:

(A) OUR RESPONSE TO DR FITZGERALD'S CONSTITUTIONAL PROPOSALS IT WOULD BE HELPFUL TO KNOW WHAT SORT OF SUPPORT THE TAOISEACH HOPES FROM FROM US AND TO DISCUSS HOW FAR WE CAN GO GIVEN OUR OWN DOMESTIC CONSTRAINTS AND THE CONSTRAINTS IMPOSED BY THE POLITICAL CONTROVERSY HIS SUGGESTION HAVE AROUSED IN THE REPUBLIC. DO THE IRISH THINK BRITISH SUPPORT WOULD BE COUNTER-PRODUCTIVE?

(B) THE TAOISEACH'S REQUEST FOR A VISIT BY MR PRIOR BEFORE THE SUMMIT ON 6 NOVEMBER.

(C) EXTRADITION IN CRIMINAL CASES. AN IRISH SUPREME COURT JUDGE DREW ATTENTION ON 5 OCTOBER TO THE "VESTIGIAL STATE" OF EXTRADITION ARRANGEMENTS WITH THE UK (SEE IRISH TIMES OF 6 OCTOBER, PAGE 11). WHILE RECOGNISING THE SENSITIVITY OF "POLITICAL" EXTRADITION, THIS LESS CONTROVERSIAL TOPIC MIGHT BE SUITABLE FOR DISCUSSION BY EXPERTS.

2. SIR ROBERT SHOULD HAVE DEFENSIVE BRIEFING ON THE LATEST PROPOSAL FOR ADDITIONAL EC AID TO NORTHERN IRELAND (YOUR TELNO 338).

3. IT WOULD BE HELPFUL IF HE COULD BRIEF THE TAOISEACH ON HOW WE SEE THE POLITICAL FUTURE IN NORTHERN IRELAND AND ASK ABOUT HIS OWN CONTACTS WITH BOTH SIDES IN THE NORTH. (DR FITZGERALD SAW THE SDLP ON 7 OCTOBER AND IS MEETING A UNIONIST DELEGATION TODAY. WE SHALL BE REPORTING ON BOTH MEETINGS.)

Figg

LIMITED

RID
KAD
INFO DEPT
WED
MAED
NEWS D
SECURITY D
FUSD
PS
PS/LPS
PS/MR HURD

PS/PUS
SIR A ACLAND

MR ADAMS
MR BULLARD
MR FERGUSSON
LORD N G LENNOX
MR BRAITHWAITE

ADDITIONAL DISTRIBUTION
NORTHERN IRELAND

CONFIDENTIAL

Prime Minister

GROUPS 600

CONFIDENTIAL

CONFIDENTIAL

FROM DUBLIN 061517Z OCTOBER 1981

TO IMMEDIATE F C O

TELEGRAM NUMBER 348 OF 06 OCTOBER

AND TO IMMEDIATE N I O BELFAST

ms

PREPARATION FOR ANGLO-IRISH SUMMIT

1. WHEN I CALLED ON MR NALLY THIS MORNING TO HAND OVER A COPY OF MR PRIOR'S STATEMENT ABOUT THE MAZE PRISON HE SAID THAT THE TAOISEACH WOULD LIKE TO SPEAK TO ME ABOUT HOW HE SHOULD PREPARE FOR HIS MEETING WITH THE PRIME MINISTER ON 6 NOVEMBER.

2. DR FITZGERALD SAID THAT HE HAD CHOSEN TO TAKE A POLITICAL RISK IN MAKING HIS STATEMENT ON 27 SEPTEMBER ABOUT CHANGING ARTICLES 2 AND 3 OF THE IRISH CONSTITUTION. IT HAD HAD A MIXED RECEPTION IN THE REPUBLIC WHERE ON THE WHOLE IT HAD BEEN QUITE WELL RECEIVED BY UPPER INCOME GROUPS BUT LESS WELL BY WHAT HE CALLED THE WORKING CLASS WHERE REPUBLICAN TRADITIONS WERE STRONGER. HE HAD RECEIVED A FAVOURABLE RESPONSE FROM SOME UNIONISTS. HOWEVER, HE COULD NOT SIMPLY LEAVE THINGS AS THEY WERE AND HE WOULD TAKE HIS CAMPAIGN A STAGE FURTHER IN A SENATE DEBATE ON FRIDAY. IF HIS GENERAL APPROACH WERE TO SUCCEED THERE WOULD HAVE AT SOME TIME TO BE A POSITIVE RESPONSE FROM HMG. THIS MEANT THAT THE FORTHCOMING MEETING WITH THE PRIME MINISTER WOULD NOW HAVE MUCH MORE SIGNIFICANCE FOR HIM. HE IS LOOKING FOR WHAT HE CALLED A SIGNIFICANT SHIFT IN BRITISH THINKING. I ASKED HIM WHAT HE MEANT BY A SIGNIFICANT SHIFT AND HE QUOTED SUNNINGDALE AS AN EXAMPLE OF WHAT HE MEANT. WHAT WAS NEEDED FROM THE BRITISH SIDE WAS SOME ADVANCE ON THE NEGATIVE ATTITUDE ABOUT NO CHANGE IN THE SITUATION IN THE NORTH WITHOUT THE CONSENT OF THE MAJORITY. HE SAID THAT THERE WERE MANY WAYS IN WHICH THIS COULD BE TURNED INTO SOMETHING POSITIVE WITHOUT IN ANY WAY GIVING THE MAJORITY CAUSE FOR UNEASINESS. AND HE REMINDED ME THAT THE BRITISH DECLARATION AT SUNNINGDALE HAD SAID THAT THE BRITISH GOVERNMENT WOULD SUPPORT THE WISH OF THE MAJORITY IF THAT WERE IN FAVOUR OF A UNITED IRELAND. THAT WAS A POSITIVE STATEMENT BUT WE HAD NOT REPEATED IT FOR A LONG TIME.

3. AT THIS STAGE DR FITZGERALD REVERTED TO THE QUESTION OF PROFESSOR DOOGE'S INVITATION TO MR PRIOR TO COME DOWN TO DUBLIN FOR A MEETING. HE SAID THAT HE WAS MOST DISAPPOINTED THAT THIS INVITATION HAD BEEN REFUSED. I SAID THAT THERE WERE GOOD POLITICAL REASONS WHY IT WAS INADVISABLE FOR MR PRIOR TO COME TO DUBLIN SOON AFTER TAKING OFFICE BUT THAT HE WOULD BE VERY HAPPY TO SEE PROFESSOR DOOGE IN LONDON. DR FITZGERALD THEN EXPLAINED THAT THE IMPORTANT POINT WAS FOR HIM PERSONALLY TO MEET MR PRIOR IN ORDER TO GET TO KNOW HIM AND EXPLORE THE POINTS HE HAD MADE TO ME IN THE PRECEDING PARAGRAPH. ONLY IN THIS WAY DID HE FEEL THAT HE COULD PROPERLY PREPARE HIMSELF

CONFIDENTIAL

/FOR HIS

FOR HIS MEETING WITH THE PRIME MINISTER. SUCH WAS THE IMPORTANCE OF THAT MEETING THAT IT WOULD NOT BE SUFFICIENT FOR OFFICIALS TO MEET AND PREPARE THE GROUND (I.E. ON THE LINES OF THE NOVEMBER MEETING IN BELFAST - SEE PARA 4 OF MY LETTER TO EYERS) ALTHOUGH IT WOULD STILL BE IMPORTANT FOR THEM TO MEET. THERE WOULD HAVE TO BE POLITICAL INPUT INTO THE PREPARATION OF THE SUMMIT MEETING AND HE FELT STRONGLY THAT THIS COULD ONLY BE DONE BY HIS PERSONALLY MEETING WITH MR PRIOR. WOULD IT NOT BE POSSIBLE FOR HIM TO COME TO DUBLIN IN, SAY, THREE WEEKS' TIME? BY THAT TIME THE FACT THAT THE SUMMIT WOULD BE TAKING PLACE IN EARLY NOVEMBER WOULD BE PUBLIC KNOWLEDGE AND HIS VISIT COULD PROPERLY BE DESCRIBED AS A PREPARATION FOR THAT MEETING.

4. DR FITZGERALD IS A MAN OF GREAT SINCERITY AND HE CLEARLY ATTACHES ENORMOUS IMPORTANCE TO TALKING WITH MR PRIOR BEFORE THE SUMMIT. HE MADE NO BONES ABOUT A MEETING BETWEEN PROFESSOR DOOGE AND MR PRIOR IN LONDON BEING OF LITTLE USE, EXPLAINING THAT IT WAS HE AND NOT THE PROFESSOR WHO WOULD BE TALKING WITH THE PRIME MINISTER. WHILE I REALISE THERE COULD BE DIFFICULTIES FROM THE UNIONIST SIDE IN NORTHERN IRELAND, I RECOMMEND STRONGLY THAT MR PRIOR SHOULD TRY AND MAKE THIS VISIT WHICH COULD EASILY BE DONE WITHIN A DAY AND, AS DR FITZGERALD SAID, COULD BE CONVINCINGLY EXPLAINED AS PREPARATION FOR THE SUMMIT.

5. PLEASE SEE MIFT FOR OTHER POINTS WHICH WERE MENTIONED.

FIGG.

LIMITED

RID
KAD
INFO DEPT
WED
MAED
NEWS D
SECURITY D
PUSD
PS
PS/LPS
PS/MR HURD

PS/PUS
SIR A ACLAND

MR ADAMS
MR BULLARD
MR FERGUSSON
LORD N G LENNOX
MR BRAITHWAITE

ADDITIONAL DISTRIBUTION
NORTHERN IRELAND

2
CONFIDENTIAL

CONFIDENTIAL

GRPS 100
CONFIDENTIAL
FM DUBLIN 061530Z OCT 81
TO IMMEDIATE FCO
TELEGRAM NUMBER 349 OF 6 OCTOBER 1981
AND TO IMMEDIATE NIO(BELFAST)

M.I.P.T.

1. IN ADDITION TO THE MAIN POINTS MADE IN M.I.P.T, THE TAOISEACH SAID THAT HE THOUGHT THE STATEMENT ON THE MAZE PRISON WAS MOST USEFUL AND SHOULD DO MUCH TO DEFUSE THE SITUATION IN THE PRISON. HE WAS NOT SO SURE ABOUT THE FUTURE AND VOICED SOME FEARS ABOUT THE POLITICAL ADVANCE THE IRA HAD MADE NORTH AND SOUTH. HE DID NOT ELABORATE.
2. AS REGARDS THE SUMMIT, HE SAID OF COURSE THERE WERE OTHER THINGS TO TALK ABOUT SUCH AS THE SUGGESTED ANGLO-IRISH COOPERATION COUNCIL SEMICOLON THE QUESTION OF FUGITIVE PRISONERS AND THE POSSIBILITY OF AN ALL-IRELAND COURT WHICH HAD BEEN DISCUSSED AT SUNNINGDALE. HE SAID HE WAS ONLY MENTIONING THESE AS EXAMPLES OF THINGS WHICH COULD BE DISCUSSED.

FIGG

LIMITED

RID
KAD
INFO DEPT
WED
MAED
NEWS D
SECURITY D
FUSD
PS
PS/LPS
PS/MR HURD

PS/FUS
SIR A ACLAND

MR ADAMS
MR BULLARD
MR FERGUSSON
LORD N G LENNOX
MR BRAITHWAITE

ADDITIONAL DISTRIBUTION
NORTHERN IRELAND

CONFIDENTIAL

CONFIDENTIAL

file

ds

Ireland

R



10 DOWNING STREET

From the Private Secretary

3 September 1981

Anglo-Irish Summit

You will wish to be aware that the Irish have now agreed that the next meeting between the Prime Minister and the Taoiseach should take place in London on Friday 6 November.

I agreed with Mr. Nally that a decision about the timing of any announcement about the visit should be left until well into next month. Mr. Nally suggested that it might suit the Irish to announce the visit as early as 20 October. I indicated that this might be a little early from our point of view.

I did not discuss with Mr. Nally the detailed arrangements for the visit. However, the Prime Minister will be free to give the Taoiseach lunch on 6 November. No doubt the programme should also include a tete-a-tete discussion and a plenary meeting. I should be grateful if discussion of the programme could take place through the usual channels.

I am sending copies of this letter to Stephen Boys Smith (NIO), John Halliday (Home Office) and David Wright (Cabinet Office).

M. O'D. B. ALEXANDER

Francis Richards, Esq.,
Foreign and Commonwealth Office.

CONFIDENTIAL

Ref: B06265

MR ALEXANDER

Prime Minister.

(2)

*The Irish have now accepted
6 Nov for Dr Fitzgerald's visit to London.
No announcement will be made, of course, until
much nearer the time.*

Anglo-Irish Summit*Phd 2/9*

Mr Kirwan telephoned me from the Taoiseach's office yesterday. Referring to what he had told me about Summit dates when I was in Dublin on 5th August, he said that Dr FitzGerald had now accepted his officials' advice that October would be better than September. Mr Kirwan therefore wanted our reaction to some possible October dates. He indicated, discreetly but clearly, that in suggesting a Summit on one of these dates the Irish were no longer entering their earlier reservation that a meeting would be impossible if the Maze hunger strike was still continuing (as was their position when Mr Nally talked to Sir Robert Armstrong in London on 27th July).

2. The dates suggested by Mr Kirwan were 13th, 22nd, 23rd, 29th or 30th October. He was aware that 13th October was in the week of the Conservative Party Conference but thought it possible that the Prime Minister herself might not be at the Conference that day. He also acknowledged that 22nd and 29th October were British Cabinet days; 23rd and 30th October were Irish Cabinet days, but they could alter that if necessary. Dr FitzGerald would not want a date later than the end of October, because he would then be too close to the Cavan by-election.

3. In the light of this last point I did not at that stage tell Mr Kirwan of our preference for 6th November (Mr Rickett's minute to Mr Wright of 20th August). But after consulting you, and the Foreign and Commonwealth Office who concurred, I rang him back today to say that unfortunately all the October dates would be impossible for the Prime Minister; 13th October because of the Party Conference, 22nd/23rd because of the Mexico Summit and 29th/30th because of another overseas visit. For the same purely diary reasons we could not manage any other October date. But we could offer, as the next best thing, an early date in November and specifically 6th November. We realised that this might not be as good for Dr FitzGerald, because of the Cavan by-election; but it was only a few days later than the last date the Irish had suggested.

4. Mr Kirwan confirmed that 6th November might be difficult. The Cavan writ was likely to be moved fairly soon after the Dail reconvened, in which case 6th November could be just before polling day. But he undertook to

CONFIDENTIAL



take further advice and thereafter to get in direct touch with you, either to confirm 6th November or to consider further alternatives. He was grateful for our prompt response.

6. I am copying this minute to Mr Jackson at the Home Office, Mr Richards and Mr Arthur at the Foreign and Commonwealth Office, Mr Hopkins at the Northern Ireland Office and Sir Robert Armstrong (on return).

A handwritten signature in blue ink, appearing to read 'R L Wade-Gery', is written in a cursive style.

2nd September 1981

R L WADE-GERY

FILE
CONFIDENTIAL



10 DOWNING STREET

From the Private Secretary

MR. WRIGHT
CABINET OFFICE

Ireland

The Prime Minister has seen Sir Robert Armstrong's minute of 6 August, reference A05414. She has decided that a Summit with the Taoiseach on 23 September would not be possible from a diary point of view, and we have tentatively reserved 6 November as an alternative. It did not prove possible to find a suitable date in late October.

I am copying this to Andrew Jackson (Home Office), Francis Richards (FCO), Michael Arthur (Lord Privy Seal's Office) and Mike Hopkins (Northern Ireland Office).

W. F. S. RICKETT

20 August 1981

CONFIDENTIAL

NM



10 DOWNING STREET

PRIME MINISTER

I don't think you saw
this paper on Ireland as it
was attached to my note about
bilaterals.

ES.

[Handwritten scribble]

17 August, 1981

Nothing to be done now!

~~Mr. Alexander~~

PRIME MINISTER

Phind
- 1/9

- ① Have told cabinet office.
 - ② Am not v. happy with these dates & suspect you will be either.
- cf. 1916.

IRISH Bilaterals

You asked me to find a date in November. This is proving extremely difficult and I attach a copy of the monthly diary. You return from Mexico on Sunday, 25 October; go to Bonn on the 29th and this is followed by the State Opening on the 4th; Italian bilaterals on the 9th, Lord Mayor's Banquet on Monday, 16th; Regional Tour on Friday, 20th, speech to the Constructional Industries on Monday, 23rd and your Chairmanship of the European Council commencing on Thursday, 26th.

There are only two possible dates to offer the Irish - Friday, 6 November when the Queen's address will still be being discussed or Friday, 13th which is being kept free for the Lord Mayor's Banquet on the following Monday.

Shall I offer the Irish Friday, 6 November which will mean that you will have two bilaterals on top of each other?

Yes
no

cf.

If we let Friday 13th go you won't have any time for your Lord Mayor's Banquet speech.

PRIME MINISTER

Attached is a minute from Robert Armstrong on Ireland together with a paper on the same subject by Robert Wade-Gery.

Regarding a date for Irish bilaterals, 23 September is really not very good as it is two days before your departure for Melbourne and there is an important E in the afternoon which I would find difficult to replace as well as an important interview with Australian television in the morning. But the diary doesn't improve and there is no gap between the end of the Party Conference and your departure for Mexico (in fact there is one working day which is taken up with briefing meetings etc.). On your return from Mexico on Sunday 25 October you will have a Statement to make in the House on Monday 26th and a departure for Bonn after Cabinet and Questions on Thursday 29th, which leaves us with Wednesday 28th or post-Queen's Speech. It must be a bad idea to have two bilaterals running so do you agree for going for a date in November although you ought to be aware that the diary is very full?

10 August 1981

Delivered Nov
Mr O.D.

Ref A05414

PRIME MINISTERIreland

I submit Mr Wade-Gery's report on his negotiations in Dublin yesterday. I do not think we need take this any further until Mr Nally and I meet in the Joint Steering Committee, probably in September, when I will seek to resolve the square bracketted passages in our favour.

2. If the Taoiseach's office suggest a Summit on 23 September, your office will no doubt reply in accordance with your convenience and your assessment of the political advantages and disadvantages. It looks as if we could be ready by then; but the period between 21 September (when the Taoiseach is back from his holiday) and 25 September (when you leave for Melbourne) is going to be busy enough without this. In political terms it might be preferable to put the meeting off until after the Party Conference. These considerations point to late October; and, if that is what you suggest, the Taoiseach's officials are likely to advise him to settle for that.
3. In preparing briefs for the Summit the Foreign and Commonwealth Office and Northern Ireland Office will no doubt wish to consider whether it or the one after should be regarded as the meeting devoted to "special consideration of the totality of relationships within these islands" to which the December 1980 communique looked forward; and how we should handle the continued Irish hankering after the notion of at some stage holding an Anglo-Irish "conference".
4. I am sending copies of this minute and of Mr Wade-Gery's report to the Home Secretary, Foreign and Commonwealth Secretary, Lord Privy Seal and Secretary of State for Northern Ireland.

ROBERT ARMSTRONG

Robert Armstrong

6 August 1981

*Top copy with pm. p.a.**Prime Minister**Ireland 12/8**As Sir Robert says, the period 21 to 25 September is extremely busy: Agree that we should steer the Taoiseach towards a meeting in late October after Mexico, though even that will not be simple?**WR**7/8*

Ref A05414

PRIME MINISTERIreland

I submit Mr Wade-Gery's report on his negotiations in Dublin yesterday. I do not think we need take this any further until Mr Nally and I meet in the Joint Steering Committee, probably in September, when I will seek to resolve the square bracketted passages in our favour.

2. If the Taoiseach's office suggest a Summit on 23 September, your office will no doubt reply in accordance with your convenience and your assessment of the political advantages and disadvantages. It looks as if we could be ready by then; but the period between 21 September (when the Taoiseach is back from his holiday) and 25 September (when you leave for Melbourne) is going to be busy enough without this. In political terms it might be preferable to put the meeting off until after the Party Conference. These considerations point to late October; and, if that is what you suggest, the Taoiseach's officials are likely to advise him to settle for that.

3. In preparing briefs for the Summit the Foreign and Commonwealth Office and Northern Ireland Office will no doubt wish to consider whether it or the one after should be regarded as the meeting devoted to "special consideration of the totality of relationships within these islands" to which the December 1980 communique looked forward; and how we should handle the continued Irish hankering after the notion of at some stage holding an Anglo-Irish "conference".

4. I am sending copies of this minute and of Mr Wade-Gery's report to the Home Secretary, Foreign and Commonwealth Secretary, Lord Privy Seal and Secretary of State for Northern Ireland.

RIA

Robert Armstrong

6 August 1981



Ref: B06258

RA
SIR ROBERT ARMSTRONG

Irish Studies

I met Mr Kirwan of the Taoiseach's Department in Dublin on 5th August, to discuss the Joint Study on Institutional Structures. He was accompanied by Mr Sean Whelan of the Department of Foreign Affairs; I by Mr L B Smith of our Embassy.

2. On the basis of my agreed instructions (your second submission to the Prime Minister of 30th July and Mr Rickett's minute to you of 3rd August) I was able to agree the attached Report ("draft D") to the Joint Steering Committee. No further discussion of the Report is envisaged before the Steering Committee meets in September. But either side has the right to reopen any part of it in the interval if they so wish. I also expressly reserved our right, if we so wished, to decide at Steering Committee level that the attitudes of the two sides are too divergent to be sensibly encapsulated in a single document and that two rival documents (ie drafts A and B attached to your submission under reference) should be put to Heads of Government instead. The Irish were clearly anxious to avoid this; so the threat of it should prove useful at Steering Committee level, as a means of resolving some of the outstanding divergences.

3. You will see that these divergences are expressed in two different ways. In the case of the possible parliamentary structure - the one area where I think we shall not be able to push the Irish much further before the Summit, because they regard it as a King Charles' Head of Dr FitzGerald's - I have settled for a "labelled" divergence: paragraph 14 sets out the British view and paragraphs 15-17 the Irish. Elsewhere, divergences are represented by passages in square brackets; "B" in the margin of such passages indicates words we want but the Irish don't; and "I" indicates words they want but we don't. In these cases I think we have a reasonable chance of getting our version adopted at the Steering Committee. If we fail, it will not be difficult to replace the bracketted passages with "labelled" wording.

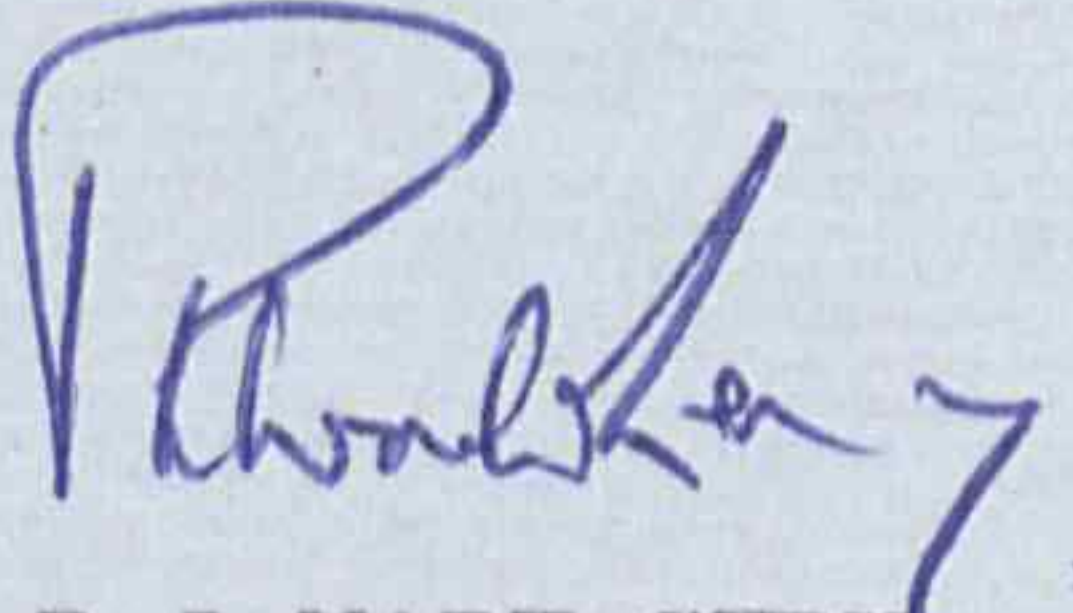
4. Subject to minor editorial changes, all the passages identified as unacceptable in the latest Irish text (draft C attached to your submission under reference) have been eliminated, "labelled" or square bracketted; and all but one of the essential passages in our latest text (draft A) have been included. The one exception is the first sentence of paragraph 8 of draft A, the thought in which is I think adequately reflected in paragraph 14 of the Report as it has now emerged; but I have warned Mr Kirwan that we may need to return to the charge on this.

5. Informally, in the margins of our meeting, Mr Kirwan made two points about the next Anglo Irish Summit.

i. Dr FitzGerald's reaction to Mr Nally's report of his discussion with you about dates (paragraph 2 of your first submission to the Prime Minister of 30th July) had been to say he would prefer 23rd September. His officials thought this misguided: he would be too newly back from holiday, it would be hard to have completed staff work on the Joint Studies by then and there was a greater risk of still being in the shadow of the hunger strike. When he returns to his office in a couple of days' time (he is at present away sick) they will have another go at persuading him that late October would be better. Threafter they will be in touch with No. 10. The clear implication of all this is that if at that stage they suggest 23rd September they will not be sorry if No. 10 turn them down. I made clear that I had no information on what might or might not suit the Prime Minister.

ii. Nearer the Summit we would need to consider whether it is to be presented as the meeting devoted to special consideration of the totality of relationships within these islands which the December 1980 communique said it would be; or whether the fact that we now have a new Taoiseach should be used as an excuse for indicating publicly that that stage would be reached at the following Summit, which might indeed "take the form of a conference". I made no comment.

6th August 1981


R L WADE-GERY

Joint Working Group on Possible New Institutional Structures

Report to Joint Steering Group

("B" in the margin of passages in square brackets denotes words suggested by the British side; "I" similarly denotes words suggested by the Irish side)

Terms of reference and meetings

1. The general terms of reference for the Joint Studies, as agreed at the Joint Steering Group on 30 January 1981, are as follows:-

"Having regard to the degree of mutual understanding reached by the Prime Minister and the Taoiseach at their meetings on 21 May and 8 December 1980 as expressed in the communique issued following those meetings and in particular the reference to the need to bring forward policies and proposals -

- i. to achieve peace, reconciliation and stability and
- ii. to improve relations between the peoples of the two countries.

The Working Groups are asked to make proposals to assist the Prime Minister and the Taoiseach in their special consideration of the totality of relationships within these islands."

2. The specific terms of reference for the Joint Study on Possible New Institutional Structures, as agreed at the same Steering Group meeting, are as follows:-

"To identify possible new institutional structures which might help in achieving the broad objectives described in the communique of 21 May and 8 December, including the scope for improving existing arrangements for co-operation and consultation.

To consider the role of any new institutional structures in relation to measures which might be recommended in the other joint studies."

3. The Joint Study Group met in Dublin on 11 March and in London on 13 April. ^{This} ~~Its~~ report was finalised at a restricted meeting between the two Group leaders in Dublin, on 5 August.

4. The Group noted that as a result of history, geography and population movements the present generation within these islands has inherited the unique relationship identified in the two joint communiques issued following the meetings of Heads of Government in 1980. In many fields relations and co-operation between the two countries are closer and more extensive than exist between other countries in Europe where a particularly close relationship has been given specific institutional expression. There was agreement that, over a very wide range, these relationships involve common interests, mutually beneficial exchanges and developing co-operation. At the same time, the communique of 8 December 1980 had recorded agreement that the full development of the links between the two countries and their peoples had been put under strain by division and dissent in Northern Ireland. This would need to be taken fully into account in considering possible new institutional structures.

5. The Group have seen it as the purpose of their work to put forward proposals on possible new institutional structures that would correspond adequately to the complexity of the Anglo-Irish relationship and would be calculated to enhance the elements of concord and reduce the elements of discord in the relationship. They should be flexible and resilient and have the capacity to evolve. [They should contribute to the improvement of relations between the Governments and and the peoples of the two countries without inflaming old or engendering new suspicions in either country, and without calling in question the constitutional framework in which the position of Northern Ireland within the U.K. cannot be changed without the consent of the people of Northern Ireland and the Westminster Parliament]. These requirements led the Group to give priority to finding proposals that might have a reasonable chance of proving to be durable [rather than looking for wide-ranging proposals which would prove to be over-ambitious].

Ambit of Study

6. [The British side indicated that the studies take place within a constitutional framework in which the position of Northern Ireland within the U.K. cannot be changed without the consent of a majority of the people

I of Northern Ireland and the agreement of Parliament at Westminster]. The Irish side, while accepting that change in the [factual] position of Northern Ireland within the United Kingdom would only come about with the consent of a majority of the people of Northern Ireland, reaffirmed the wish to secure the unity of Ireland by agreement and in peace. Both sides agreed that no structure should be excluded which, in the view of either side, could contribute, over whatever timescale, to the objectives agreed by the Heads of Government. The Irish side indicated the intention to table papers on institutional structures which might come into existence on the basis of consent in the future.

7. The Group noted that existing arrangements for co-operation and consultation included, in addition to normal European Community and diplomatic contacts, the following:-

- a. Regular Prime Minister/Taoiseach meetings, accompanied by other Ministers, as appropriate, once or twice a year.
- b. Ad hoc Ministerial meetings.
- c. Occasional meetings of the Joint Steering Group on Anglo-Irish Economic Co-operation, and more frequent meetings of a number of sub-groups on North/South Co-operation, communications, energy, customs, etc.
- d. Direct informal contacts between Government Departments (both Dublin/Belfast and Dublin/London).
- e. Meetings of the Anglo-Irish Parliamentary Group every two years, alternately in Dublin and London. (The last such meeting was in Dublin in March 1980.

8. The Group examined a number of other models of political co-operation

particularly in Europe. These included various aspects of the European Economic Community, the Benelux arrangements, the Council of Europe, the Nordic Council, the Franco-German Co-operation Treaty, arrangements between the United Kingdom and France and the Federal Republic of Germany, including the Anglo-French Council and the Koenigswinter Conference, and certain institutional arrangements between Australia and New Zealand and between the United States, on the one hand, and Canada and Mexico, on the other hand. While acknowledging that there were useful elements in some of these models, the Working Group concluded that no one such model provided a basis for what was likely to be required in the unique Anglo-Irish context.

A new Anglo-Irish Institutional Structure

9. It was agreed, having regard to the considerations set out above, that initially attention should focus on the possibility of establishing a new Anglo-Irish institutional structure from whose purview no aspect of the totality of relationships within these islands should be excluded. The specific functions would require consideration in the light of progress in other areas of joint study and would be subject to agreement between the two Governments, but a basic purpose would be to contribute to the achievement of peace, reconciliation and stability and the improvement of relations between the peoples of the two countries.

Inter-Governmental Structure

I B 10. It was agreed that the initial step might be the establishment of a joint inter-governmental structure. This might appropriately be called the Anglo-Irish [Council] [Co-operation Council]. It should have flexible characteristics, permitting it to subsume many of the existing patterns of contact between the executive branches of Government, although informal contact between Ministers and between officials on a non-institutional basis should of course continue wherever appropriate. The body

would meet at Head of Government, Ministerial or official level. Meetings at Head of Government level, at which Heads of Government would be accompanied by Ministerial colleagues as appropriate and as agreed for each occasion, would take place once or twice a year. At each such meeting Heads of Government would receive reports of the activities of the Council at other levels since their previous meeting. Different counterpart Ministers could meet in pairs or in groups, with each such meeting constituting a meeting of the Council whenever both sides so agreed in advance. The framework of the Council would allow for discussion of matters of common interest and concern to the two Governments, including (where so agreed by both Governments) {cross border co-operation and other matters of common interest between the Republic of Ireland and Northern Ireland, [but not of the constitutional status of Northern Ireland as part of the United Kingdom]}. As in the past there would continue to be regular meetings between the Secretary of State for Northern Ireland and the Minister for Foreign Affairs, accompanied as appropriate by other Departmental Ministers concerned, to review the full range of North-South matters. A senior official Committee of Ministers' Deputies might meet in a North-South or East-West configuration, as appropriate, to prepare the work of the Ministers, or as otherwise necessary..

11. Other aspects of the characters and functions of the Council will require further consideration to take account of the results of other studies. Within the framework of the Council there should be the closest bilateral consultation on matters [relating to] [likely to have implications for] the achievement of peace, reconciliation and stability or the improvement of relations between the peoples of the two countries. Provision could also be made for emergency meetings to consider current problems of an urgent nature of concern to both Governments. There might also be provision for the establishment by the Council, subject to any necessary process of law, of ancillary bodies including corporate bodies, in particular areas of economic co-operation or areas concerned with the promotion of mutual understanding, where joint activity might be agreed to be desirable.

Legal Basis

12. It would be possible to establish some form of Anglo-Irish Ministerial Council without legislation in either country, for example on the basis of statements in the respective Parliaments. A formal inter-governmental agreement in writing could (but need not) be used to establish it. If this were done, the agreement would have to be laid before the Irish Dail, and it would be normal to take similar action with the United Kingdom Parliament.

B Possible Inter-Parliamentary Structure

13. It was agreed that it would be a natural and desirable development for the establishment of a new inter-governmental body to be complemented at an appropriate moment by the development of an inter-parliamentary body.

14. In the British view, this should be further considered in the light of experience and of opinions which might over time be expressed by members of either or both of the two national Parliaments (or by British or Irish members of any other relevant parliamentary body, such as the European Parliament or an Assembly which might be established locally in Northern Ireland). In the meantime efforts should be made to deepen and broaden the activities and composition of the existing Anglo-Irish Parliamentary Group.

15. The Irish side considered that it would be helpful if the report of the Group dealt with the manner in which the parliamentary structure should be developed and with its composition, ambit and purposes. In their view, the parliamentary element could initially be constituted through an Anglo-Irish parliamentary committee as a natural development of the existing rather loosely structured Anglo-Irish Parliamentary Group. The objectives would be to widen the composition of the existing Group to provide a more regular and systematic pattern of inter-parliamentary exchanges and to deepen and broaden the activities undertaken by focussing them on a more structured agenda, related to the work of the inter-governmental body. Proceedings could be conducted in public or in private. The aim should be to promote a constructive discussion

which would subsequently facilitate the transformation of the consultative committee into a constituent part of the Anglo-Irish institution.

16. The Irish side thought it useful to give preliminary consideration to the appropriate composition of the parliamentary group under the new circumstances created by the establishment of an inter-governmental body and in the light of the objectives cited in paragraph 15. They considered that the guiding principle should be equitable representation of the various political interests and traditions within these islands. Members of the committee could be drawn not only from Dail Eireann and the House of Commons but also from other representative bodies, including the European Parliament, the House of Lords and Senad Eireann. Apart from the obvious benefits of parliamentary exchanges, the Irish side saw the committee as providing a forum for the participation of elected representatives from Northern Ireland in the new institutional structures. They considered that, in view of the special circumstances within these islands and in order to permit the adequate representation of both sections of the community there, the Northern Ireland membership should be composed in proportion to the size of the different parts of the community there and should be a significant component of the committee. The Irish side recognised that consultation with political interests and with the appropriate parliamentary authorities would be a necessary preliminary step. They considered that this should be undertaken immediately following a decision to establish an inter-governmental body, with the objective of having the group working in its new format as soon as possible.

17. The Irish side saw the ambit and purposes of the committee as corresponding to those of the inter-governmental body. Its functions would essentially be consultative, advisory and review in nature. It could discuss the activities of the inter-governmental body and review the work of ancillary bodies, on the basis - but not exclusively so - of an annual report on co-operation from the inter-governmental body. Members might receive an allowance in respect of attendance.

Secretariat

18. The nature and extent of the Secretariat of an Anglo-Irish Institution would clearly be related to the nature and scope of its functions and activities. Initially, however, each Government should designate an official to act as a Secretary of the Council and each of the two Secretaries would be responsible for ensuring the provision of a secretariat for the activities of the Council.

Finance

19. The Council should be free to agree on the joint expenditure of any funds made available by the two Governments (under their normal procedures) for purposes of common interest, although such agreement should clearly not be a prior condition for any unilateral expenditure by either Government.

Structures for Exchanges on a Wider Basis

20. It was agreed that it would be advantageous to establish a forum for contact between persons other than Ministers, parliamentarians and officials. It was felt that the objective should be to work towards the creation of an Advisory Committee on economic, social and cultural co-operation, associated with the Council. Foreign models which were considered here were the Economic and Social Advisory Council within the Benelux arrangements and the Economic and Social Committee of the European Community. However, As the principal objective should be the promotion of contact and exchanges across a wide front of economic activity and of society within these islands, the membership should be reasonably large and in composition should reflect vocational interests. These features may require that the full meetings would take place not more than twice a year, although the body itself could perhaps make provision for separate meetings, at more or less frequent intervals, of any subsidiary bodies it established. The objective should be to have procedures a good deal more flexible and pragmatic than those of the EC body. However, it can be envisaged that the Committee would advise the Council on economic and social matters referred to it, would be able to issue opinions on its own initiative in fields

to be determined, and would present an annual report on the state of economic, social and cultural co-operation, including recommendations.

21. The Group considered that some time would be needed to assess how an Advisory Committee might best operate in the light of the development of closer co-operation. They considered, however, that there was an immediate need, as an interim measure, to provide a satisfactory structure for the promotion and review, in a central forum, of contacts and exchanges between wider economic, social and cultural circles. An "Anglo-Irish Encounter" organisation should be established and financed, at least in part, by the two Governments, under the direction of an Executive Board composed of independent public figures of repute and ability and Government representatives. The Group thought that the proposed body, rather than concentrating on constitutional or political problems within these islands, as some existing bodies have tended to do, should seek, in its activities, to comprehend different aspects of the totality of relationships. Its major function should be to organise a high-level annual conference on the Konigswinter model, which could bring together participants drawn from wider circles than those traditionally concerned with the discussion of Irish questions. Trade unionists, agriculturalists and Irish/British residents in Britain/Ireland might be included as well as industrialists, academics, journalists, church leaders, politicians and officials. Smaller periodic seminars on specialised themes could also be arranged. There could be a changing participation or involvement appropriate to the subject.

22. Ideas generated at such conferences (or seminars) might usefully be considered by the two Governments at appropriate meetings of the Council.

CONFIDENTIAL



10 DOWNING STREET

From the Private Secretary

MR. WRIGHT

CABINET OFFICE

ANGLO-IRISH JOINT STUDIES

The Prime Minister was grateful for Sir Robert Armstrong's minute of 30 July.

She has agreed that our representative at the meeting on 5 August should be instructed on the basis of paragraph 7 of Sir Robert's minute, subject to replacing paragraph 7 (iv) with the following:

"He is authorised to accept a text which records disagreed views or positions where necessary. It is hoped that:

- (a) disagreements are reduced to a minimum; and
- (b) further, nothing which we regard as essential is excluded, even if it has to appear as a British view from which the Irish have dissociated themselves."

The Prime Minister also agrees that paragraph 3 of Sir Robert's minute has correctly identified the passages in the Irish "composite" draft which would not be acceptable to us as they stand, and the passages in the British draft, omitted from the Irish composite draft, whose reinstatement we must insist on.

I am sending copies of this minute to John Halliday (Home Office), Roderic Lyne (Foreign and Commonwealth Office), Michael Arthur (Lord Privy Seal's Office) and Stephen Boys-Smith (Northern Ireland Office).

W. F. S. RICKETT

3 August 1981

CONFIDENTIAL

S E C R E T



Ireland

JS

R

10 DOWNING STREET

From the Private Secretary

31 July 1981

The Prime Minister has seen and taken note of Sir Robert Armstrong's minute to her of 30 July on this subject. She had only one comment to make on its contents. In relation to Mr. Nally's suggestion that we have covert contacts with the IRA about which we should be somewhat franker with the authorities in Dublin, the Prime Minister expressed doubt as to whether one could use the words "in strict confidence" in this context.

I am sending copies of this letter to John Halliday (Home Office), Brian Fall (FCO) and Stephen Boys-Smith (Northern Ireland Office).

M. O'D. B. ALEXANDER

David Wright, Esq.,
Cabinet Office.



Prime Minister
 Mrs DBA
 has seen
 DTS. Collier
 (Duty clerk)
 30/7/81.

Ref A05355

PRIME MINISTERAnglo-Irish Joint Studies

My submission about Mr Nally's visit mentioned that we are now planning to complete by early September all five Studies so far as possible, identifying differences which cannot be readily resolved. This process is likely to give rise to serious difficulty only in the case of the key Study on Institutional Structures. Our representatives will be meeting to discuss this in detail in Dublin on 5 August. The British representative will need broad guidance on which of two outcomes he should aim at.

2. The meeting will have before it three alternative drafts, which are attached as follows -

- A. British draft of 1 June, tabled on 21 July;
- B. Irish (second) draft of 30 May, tabled on 24 July;
- C. Irish "composite" draft of 24 July, tabled on 28 July, which draws on both A and B.

3. You and other senior Ministers here carefully considered the wording of draft A before it was cleared for tabling in early June (at which point it was held up, by Anglo-Irish agreement, pending the outcome of the Dail election). It was agreed that it represented the furthest the British side want to go at this stage; and it is generous to the Irish in agreeing to the use of the term "Council" about which there are understandable British reservations. Draft B was prepared simultaneously in Dublin during May, in the light of the Study Group's meeting here on 13 April, which considered an earlier Irish draft; it too was held up by agreement because of the Dail elections and was finally tabled last week (just after we tabled draft A). Although an improvement on its predecessor, from the British point of view, it still retains a number of unacceptable features.

Draft C is a reasonably honest attempt to reconcile A and B. But not surprisingly, as Irish work, it tends to do more justice to B than to A; and from a British point of view it still embodies some important sins both of omission and of commission. I have sidelined what seem to be its major faults, in paragraphs 9 (last sentence), 10 (sub-paragraph ii), 11 (second and eighth sentences), 12 (second sentence) and 19 (second sentence) as well as the whole of paragraphs 14-18; in addition, it omits certain essential matter contained in draft A's paragraphs 4 (whole paragraph), 7 (second sentence), 8 (first sentence), 9 (penultimate sentence) and 14 (whole paragraph), which I have also sidelined.

4. We should not make any further changes of substance. The only question is whether we should make a further attempt to agree upon a single document, or resign ourselves now to coming to you and the Taoiseach with two separate documents.

5. There is no possibility of a document which is agreed at all points: in which all that we think essential but they do not like is in, and all that they want in and we do not like is out. We might be able to agree upon a single document, based on draft C, in which each side explicitly dissociated itself from anything it did not like. My judgment is that the Irish want the Joint Studies to be "successful", and I therefore think it probable that there is more to come from them, and that if we make a further attempt to agree a single document, we shall end up with fewer points of disagreement than if we simply insist in coming to you with two rival versions (which would in effect be draft A and draft B).

6. We are talking about a document (or documents) which is not intended for publication. Both sides, however, clearly have in their minds the risk of leaks, and want to protect their positions. It is a matter of judgment whether our position is better protected by a single document with points of disagreement clearly identified, or by two rival documents. My own judgment is that the balance of advantage to us is in favour of another attempt to agree upon a single document: we may get some more

✓ concessions out of them in the process, and it will be more difficult for them to leak a single document which includes what we want as well as what they want, than to leak a separate document of their own which has everything they want and nothing of ours.

7. I therefore propose that the instructions to our representative at next Wednesday's meeting should be:

- ✓ i. He should co-operate with his Irish counterpart in an attempt to produce a single document on institutional structures to report to the Steering Group.
- ✓ ii. He should seek to get what we see as major faults corrected or omitted to our satisfaction.
- ✓ iii. He should seek to reinstate all matter in draft A and now omitted from draft C which we regard as essential.
- iv. He is authorised to accept a text which records disagreed views or positions where necessary, provided that:
 - It is hoped that*
 - a. disagreements are reduced to a minimum;
 - Further* b. nothing which we regard as essential is excluded, even if it has to appear as a British view from which the Irish have dissociated themselves.
- v. If he cannot get a satisfactory single document on this basis he should insist on two rival versions: ours would be draft A.
- vi. Whatever the outcome, it is ad referendum to the Steering Group (i.e. Mr Nally and me). This will give us an opportunity to review the outcome, and seek further instructions, before there is any final commitment.

8. I am sending copies of this note to the Home Secretary, the Foreign and Commonwealth Secretary, the Lord Privy Seal and the Secretary of State for Northern Ireland. I should be grateful for instructions: in particular, are you and they content that:



- a. we have identified correctly in paragraph 3 above the passages of draft C which would not be acceptable to us as they stand and the passages in draft A, omitted from draft C, whose reinstatement we must insist upon;
- b. the instructions to our representative for next Wednesday's meeting should be as in paragraph 7 above.

J. Wright

Robert Armstrong

*(approved by Sir R Armstrong
and signed on his behalf)*

30 July 1981

Joint Study on Possible New Institutional Structures
(British Draft for Joint Report: [date])

The general terms of reference for the Joint Studies, as agreed at the Joint Steering Group on 30 January 1981, are as follows -

"Having regard to the degree of mutual understanding reached by the Prime Minister and the Taoiseach at their meetings on 21 May and 8 December 1980 as expressed in the communique issued following those meetings and in particular the reference to the need to bring forward policies and proposals -

- i. to achieve peace, reconciliation and stability
- and ii. to improve relations between the peoples of the two countries.

The Working Groups are asked to make proposals to assist the Prime Minister and the Taoiseach in their special consideration of the totality of relationships within these islands."

2. The specific terms of reference for the Joint Study on Possible New Institutional Structures, as agreed at the same Steering Group meeting, are as follows -

"To identify possible new institutional structures which might help in achieving the broad objectives described in the communique of 21 May and 8 December, including the scope for improving existing arrangements for co-operation and consultation.

To consider the role of any new institutional structures in relation to measures which might be recommended in the other joint studies."

3. The Joint Study Group met in Dublin on 11 March and in London on 13 April. [Its report was finalised at a restricted meeting, attended only by the two Group leaders, on June.]

4. The Group have seen it as the purpose of their work to put forward proposals on possible new institutional structures which will contribute to the improvement of relations between the Governments and the peoples of the two countries without inflaming old or engendering new suspicions in either country, and without calling in question the constitutional framework in

which the position of Northern Ireland within the United Kingdom cannot be changed without the consent of a majority of the people of Northern Ireland and the Westminster Parliament.

5. The Group noted that existing arrangements for co-operation and consultation included, in addition to normal European Community and diplomatic contacts, the following -

- a. Regular Prime Minister/Taoiseach meetings, accompanied by other Ministers, as appropriate, once or twice a year.
- b. Ad hoc Ministerial meetings.
- c. Occasional meetings of the Joint Steering Group on Anglo-Irish Economic Co-operation, and more frequent meetings of a number of sub-groups on North/South Co-operation, communications matters, energy, customs, etc.
- d. Direct informal contacts between Government Departments (both Dublin/Belfast and Dublin/London).
- e. Meetings of the Anglo-Irish Parliamentary Group every two years, alternately in Dublin and London. (The last such meeting was in Dublin in March 1980.)

6. The Group considered the characteristics comprehended by the unique relationship, mentioned in the two joint communiqués issued following the meetings of Heads of Government in 1980, which geography and history have bequeathed to the present generation. In many fields relations and co-operation between the two countries are closer and more extensive than exist between other countries in Europe that enjoy a particularly close relationship. There was agreement that over a very wide range, these relationships involve common interests, mutually beneficial exchanges and developing co-operation appreciated on both sides. At the same time it was recalled that the communiqué of 8 December 1980 had recorded agreement that the full development of the links between the two countries and their peoples had been put under strain by division and dissent in Northern Ireland. This would need to be taken fully into account in considering possible new institutional structures.

A new Inter-Governmental Structure

7. It was agreed, having regard to the considerations set out above, that in the immediate future attention should focus on the possibility of the Republic of Ireland and the United Kingdom establishing a new inter-governmental structure; and on the nature, purposes and functions of such a body. The requirements described in paragraph 4 led the Group to give higher priority to finding proposals that might have a reasonable chance of proving to be durable than to looking for wide-ranging proposals which would prove to be over-ambitious. A number of structural models for inter-governmental co-operation, particularly in Europe, were examined. These included various aspects of the European Community, the Benelux arrangements, the Council of Europe, the Nordic Council, the Franco-German Co-operation Treaty and arrangements between the United Kingdom and France and the Federal Republic of Germany, including the Anglo-French Council and the Konigswinter Conferences. But the Group concluded that no one such model provided a basis for what was likely to be required in the Anglo-Irish context, since the Anglo-Irish relationship was acknowledged to be unique and it was that very uniqueness which the two countries would be seeking to reflect in any new arrangements.

8. It was also agreed that the new inter-governmental structure might initially take the form of a joint Council constituted on a flexible basis, with the creation of other structures (eg in the Parliamentary field) envisaged after an appropriate interval in the light of progress in developing co-operation. It might appropriately be called the Anglo-Irish Co-operation Council (AICC). Its purposes and functions would include bringing forward policies and proposals to achieve peace, reconciliation and stability and to improve relations and foster co-operation between the people of the two countries. It would also have such more specific functions as were conferred on it by agreement between the two Governments, either before its establishment or from time to time thereafter.

9. The AICC should have flexible characteristics, permitting it to subsume many of the existing patterns of contact between the executive branches of Government, although informal contact between Ministers and between officials on a non-institutionalised basis should of course continue wherever convenient.

CONFIDENTIAL

Thus, meetings would be possible at Head of Government and Ministerial level and at that of Ministers' Deputies or officials. Meetings at Head of Government level, at which Heads of Government could be accompanied by Ministerial colleagues as appropriate and as agreed for each occasion, would take place once or twice a year. At each such meeting Heads of Government would receive reports of the activities of the Council at other levels since their previous meeting. Different counterpart Ministers could meet in pairs or in groups with any equal number of Ministers, up to a limit to be decided; and each such meeting would constitute a meeting of the AICC whenever both sides so agreed in advance. The framework of the Council would allow for discussion of matters of common interest and concern to the two Governments, including (where so agreed by both Governments) cross-border co-operation and other matters of common interest between the Republic of Ireland and Northern Ireland, but not of the constitutional status of Northern Ireland as part of the United Kingdom. To prepare for such meetings, and to consider questions of North-South co-operation generally, there should also be periodic meetings of Ministers' Deputies.

10. Other aspects of the character and functions of the AICC will require further consideration to take account of the results of other studies. Preliminary consideration suggests that it should be possible to reach agreement that the body would be involved in a range of areas comprehended by the subject matters of other studies in progress, viz citizenship rights, security matters, economic co-operation and measures to improve mutual understanding. As in the case of the Nordic Council of Ministers the AICC could where appropriate establish bodies in particular in areas of economic co-operation or areas concerned with the promotion of mutual understanding, where joint activity may be agreed to be desirable.

11. There should not be a permanent secretariat of the Council. Each Head of Government should designate an official to act as a Secretary of the Council, and each of the two Secretaries would be responsible for ensuring the provision of a secretariat for each individual meeting of the Council.

12. The AICC should be free to agree on the joint expenditure of any funds made available by the two Governments (under their normal procedures) for purposes of common interest, although such agreement should clearly not be a prior condition for any unilateral expenditure by either Government.

CONFIDENTIAL

CONFIDENTIAL

13. Preliminary consideration of legal aspects suggest that it would be possible to establish an AICC without legislation in either country. It would not need to be vested with powers, since any action to which it gave rise could be taken through national departments and any expenditure involved would be met from existing departmental votes. A formal inter-governmental agreement in writing could (but need not) be used to establish it. If this were done, the agreement would have to be laid before the Irish Dail, and it would be normal to take similar action with the United Kingdom Parliament.

Possible Inter-Parliamentary Structure

14. It was agreed that it would be a natural development for the establishment of a new inter-governmental body to be followed in due course by the establishment of a complementary inter-parliamentary body. This should be left for further consideration in the light of experience and of any opinions which might over time be expressed by members of either or both of the two national Parliaments (or by British or Irish members of any other relevant parliamentary body, such as the European Parliament or any Assembly which might be established locally in Northern Ireland). In the meantime efforts should be made to deepen and broaden the activities and composition of the existing Anglo-Irish Parliamentary Group.

Structures for Exchanges on a Wider Basis

15. It was agreed that, in the pursuit of the objectives sought, it would be advantageous and important to ensure the existence of structures that would provide for the widest possible contact and participation in the process of closer co-operation. It was accepted that this required structures that would provide a forum which could include persons other than Ministers, parliamentarians and officials. It was felt that the objective should be to work towards the creation of an Advisory Committee on economic, social and cultural co-operation, associated with the AICC. Foreign models which were considered here were the Economic and Social Advisory Council within the Benelux arrangements and the Economic and Social Committee of the European Community. However, as the principal objective should be the promotion of contact and exchanges across a wide front of economic activity and of society within these islands, the membership should be reasonably large and in composition should reflect categories of economic and social activities. These features may require that the full meetings would take place not more than twice a year, although the body itself could perhaps make provision for separate meetings, at more or less frequent

CONFIDENTIAL

intervals, of any subsidiary bodies it established. The objective should be to have procedures a good deal more flexible and pragmatic than those of the EC body. However, it can be envisaged that the Committee would advise the AICC on economic and social matters referred to it, would be able to issue opinions on its own initiative in fields to be determined, and would present an annual report on the state of economic, social and cultural co-operation, including recommendations.

16. The Group considered that some time would be needed to assess how an Advisory Committee might best operate in the light of the development of closer co-operation. It considered, however, that there was an immediate need, as an interim measure, to provide a satisfactory structure for the promotion and review, in a central forum, of contacts and exchanges between wider economic and social circles. In this regard, the Group took note of the existence of the British-Irish Association, of Co-operation North, of the Anglo-German Konigswinter Conferences and of the Anglo-French Council. It was agreed that the British-Irish Association and Co-operation North had done useful work but that under existing arrangements they do not provide a suitable basis for what is required. It was felt that in general there was a need for a greater degree of Governmental guidance of activities than has characterised the work of these bodies. An "Anglo-Irish Konigswinter" organisation should be established and financed by the two Governments, although its day to day management might be entrusted to a panel composed largely of independent public figures. Its prime function should be to organise a high-level annual conference on the Konigswinter model, which could bring together participants drawn from wider circles than those traditionally concerned with the discussion of Irish questions. Trade unionists, agriculturalists and Irish/British residents in Britain/Ireland might be included as well as industrialists, academics, journalists, church leaders, politicians and officials. Smaller periodic seminars on specialised themes could also be arranged.

17. Ideas generated at such conferences (or seminars) might usefully be considered by the two Governments at appropriate meetings of the AICC.

1 June 1981

CONFIDENTIAL

Joint Working Group on Possible New Institutional Structures

Draft Interim Report to Joint Steering Group

Background

1. The Mandate of the Working Group was to identify possible new institutional structures which might help in achieving the broad objectives described in the communiques of 21 May and 8 December, including the scope for improving existing arrangements for cooperation and consultation, and to consider the role of any new institutional structures in relation to measures which might be recommended in the other joint studies. The Working Group also took into account the general objective of the studies as summarized by the Steering Group on 30 January and, for convenience, reproduced below:

Having regard to the degree of mutual understanding reached by the Prime Minister and the Taoiseach at their meetings on 21 May and 8 December, 1980 as expressed in the communiques issued following those meetings and in particular the reference to the need to bring forward policies and proposals

- (i) to achieve peace, reconciliation and stability and
- (ii) to improve relations between the peoples of the two countries

the Working Groups are asked to make proposals to assist the Prime Minister and the Taoiseach in their special consideration of the totality of relationships within these islands.

2. The Working Group noted that geography, history and movements of population have bequeathed to the present generation living within these islands an extremely complex interrelationship. In many fields, cooperation between the two countries is close and extensive, frequently more so than between countries where a particularly close relationship has been given specific institutional expression. The Working Group agreed that the study should relate to institutional structures that would correspond adequately to this complexity and reflect the totality of the relationships.

3. The Communique of 8th December, 1980, recorded agreement that the full development of links had been put under strain by division and dissent in Northern Ireland, which have regrettably but undeniably dominated the totality of relationships within these islands, especially during the last twelve years, which have been marked by widespread loss of life, injury and destruction. However, other aspects of the relationship also should be taken into account in the consideration of new institutional structures.

Ambit of Studies

4. The British side indicated that the studies take place within a constitutional framework in which the position of Northern Ireland within the United Kingdom cannot be changed without the consent of a majority of the people of Northern Ireland and the agreement of Parliament at Westminster. The Irish side, while accepting that change in the factual position of Northern Ireland within the United Kingdom would only come about with the consent of a majority of the people of Northern Ireland, reaffirmed the wish to secure the unity of Ireland by agreement and in peace. Both sides agreed that no structure should be excluded which, in the view of either side, could contribute, over whatever timescale, to the objectives agreed by the Heads of Government. The Irish side indicated the intention to table papers on institutional structures which might come into existence on the basis of consent in the future.

5. The Working Group examined a number of other models of political cooperation, particularly in Europe. These included various aspects of the European Economic Community, the Benelux arrangements, The Council of Europe, The Nordic Council, The Franco-German Cooperation Treaty, arrangements between the United Kingdom and France and the Federal Republic of Germany, including The Anglo-French Council and the Koenigswinter Conference, and certain institutional arrangements between Australia and New Zealand and between the United States, on the one hand and Canada and Mexico, on the other hand. While acknowledging that there were useful elements in some of these models, the Working Group concluded that no one such model provided a basis for what was likely to be required in the Anglo-Irish context.

Anglo-Irish Institution

6. The Working Group agreed that any institution to be established might initially take the form of an inter-governmental body from whose purview no aspect of the

totality of relationships within these islands should be excluded. Its basic purpose would be to contribute to the achievement of peace, reconciliation and stability and the improvement of relations between the peoples of the two countries. The specific functions would have to be studied in the light of progress in other areas of joint study, and would be subject to agreement between the two Governments but would include the development of proposals for progress, in stages, towards generally acceptable political arrangements that would provide a basis for a durable settlement of the Northern Ireland problem. Specific areas of responsibility could be conferred on the inter-governmental body by agreement from time to time.

7. The institution might have three parts:

- (i) an inter-governmental body;
- (ii) a Parliamentary element;
- (iii) a vocational group [an economic and social forum]

The institution as a whole should be flexible and have a capacity for change.

Inter-Governmental Body

8. The inter-governmental body would subsume existing links between the executive branches of government, without inhibiting routine contacts on a formal or informal basis. The body would meet, as appropriate, at Head of Government or Ministerial level, at the level of Ministers' Deputies or at other official level. Different counterpart Ministers could meet in pairs or in groups, (with each such meeting constituting a meeting of the body at Ministerial level whenever both sides so agreed in advance). The structure would embrace, as equally normal manifestations, North-South (Dublin-Belfast) as well as East-West (Dublin-London) contacts. As in the past, there would continue to be regular meetings between the Secretary of State for Northern Ireland and the Minister for Foreign Affairs, accompanied as appropriate by other Departmental Ministers concerned, to review the full range of North-South matters. To prepare the work of the Ministers, a senior official Committee of Ministers' Deputies might meet, in a North-South or East-West configuration, as appropriate.

/...

9. Other aspects of how an inter-governmental body should be constituted will require further consideration which will have to take account of the results of other studies. The inter-governmental body might be involved in a range of areas corresponding to the subject-matter of the other studies in progress. Provision could be made for prior consultation on decisions or initiatives by either Government likely to have implications for the achievement of peace, reconciliation and stability or the improvement of relations between the peoples of the two countries. There might also be provision for the establishment by the inter-governmental body, subject to any necessary process of law, of ancillary bodies including corporate bodies, in particular areas of economic cooperation or areas concerned with the promotion of mutual understanding, where joint activity might be agreed to be desirable.

Description of inter-governmental Body

10. It was accepted that having regard to the status and nature of the body envisaged and to international usage, the natural term of description was "Council". The United Kingdom members considered, however, that in all the circumstances it would be preferable to use an alternative description. The terms "Committee" and "Commission" were mentioned as possibilities. The Irish members emphasised the widespread international usage of "Council" and suggested that it was desirable that the description of the body should clearly convey the importance attached to it by both Governments.

Legal Basis

11. It would be possible to establish some form of Anglo-Irish Ministerial institution without legislation in either country, for example on the basis of statements in the respective Parliaments and an exchange of letters. If a formal written inter-governmental agreement were concluded, it would in Ireland have to be laid before the Dail. In addition, if the establishment of the institution in some way involved a charge on public funds, the approval of the Dail would be necessary. If the institution were to have powers with any legal effect in the State or if it were to exercise in the State any legal control over funds allocated to it, Irish legislation would be required. (Position in UK).

/...

Parliamentary Dimension

12. The Working Group agreed that it was highly desirable in view of the aims to be sought that any new Anglo-Irish Institution should incorporate a parliamentary element. Apart from the obvious benefits of parliamentary exchanges, a forum for parliamentarians would provide a basis for elected representatives from Northern Ireland to participate in the new institutional structures. This is clearly of particular importance against the background of current circumstances within these islands.

13. The parliamentary element could, initially, be constituted through the creation of an Anglo-Irish Parliamentary Consultative Committee. The Committee would represent a natural development of the existing rather loosely structured Anglo-Irish parliamentary grouping but might provide a forum for a more regular and systematic pattern of inter-parliamentary exchanges, with a more structured agenda and with activity related to the work of the inter-governmental body. Proceedings could be conducted in public or in private as appropriate. The objective should be to secure the widest possible participation and to promote a constructive discussion which would subsequently facilitate the transformation of the Consultative Committee into a constituent part of the Anglo-Irish institution.

14. The Consultative Committee would be composed of an equal number of parliamentarians from Britain and Ireland together with a number of representatives from Northern Ireland. In view of the special circumstances within these islands and to permit the adequate representation of both sections of the Community in Northern Ireland, it was agreed that the Northern Ireland membership should be composed in proportion to the size of the different parts of that Community and should be a significant component of the Committee. The composition of the British and Irish panels would reflect the representation of political parties in the directly elected house in each country. Members of the Committee could be drawn not only from Dail Eireann and the House of Commons but also from members of other representative bodies, including the European Parliament, the House of Lords and Seanad Eireann.

/...

15. Against this background, the Committee might be composed of 24 members - 9 each from Great Britain and Ireland and 6 from Northern Ireland. This suggested composition could remain valid after the envisaged increase in the number of Northern Ireland members at Westminster, bearing in mind the position stated in paragraph 14 that Northern Ireland representation need not only come from Westminster.

16. The ambit and purposes of the Committee would correspond to those of the inter-governmental body. Its functions would essentially be consultative, advisory and review in nature. It could discuss the activities of the inter-governmental body and review the work of ancillary bodies, on the basis - but not exclusively so - of an annual report on cooperation from the Ministerial body. Members might receive an allowance in respect of attendance.

Secretariat

17. The nature and extent of the Secretariat of an Anglo-Irish Institution would clearly be related to the nature and scope of its functions and activities. It seems likely that after a certain period, there would be a need for a separate secretariat staff, possibly drawn on secondment from the Irish Civil Service, the United Kingdom Civil Service and the Northern Ireland Civil Service. It is possible that in the very early stages, it would be possible to draw on existing staff and facilities on both sides.

Structures for Exchanges on a Wider Basis

18. The Working Group agreed that it would be advantageous to have a forum for the widest possible contact and participation of persons from other sections of society in addition to Ministers, parliamentarians and officials. The objective should be to work towards an Advisory Committee on Economic, Social and Cultural Cooperation, associated with the new institution corresponding approximately to the Economic and Social Advisory Council within the Benelux arrangements and the Economic and Social Committee of the European Community. As the principal objective should be the promotion of contact and exchanges across a wide front of economic activity and of society, the membership should be reasonably large and varied. Its composition should reflect the widest possible range of economic, social and cultural activities. These features might require that the full

meetings would take place not more than twice a year, although the body itself could perhaps make provision for separate meetings, at more or less frequent intervals of any subsidiary bodies it established. The objective should be to have flexible and pragmatic procedures. The Committee would advise the Ministerial body on economic and social matters referred to it, would be able to issue opinions on its own initiative in fields to be determined and would present an annual report on the state of economic, social and cultural cooperation, including recommendations.

19. Some time would be needed to assess how an Advisory Committee might best operate as closer cooperation develops. As an interim measure, a satisfactory structure should be provided for the promotion and review, in a central forum, of contacts and exchanges between wider economic and social interests. The Working Group thought that the proposed committee, rather than concentrating on constitutional or political problems within these islands as existing bodies have tended to do, should, in its activities, seek to comprehend different aspects of the totality of relationships. The Working Group envisaged a changing participation or involvement appropriate to the subject matter of particular events or meetings.

20. The Working Group accordingly envisaged an Advisory Committee which would have an Executive Board bringing together private citizens of repute and ability and Government representatives. It would be explicitly Government-inspired and would attract some government funding, in addition, it would be hoped, to non-governmental grants of various kinds. The Anglo-French arrangements would provide a closer parallel than the Anglo-German body.

Dublin.

30 May, 1981

Joint Working Group on Possible New Institutional Structures

Draft Interim Report to Joint Steering Group.

Terms of reference and meetings

1. The general terms of reference for the Joint Studies, as agreed at the Joint Steering Group on 30 January 1981, are as follows -

"Having regard to the degree of mutual understanding reached by the Prime Minister and the Taoiseach at their meetings on 21 May and 8 December 1980 as expressed in the communique issued following those meetings and in particular the reference to the need to bring forward policies and proposals -

- i. to achieve peace, reconciliation and stability
- and ii. to improve relations between the peoples of the two countries.

The Working Groups are asked to make proposals to assist the Prime Minister and the Taoiseach in their special consideration of the totality of relationships within these islands."

2. The specific terms of reference for the Joint Study on Possible New Institutional Structures, as agreed at the same Steering Group meeting, are as follows -

"To identify possible new institutional structures which might help in achieving the broad objectives described in the communique of 21 May and 8 December, including the scope for improving existing arrangements for co-operation and consultation.

To consider the role of any new institutional structures in relation to measures which might be recommended in the other joint studies."

3. The Joint Study Group met in Dublin on 11 March and in London on 13 April. / Its report was finalised at a restricted meeting, attended only by the two Group leaders, on .7

4. The Group considered the characteristics comprehended by the unique relationship, mentioned in the two joint communiques issued following the meetings of Heads of Government in 1980, which geography and history have bequeathed to the present generation. In many fields relations and co-operation between the two countries are closer and more extensive than exist between other countries in Europe that enjoy a particularly close relationship. There was agreement that over a very wide range, these relationships involve common interests, mutually beneficial exchanges and developing co-operation appreciated on both sides. At the same time it was recalled that the communique of 8 December 1980 had recorded agreement that the full development of the links between the two countries and their peoples had been put under strain by division and dissent in Northern Ireland. Thus the Anglo-Irish relationship is one of considerable complexity.

5. The Group have seen it as the purpose of their work to put forward proposals on new institutional structures that would correspond adequately to this complexity and

Would be calculated to enhance the elements of concord and reduce the elements of discord in these relationships. They should be flexible and resilient and have the capacity to evolve.

Ambit of Study

6. The British side indicated that the studies take place within a constitutional framework in which the position of Northern Ireland within the United Kingdom cannot be changed

without the consent of a majority of the people of Northern Ireland and the agreement of Parliament at Westminster. The Irish side, while accepting that change in the factual position of Northern Ireland within the United Kingdom would only come about with the consent of a majority of the people of Northern Ireland, reaffirmed the wish to secure the unity of Ireland by agreement and in peace. Both sides agreed that no structure should be excluded which, in the view of either side, could contribute, over whatever timescale, to the objectives agreed by the Heads of Government. The Irish side indicated the intention to table papers on institutional structures which might come into existence on the basis of consent in the future.

7. The Group noted that existing arrangements for co-operation and consultation included, in addition to normal European Community and diplomatic contacts, the following -

- a. Regular Prime Minister/Taoiseach meetings, accompanied by other Ministers, as appropriate, once or twice a year.
- b. Ad hoc Ministerial meetings.
- c. Occasional meetings of the Joint Steering Group on Anglo-Irish Economic Co-operation, and more frequent meetings of a number of sub-groups on North/South Co-operation, communications matters, energy, customs, etc.
- d. Direct informal contacts between Government Departments (both Dublin/Belfast and Dublin/London) ..
- e. Meetings of the Anglo-Irish Parliamentary Group every two years, alternately in Dublin and London. (The last such meeting was in Dublin in March 1980.)

8. The Group examined a number of other models of political cooperation, particularly in Europe. These included various aspects of the European Economic Community, the Benelux arrangements, The Council of Europe, The Nordic Council, The Franco-German Cooperation Treaty, arrangements between the United Kingdom and France and the Federal Republic of Germany, including The Anglo-French Council and the Koenigswinter Conference, and certain institutional arrangements between Australia and New Zealand and between the United States, on the one hand and Canada and Mexico, on the other hand. While acknowledging that there were useful elements in some of these models, the Working Group concluded that no one such model provided a basis for what was likely to be required in the unique Anglo-Irish context.

A new Anglo-Irish Institutional Structure.

9. It was agreed, having regard to the considerations set out above, that initially attention should focus on the possibility of establishing a new Anglo-Irish institutional structure from whose purview no aspect of the totality of relationships within these islands should be excluded. Its basic purpose would be to contribute to the achievement of peace, reconciliation and stability and the improvement of relations between the peoples of the two countries. The specific functions would require consideration in the light of progress in other areas of joint study and would be subject to agreement between the two Governments but would include the development of proposals for progress, in stages, towards generally acceptable political arrangements that would provide a basis for a durable settlement of the Northern Ireland problem.

10. The new institutional structure ^{would} have three parts:-

- (i) an inter-Governmental Council
- (ii) a parliamentary component
- (iii) a structure for exchanges on a wider basis

Inter-Governmental Council

11. It was also agreed that the initial step might be the establishment of a joint Council constituted on a flexible basis.

It might appropriately be called the Anglo-Irish Council. The Council would subsume existing ^{arrangements for cooperation and consulta} / between the executive branches of government, excluding routine contacts on a formal or informal basis. The body would meet, as appropriate, at Head of Government or Ministerial level, at the level of Ministers' Deputies or at other official level. Meetings at Head of Government level, at which Heads of Government would be accompanied by Ministerial colleagues as appropriate and as agreed for each occasion, would take place once or twice a year. At each such meeting Heads of Government would receive reports of the activities of the Council at other levels since their previous meeting. Different counterpart Ministers could meet in pairs or in groups, with each such meeting constituting a meeting of the Council whenever both sides so agreed in advance. The structure would embrace, as equally normal manifestations, North-South (Dublin-Belfast) as well as East-West (Dublin-London) contacts. As in the past, there would continue to be regular meetings between the Secretary of State for Northern Ireland and the Minister for Foreign Affairs, accompanied as appropriate by other Departmental Ministers concerned, to review the full range of North-South matters.

A senior official Committee of Ministers' Deputies might meet, in a North-South or East-West configuration, as appropriate, to prepare the work of the Ministers, or as otherwise necessary.

12. Other aspects of the character and functions of the Council will require further consideration to take account of the results of other studies.

Provision could be made for prior consultation on decisions or initiatives by either Government likely to have implications for the achievement of peace, reconciliation and stability or the improvement of relations between the peoples of the two countries. Provision could also be made for emergency meetings to consider current problems of an urgent nature of concern to both Governments. There

might also be provision for the establishment by the ~~inter-~~^{Council} governmental body subject to any necessary process of law, of ancillary bodies including corporate bodies, in particular areas of economic co-operation or areas concerned with the promotion of mutual understanding, where joint activity might be agreed to be desirable.

Legal Basis

13. It would be possible to establish some form of Anglo-Irish Ministerial Council without legislation in either country, for example on the basis of statements in the respective Parliaments. A formal inter-governmental agreement in writing could (but need not) be used to establish it. If this were done, the agreement would have to be laid before the Irish Dail, and it would be normal to take similar action with the United Kingdom Parliament. In addition, if the establishment of the Council in some way involved a charge on public funds, the approval of the Dail [? and of the House of Commons] would be necessary. If the institution were to have powers with any legal effect in [either country] or if it were to exercise in [either country] any legal control over funds allocated to it, legislation would be required in one or both countries, as appropriate.

Parliamentary Structure

14. The Working Group agreed that it was highly desirable in view of the aims to be sought that any new Anglo-Irish institution should incorporate a parliamentary element. Apart from the obvious benefits of parliamentary exchanges, a forum for parliamentarians would provide a basis for elected representatives from Northern Ireland to participate in the new institutional structures. This is clearly of particular importance against the background of current circumstances within these islands.

15. The parliamentary element could, initially, be constituted through the creation of an Anglo-Irish Parliamentary Consultative Committee. The Committee would represent a natural development of the existing rather loosely structured Anglo-Irish parliamentary grouping but might provide a forum for a more regular and systematic pattern of inter-parliamentary exchanges, with a wider and more structured agenda and with activity related to the work of the inter-governmental body. Proceedings could be conducted in public or in private as appropriate. The objective should be to secure the widest possible participation and to promote constructive exchanges which would subsequently facilitate the transformation of the Consultative Committee into a constituent part of the Anglo-Irish institution.

16. The Consultative Committee would be composed of an equal number of parliamentarians from Britain and Ireland together with a number of representatives from Northern Ireland. In view of the special circumstances within these islands and to permit the adequate representation of both sections of the community in Northern Ireland it was agreed that the Northern Ireland membership should be composed in proportion to the size of the different parts of the community and should be a significant component of the Committee. The composition of the British and Irish panels would reflect the representation of political parties in the directly elected house in each country. Members of the Committee could be drawn, not only from Dail Eireann and the House of Commons but also from members of other representative bodies, including the European Parliament, the House of Lords and Seanad Eireann.

17. Against this background, the Committee might be composed of 24 members - 9 each from Great Britain and Ireland and 6 from Northern Ireland. This suggested composition could remain valid aft

the envisaged increase in the number of Northern Ireland members at Westminster, bearing in mind the position stated in paragraph 16 that Northern Ireland representation need not only come from Westminster.

18. The ambit and purposes of the Committee would correspond to those of the inter-Governmental body. Its functions would essentially be consultative, advisory and review in nature. It could discuss the activities of the inter-governmental body and review the work of ancillary bodies, on the basis - but not exclusively so of an annual report on co-operation from the Ministerial body. Members might receive an allowance in respect of attendance.

Secretariat

19. The nature and extent of the Secretariat of an Anglo-Irish Institution would clearly be related to the nature and scope of its functions and activities. It seems likely that after a certain period, there would be a need for a separate secretariat staff, possibly drawn on secondment from the Irish Civil Service, the United Kingdom Civil Service and the Northern Ireland Civil Service. Initially, however, each Government should designate an official to act as a Secretary of the Council and each of the two Secretaries would be responsible for ensuring the provision of a secretariat for the activities of the Council.

Finance

20. The Council should be free to agree on the joint expenditure of any funds made available by the two Governments (under their normal procedures) for purposes of common interest, although such agreement should clearly not be a prior condition for any unilateral expenditure by either Government.

Structures for Exchanges on a Wider Basis

21. It was agreed that, in the pursuit of the objectives sought, it would be advantageous and important to ensure the existence of structures that would provide for the widest possible contact and participation in the process of closer co-operation. It was accepted that this required structures that would provide a forum which could include persons other than Ministers, parliamentarians and officials. It was felt that the objective should be to work towards the creation of an Advisory Committee on economic, social and cultural co-operation, associated with the Council. Foreign models which were considered here were the Economic and Social Advisory Council within the Benelux arrangements and the Economic and Social Committee of the European Community. However, as the principal objective should be the promotion of contact and exchanges across a wide front of economic activity and of society within these islands the membership should be reasonably large and in composition should reflect categories of economic and social activities. These features may require that the full meetings would take place not more than twice a year, although the body itself could perhaps make provision for separate meetings, at more or less frequent intervals, of any subsidiary bodies it established. The objective should be to have procedures a good deal more flexible and pragmatic than those of the EC body. However, it can be envisaged that the Committee would advise the Council on economic and social matters referred to it, would be able to issue opinions on its own initiative in fields to be determined, and would present an annual report on the state of economic, social and cultural co-operation, including recommendations.

22. The Group considered that some time would be needed to assess how an Advisory Committee might best operate in the light of the

development of closer co-operation. It considered, however, that there was an immediate need, as an interim measure, to provide a satisfactory structure for the promotion and review, in a central forum, of contacts and exchanges between wider economic and social circles. ~~[In this regard, the Group took note of the existence of the British-Irish Association, of Co-operation North, of the Anglo-German Konigswinter Conferences and of the Anglo-French Council. It was agreed that the British-Irish Association and Co-operation North had done useful work but that under existing arrangements they do not provide a suitable basis for what is required. It was felt that in general there was a need for a greater degree of Governmental guidance of activities than has characterised the work of these bodies.]~~

An "Anglo-Irish Encounter" organisation should be established and financed, at least in part, by the two Governments, under the direction of an Executive Board composed of independent public figures of repute and ability and Government representatives. The Group thought that the proposed body, rather than concentrating on constitutional or political problems within these islands, as some existing bodies have tended to do, should seek, in its activities, to comprehend different aspects of the totality of relationships. Its major function should be to organise a high-level annual conference on the Konigswinter model, which could bring together participants drawn from wider circles than those traditionally concerned with the discussion of Irish questions. Trade unionists, agriculturalists and Irish/British residents in Britain/Ireland might be included as well as industrialists, academics, journalists, church leaders, politicians and officials. Smaller periodic seminars on specialised themes could also be arranged. There could be a changing participative or involvement appropriate to the subject.

23. Ideas generated at such conferences (or seminars) might usefully be considered by the two Governments at appropriate meetings of the Council.

Dublin,

24 July, 1981.

SECRET

Prime Minister. 4

Ref. A05350

PRIME MINISTER

D. J. Collins
(Duty desk.)
30/7/87.

Anglo-Irish Joint Studies

My meeting with Mr. Nally took place here on Monday 27th July, as arranged (my minute of 13th July to Mr. Alexander). He was accompanied by Mr. Kirwan, his deputy in the Taoiseach's office, and by Mr. Neligan, head of the Anglo-Irish section in the Department of Foreign Affairs. I was accompanied by Mr. Wade-Gery and by Mr. Evers, of the Republic of Ireland Department in the Foreign and Commonwealth Office. We discussed three topics: possible dates for your next Summit meeting with the Taoiseach; the progress of the joint studies; and the hunger strike in the Maze.

Summit Date

2. Mr. Nally said that Dr. FitzGerald would not favour a bilateral Summit while the hunger strike remained unsolved, or for a short time thereafter. The rest of his remarks implicitly assumed that this barrier would have disappeared by the autumn. Ideally, he thought Dr. FitzGerald would prefer a date between his return from holiday on 19th September and the reassembly of the Dail on 20th October. In the light of your departure for Melbourne on 25th September and Party Conference preoccupations thereafter, we agreed that this might be difficult to arrange; the week of 21st September might just be possible but would probably be too soon after Dr. FitzGerald's return. We therefore agreed that it might be better to think in terms of the second half of October, both in terms of what was likely to suit you and the Taoiseach and in terms of the work still remaining to be done. Mr. Nally noted that the by-election campaign caused by Doherty's death (and perhaps by the resignation of the other TD in the Maze) would by then be in full swing; but on reflection he thought Dr. FitzGerald might rather welcome the idea of attending a Summit with you early in the campaign. It was left that the Irish would get in touch with your office about dates, when they saw the way forward more clearly. I emphasised that you would want this meeting to be regarded as one of the regular series of Anglo-Irish bilaterals; among other things, that would have the advantage of establishing the arrangements agreed with Mr. Haughey.

SECRET

SECRET



Joint Studies

3. On the joint studies, Mr. Nally said that Dr. FitzGerald's attitude was "positive", though non-committal as to detail since he and his colleagues had so far been almost totally preoccupied with economic policy and with the hunger strike. He would not want any change in the studies' ground rules, including strict confidentiality, unless and until he and you agreed otherwise at the next Summit. At that stage he would hope to be able to publish, perhaps in an annex to the communiqué, a summary of such agreed parts of the studies' product as would reassure rather than alienate public opinion in the Republic and the United Kingdom, and particularly opinion among Unionists. Dr. FitzGerald was conscious of having special links with the latter, and would want to take special pains to allay their suspicions and draw them into whatever processes might be set in hand as a result of the studies. It was in this light that we should interpret his public demands, before his election, that the studies should eschew unnecessary secrecy and should so far as possible involve Northern politicians.

4. Procedurally, we agreed to aim before the Summit both to complete the studies so far as possible (identifying areas of difference which could not be readily resolved) and to draft a possible Summit communiqué annex. Implicitly Mr. Nally saw this as work at official level, which would not commit Ministers. But he let slip that (as we suspected) Irish officials are in fact keeping their Ministers closely informed, as we are keeping ours.

5. We did not go far into the substance of the studies. Mr. Nally seemed reasonably confident that they were coming out on the right lines. He made a number of specific comments, of which we took note. The most significant of these was the emphasis he placed on the importance Dr. FitzGerald was likely to attach to including an inter-Parliamentary dimension in the study on institutional structures, as well as an intergovernmental one. This further reflected Dr. FitzGerald's concern to involve, and thus reassure, Northern politicians in general and Unionists in particular; he would also have domestic political trouble selling an East-West intergovernmental structure, which opinion in the Republic would see as "bringing back the British", unless he could couple it with parallel

SECRET

SECRET

progress towards developing North-South links between politicians. In reply I stressed the difficulty and danger we would see in trying at this stage to blueprint a Parliamentary structure as well as a governmental one; by being too ambitious we could stimulate opposition and thus make less real progress than by more modest moves.

6. Mr. Nally also expressed the hope that the Northern Irish Advisory Council now proposed by Mr. Atkins would be developed in a way which would be compatible with whatever might come out of the joint studies.

Hunger Strike

7. Mr. Nally emphasised the damage being done in the Republic, and suggested that that was perhaps not fully appreciated here. He described the propaganda and recruiting advances made by the PIRA in recent weeks and the adverse consequences of this for the Irish Government: the diversion of security effort from the Border; the added political uncertainty in Dublin; and the dangers if the PIRA succeeded in destabilising Irish society. But he implied clearly that security co-operation would continue. He was also careful to emphasise that the Irish Government did not wish us to concede either political status or the control of our prisons. Our room for manoeuvre was clearly very limited. But both Governments stood to lose badly if the PIRA continued winning the propaganda war in the North, in the Republic, in the United States and indeed elsewhere. He recognised that the prisoners' demands varied; but he hoped we would seize on their more accommodating statements (e.g. no differential status) and thereby demonstrate our flexibility, to the extent that flexibility was possible. He mentioned the Macfarlane issue, but made no special attempt to reopen it. I replied on standard lines, expressing our gratification at Dr. FitzGerald's reported statement last week to the effect that it was now up to the prisoners to decide whether the hunger strike continued or came to an end.

8. Mr. Nally's only specific request was that we should improve the flow of information with which we supplied the Irish Government in confidence. The more they knew the better they were in a position to try to help. They had only heard by chance of the recent visit to the Maze by the Duke of Norfolk and

SECRET

SECRET



— Lord Elton (Dublin telegram no. 261); this was the sort of thing to which they would have had their own means of lending support. They were also well aware that we, like they, had covert contacts with the IRA; reticence was perhaps natural on such a subject, but it would help if in strict confidence we could be somewhat franker. I said only that I took note of their wish for an increased flow of information and would see what, if anything, more could be done.

9. I am sending copies of this minute to the Home Secretary, the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

REA

ROBERT ARMSTRONG

Is there such a
thing in this world
of case?

30th July, 1981

SECRET

FILE

ds

Ireland

✓

SIR ROBERT ARMSTRONG
CABINET OFFICE

Anglo/Irish Joint Studies

The Prime Minister has seen your minute to me of 13 July on this subject. She agrees that there would be advantage in leaving the next Anglo/Irish bilateral at Heads of Government level until sometime in September. In putting this to Mr. Nally, you might suggest that he or one of his colleagues gets in touch with this office with a view to fixing a precise date.

MICHAEL ALEXANDER

17 July 1981

Ref: A05249



Prime Minister

①

CONFIDENTIAL

MR. ALEXANDER

It may be that some major crisis flowing from the hunger strike will make an early meeting inevitable. But failing that there would probably be advantage in waiting until mid-September. Agree? R.A.

Yes not

Anglo/Irish Joint Studies

As the Prime Minister will know from the minute which I sent Mr. Whitmore on 10th July, I was due to meet Mr. Nally here on 15th July.

2. Mr. Nally rang up this afternoon to say that it would not now be possible for him to manage that date. He used words that implied that he was too preoccupied with meetings with the Taoiseach and others about the problems of the hunger strike. We agreed to postpone the meeting until Monday, 27th July.

3. I was able to say to him that we should be in a position to exchange drafts very shortly.

4. Mr. Nally also raised the question of the date of the meeting between the Prime Minister and the Taoiseach. He suggested that 25th July had been mentioned as a possible date; but that would not be possible for the Taoiseach. I said that there was no possibility of a meeting during the week beginning 27th July. I should be prepared to seek instructions about a date in the week beginning 3rd August. Mr. Nally said that that would not be possible for the Taoiseach. We agreed that it looked as if the next Anglo/Irish bilateral would have to wait until September. I think that he was rather relieved by this: he said that it would be difficult for a meeting to be held "under the shadow" of present events in the North.

5. I said to Mr. Nally that, if we were now thinking in terms of dates after the summer holiday we could consider this at our meeting on 27th July. Mr. Nally agreed. I should be grateful for instructions as to what I should say to Mr. Nally about possible dates for the next Anglo/Irish bilateral, either on 27th July or, if he reverts to the matter on the telephone, before then.

REA

Robert Armstrong

13th July, 1981

CONFIDENTIAL

CONFIDENTIAL

ds

Ireland

**SIR ROBERT ARMSTRONG
CABINET OFFICE**

Anglo-Irish Joint Studies

The Prime Minister has seen your minute to Mr. Whitmore of 10 July on this subject. She agrees that the draft papers can be released to Mr. Nally today. I confirm that the Lord Privy Seal has no objection to this.

MICHAEL ALEXANDER

13 July 1981

CONFIDENTIAL

CONFIDENTIAL

MR. WHITMORE

Anglo-Irish Joint Studies

My minute of 6th July recorded (paragraph 5) that late on 3rd July Mr. Nally confirmed the Irish Government's wish that we should exchange outstanding drafts of Joint Studies material as soon as possible, and specifically before he and I meet here on 15th July.

2. On our side such an exchange would involve our drafts for the joint reports on Institutional Structures and on Citizenship and some non-controversial material for the other three reports (on Security, Economic Co-operation and Mutual Understanding). With the agreement of the Prime Minister and other Ministers concerned we were about to pass all this to the Irish in the second half of May, when their election supervened. We agreed with them at that stage to suspend action until after polling-day on 11th June, and subsequently until after 30th June when the Dail voted on who should be Taoiseach. But the Prime Minister and her colleagues gave me authority, which I did not need to use, to hand over the material if the Irish had pressed for it in the course of June. They are not being unreasonable in asking for it now. On their side, we know they have their own redraft on Structures and probably other material as well.

3. Structures is of course the Study that matters, from both Governments' points of view. A copy of our draft, as approved by Ministers in May, is attached.

4. There are two reasons for caution:-

- (i) In current Maze-related circumstances there is an air of unreality over the Joint Studies. But if the situation arising out of the hunger strike does not make Studies activity too embarrassing for the Dublin Government, we do not need to be, and it is not in our interests to appear, more sensitive than they.

1.

Prime Minister.

May the drafts be given to the Irish in May if he has time (my final is correct (he has not yet received a visit)?

Agreed M.H. 10/7

CONFIDENTIAL

(ii) In publicly endorsing continuation of the Joint Studies, Dr. Fitzgerald has said that he wishes to get away from their "excessive secrecy" (and also to involve Northern Irish politicians as soon as possible). So anything we hand over may become public. But we have always lived with this possibility; and our current drafts were carefully bowdlerised with it in mind.

5. Dr. Fitzgerald's approach to the Studies may prove to be unacceptable; but we can only find out by probing forwards. He himself may not last; but we need to keep him in play for the time being; and it would be a major snub if we were now to refuse to hand over drafts which the Irish know exist and are pressing to have. In theory, we could delay the hand-over until I see Mr. Nally on 15th July. But this too would give offence, and it is hard to see what it would gain us. So I conclude that we should hand over the drafts before the meeting on 15th July.

6. The Secretary of State for Northern Ireland agrees. He considers it positively desirable that we should meet the Irish on this, as a gesture of goodwill at a time when our relations with them are under strain because of the hunger strike. The Lord Privy Seal is inclined to agree, but would like to hold a final decision until after his talks today with the Irish Foreign Minister, Mr. Dooge.

7. I seek the Prime Minister's authority to release the papers to Mr. Nally on Monday, 13th July, provided that the Lord Privy Seal confirms after his meeting with Mr. Dooge that he is content.



Robert Armstrong

10th July, 1981

CONFIDENTIAL

Joint Study on Possible New Institutional Structures
(British Draft for Joint Report: [date])

The general terms of reference for the Joint Studies, as agreed at the Joint Steering Group on 30 January 1981, are as follows -

"Having regard to the degree of mutual understanding reached by the Prime Minister and the Taoiseach at their meetings on 21 May and 8 December 1980 as expressed in the communiques issued following those meetings and in particular the reference to the need to bring forward policies and proposals -

- i. to achieve peace, reconciliation and stability
- and ii. to improve relations between the peoples of the two countries.

The Working Groups are asked to make proposals to assist the Prime Minister and the Taoiseach in their special consideration of the totality of relationships within these islands."

2. The specific terms of reference for the Joint Study on Possible New Institutional Structures, as agreed at the same Steering Group meeting, are as follows -

"To identify possible new institutional structures which might help in achieving the broad objectives described in the communiques of 21 May and 8 December, including the scope for improving existing arrangements for co-operation and consultation.

To consider the role of any new institutional structures in relation to measures which might be recommended in the other joint studies."

3. The Joint Study Group met in Dublin on 11 March and in London on 13 April. [Its report was finalised at a restricted meeting, attended only by the two Group leaders, on June.]

4. The Group have seen it as the purpose of their work to put forward proposals on possible new institutional structures which will contribute to the improvement of relations between the Governments and the peoples of the two countries without inflaming old or engendering new suspicions in either country, and without calling in question the constitutional framework in

CONFIDENTIAL

CONFIDENTIAL

which the position of Northern Ireland within the United Kingdom cannot be changed without the consent of a majority of the people of Northern Ireland and the Westminster Parliament.

5. The Group noted that existing arrangements for co-operation and consultation included, in addition to normal European Community and diplomatic contacts, the following -

a. Regular Prime Minister/Taoiseach meetings, accompanied by other Ministers, as appropriate, once or twice a year.

b. Ad hoc Ministerial meetings.

c. Occasional meetings of the Joint Steering Group on Anglo-Irish Economic Co-operation, and more frequent meetings of a number of sub-groups on North/South Co-operation, communications matters, energy, customs, etc.

d. Direct informal contacts between Government Departments (both Dublin/Belfast and Dublin/London).

e. Meetings of the Anglo-Irish Parliamentary Group every two years, alternately in Dublin and London. (The last such meeting was in Dublin in March 1980.)

6. The Group considered the characteristics comprehended by the unique relationship, mentioned in the two joint communiqués issued following the meetings of Heads of Government in 1980, which geography and history have bequeathed to the present generation. In many fields relations and co-operation between the two countries are closer and more extensive than exist between other countries in Europe that enjoy a particularly close relationship. There was agreement that over a very wide range, these relationships involve common interests, mutually beneficial exchanges and developing co-operation appreciated on both sides. At the same time it was recalled that the communiqué of 8 December 1980 had recorded agreement that the full development of the links between the two countries and their peoples had been put under strain by division and dissent in Northern Ireland. This would need to be taken fully into account in considering possible new institutional structures.

CONFIDENTIAL

A new Inter-Governmental Structure

7. It was agreed, having regard to the considerations set out above, that in the immediate future attention should focus on the possibility of the Republic of Ireland and the United Kingdom establishing a new inter-governmental structure; and on the nature, purposes and functions of such a body. The requirements described in paragraph 4 led the Group to give higher priority to finding proposals that might have a reasonable chance of proving to be durable than to looking for wide-ranging proposals which would prove to be over-ambitious. A number of structural models for inter-governmental co-operation, particularly in Europe, were examined. These included various aspects of the European Community, the Benelux arrangements, the Council of Europe, the Nordic Council, the Franco-German Co-operation Treaty and arrangements between the United Kingdom and France and the Federal Republic of Germany, including the Anglo-French Council and the Konigswinter Conferences. But the Group concluded that no one such model provided a basis for what was likely to be required in the Anglo-Irish context, since the Anglo-Irish relationship was acknowledged to be unique and it was that very uniqueness which the two countries would be seeking to reflect in any new arrangements.

8. It was also agreed that the new inter-governmental structure might initially take the form of a joint Council constituted on a flexible basis, with the creation of other structures (eg in the Parliamentary field) envisaged after an appropriate interval in the light of progress in developing co-operation. It might appropriately be called the Anglo-Irish Co-operation Council (AICC). Its purposes and functions would include bringing forward policies and proposals to achieve peace, reconciliation and stability and to improve relations and foster co-operation between the people of the two countries. It would also have such more specific functions as were conferred on it by agreement between the two Governments, either before its establishment or from time to time thereafter.

9. The AICC should have flexible characteristics, permitting it to subsume many of the existing patterns of contact between the executive branches of Government, although informal contact between Ministers and between officials on a non-institutionalised basis should of course continue wherever convenient.

CONFIDENTIAL

Thus, meetings would be possible at Head of Government and Ministerial level and at that of Ministers' Deputies or officials. Meetings at Head of Government level, at which Heads of Government could be accompanied by Ministerial colleagues as appropriate and as agreed for each occasion, would take place once or twice a year. At each such meeting Heads of Government would receive reports of the activities of the Council at other levels since their previous meeting. Different counterpart Ministers could meet in pairs or in groups with any equal number of Ministers, up to a limit to be decided; and each such meeting would constitute a meeting of the AICC whenever both sides so agreed in advance. The framework of the Council would allow for discussion of matters of common interest and concern to the two Governments, including (where so agreed by both Governments) cross-border co-operation and other matters of common interest between the Republic of Ireland and Northern Ireland, but not of the constitutional status of Northern Ireland as part of the United Kingdom. To prepare for such meetings, and to consider questions of North-South co-operation generally, there should also be periodic meetings of Ministers' Deputies.

10. Other aspects of the character and functions of the AICC will require further consideration to take account of the results of other studies. Preliminary consideration suggests that it should be possible to reach agreement that the body would be involved in a range of areas comprehended by the subject matters of other studies in progress, viz citizenship rights, security matters, economic co-operation and measures to improve mutual understanding. As in the case of the Nordic Council of Ministers the AICC could where appropriate establish bodies in particular in areas of economic co-operation or areas concerned with the promotion of mutual understanding, where joint activity may be agreed to be desirable.

11. There should not be a permanent secretariat of the Council. Each Head of Government should designate an official to act as a Secretary of the Council, and each of the two Secretaries would be responsible for ensuring the provision of a secretariat for each individual meeting of the Council.

12. The AICC should be free to agree on the joint expenditure of any funds made available by the two Governments (under their normal procedures) for purposes of common interest, although such agreement should clearly not be a prior condition for any unilateral expenditure by either Government.

CONFIDENTIAL

CONFIDENTIAL

13. Preliminary consideration of legal aspects suggest that it would be possible to establish an AICC without legislation in either country. It would not need to be vested with powers, since any action to which it gave rise could be taken through national departments and any expenditure involved would be met from existing departmental votes. A formal inter-governmental agreement in writing could (but need not) be used to establish it. If this were done, the agreement would have to be laid before the Irish Dail, and it would be normal to take similar action with the United Kingdom Parliament.

Possible Inter-Parliamentary Structure

14. It was agreed that it would be a natural development for the establishment of a new inter-governmental body to be followed in due course by the establishment of a complementary inter-parliamentary body. This should be left for further consideration in the light of experience and of any opinions which might over time be expressed by members of either or both of the two national Parliaments (or by British or Irish members of any other relevant parliamentary body, such as the European Parliament or any Assembly which might be established locally in Northern Ireland). In the meantime efforts should be made to deepen and broaden the activities and composition of the existing Anglo-Irish Parliamentary Group.

Structures for Exchanges on a Wider Basis

15. It was agreed that, in the pursuit of the objectives sought, it would be advantageous and important to ensure the existence of structures that would provide for the widest possible contact and participation in the process of closer co-operation. It was accepted that this required structures that would provide a forum which could include persons other than Ministers, parliamentarians and officials. It was felt that the objective should be to work towards the creation of an Advisory Committee on economic, social and cultural co-operation, associated with the AICC. Foreign models which were considered here were the Economic and Social Advisory Council within the Benelux arrangements and the Economic and Social Committee of the European Community. However, as the principal objective should be the promotion of contact and exchanges across a wide front of economic activity and of society within these islands, the membership should be reasonably large and in composition should reflect categories of economic and social activities. These features may require that the full meetings would take place not more than twice a year, although the body itself could perhaps make provision for separate meetings, at more or less frequent

CONFIDENTIAL

CONFIDENTIAL

intervals, of any subsidiary bodies it established. The objective should be to have procedures a good deal more flexible and pragmatic than those of the EC body. However, it can be envisaged that the Committee would advise the AICC on economic and social matters referred to it, would be able to issue opinions on its own initiative in fields to be determined, and would present an annual report on the state of economic, social and cultural co-operation, including recommendations.

16. The Group considered that some time would be needed to assess how an Advisory Committee might best operate in the light of the development of closer co-operation. It considered, however, that there was an immediate need, as an interim measure, to provide a satisfactory structure for the promotion and review, in a central forum, of contacts and exchanges between wider economic and social circles. In this regard, the Group took note of the existence of the British-Irish Association, of Co-operation North, of the Anglo-German Konigswinter Conferences and of the Anglo-French Council. It was agreed that the British-Irish Association and Co-operation North had done useful work but that under existing arrangements they do not provide a suitable basis for what is required. It was felt that in general there was a need for a greater degree of Governmental guidance of activities than has characterised the work of these bodies. An "Anglo-Irish Konigswinter" organisation should be established and financed by the two Governments, although its day to day management might be entrusted to a panel composed largely of independent public figures. Its prime function should be to organise a high-level annual conference on the Konigswinter model, which could bring together participants drawn from wider circles than those traditionally concerned with the discussion of Irish questions. Trade unionists, agriculturalists and Irish/British residents in Britain/Ireland might be included as well as industrialists, academics, journalists, church leaders, politicians and officials. Smaller periodic seminars on specialised themes could also be arranged.

17. Ideas generated at such conferences (or seminars) might usefully be considered by the two Governments at appropriate meetings of the AICC.

1 June 1981

CONFIDENTIAL



File AH
Ireland
3

10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

I have shown the Prime Minister your minute A05220 of 6 July 1981 reporting your conversations with Mr Dermot Nally, and she has taken note of this.

She does not think that we can take a view on the question of a meeting with Dr Fitzgerald until the position on the hunger strike is resolved in one way or the other.

I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary, the Lord Privy Seal and the Secretary of State for Northern Ireland.

JWW.

CS

7 July 1981

SECRET

AH



SECRET

Prime Minister.

2

I do not think that we can have any visit or a meeting with Dr Fitzgerald until the position on the hunger strike is resolved in one way or the other.

Agree

MW 6 vi

MR. WHITMORE

Following the Prime Minister's conversations with the Taoiseach on 1st July, I have had two conversations with Mr. Dermot Nally, following up that part of the conversation between the Prime Minister and the Taoiseach which related to the possibility of an early meeting between the two of them.

2. In the first conversation Mr. Nally said that the Taoiseach very much hoped to have a first meeting with the Prime Minister before the summer holiday. It was clear that Dr. Fitzgerald thought that his prospects of preserving a measure of bipartisanship in Dublin would be greater the earlier this first meeting with the Prime Minister was held. I said that the Prime Minister's diary was very difficult indeed for the rest of this month. Quite apart from the ordinary pressures of business before the Recess, she had the Ottawa Summit; and the Royal Wedding, with the series of diplomatic encounters which this involved. It might just be possible to fit in half a day between the Economic Summit and the Royal Wedding (I have in mind the morning of Friday, 24th July), but if - as seemed very possible - that could not be managed it would be necessary to think in terms of the first week in August. I should need to discuss this further with the Prime Minister. We agreed that it would be useful for Mr. Nally and me to meet in any case to discuss the resumption of the Anglo/Irish joint studies; and we agreed to proceed with that on Wednesday, 15th July, in the morning.

3. I discussed this with the Prime Minister on Friday, 3rd July at 11.15 am. She made the following points:-

- (i) It would really be very difficult for her to fit in a meeting with the Taoiseach before the end of July, given the other pressures on the timetable.
- (ii) It would be preferable for the meeting to be the next of the regular bilaterals, rather than a special meeting out of series.
- (iii) Given the other political problems crowding in on us in relation to Ireland, she was not anxious to accelerate the Anglo/Irish joint studies at this time.

SECRET

4. Mr. Nally rang again on the evening of Friday, 3rd July. He said that, thinking further about these matters, the Taoiseach thought that it would be difficult for him to meet the Prime Minister unless and until there was some thing to show from the joint studies. Mr. Nally had said he had told the Taoiseach that he saw no possibility of this in time for a meeting before the summer holiday. But the Taoiseach would still like, if possible, to say something in general on the direction and trend. I said that I could see no possibility of this either. Quite apart from the fact that the studies were not sufficiently far enough advanced, given the other political problems surrounding us both, including some of the speeches in the previous day's debate in the House of Commons, a revival of public interest in the joint studies or any suggestion that they were being pressed forward could give rise to great suspicion in the Protestant community in Northern Ireland and among its friends at Westminster. Mr. Nally interjected that, if the current problems in Northern Ireland continued to be as difficult as they now were, the Taoiseach would be unable to come for a meeting in any case.

5. I then said that my understanding of the meeting between Mr. Nally and myself proposed for 15th July, was for the purpose of discussing the modalities for resuming the joint studies and we were not expecting to exchange further written material before then. He said that it was his understanding that we should exchange papers before then: all the papers were, after all, without commitment, and they would like to see the exchanges of paper resumed before the meeting on 15th July, as being relevant to the discussion of a resumption of the studies. I did not make any commitment to this.

6. Reverting to the question of a meeting between the Prime Minister and the Taoiseach, I said that the Prime Minister's view was that it should be the next in the series of regular bilaterals. We had in any case envisaged the next bilateral during this period. Mr. Nally agreed that that was one way of presenting the meeting; the other would be to treat it as an occasion for a first "getting to know" informal meeting. He said that the Taoiseach still favoured a date as early as possible: before the end of July if possible, otherwise early in August. I said that I thought that if anything the end of July looked even more difficult today than it did yesterday; and in any case if he and I did not meet

SECRET



SECRET

before 15th July, an interval would need to elapse after that meeting before the Prime Minister and the Taoiseach met.

7. We reached no conclusions, but agreed to reflect on the matter. I said that I would expect to be in touch with Mr. Nally again in the second part of this week after my return from Ottawa. If he wished to communicate before then he could always talk to Mr. Wade-Gery.

8. We ought clearly to consider this week how to play this hand. It may, of course, all become academic if hunger strikers begin to die again. If, on the other hand, the hunger strike is called off, we could expect Dr Fitzgerald to put the pressure on for a meeting with the Prime Minister before the summer holiday.

9. I am sending copies of this minute to the Private Secretaries to the Foreign and Commonwealth Secretary, the Lord Privy Seal and the Secretary of State for Northern Ireland.

ROBERT ARMSTRONG

(Drafted by Sir R. Armstrong and signed in his absence)

6th July 1981

6th JUL 81

SECRET

Ireland

RESTRICTED

GRPS 150
R E S T R I C T E D
FM DUBLIN 03:1745Z JULY 1981
TO IMMEDIATE DESKBY 06:0830Z FCO
TELEGRAM NUMBER 226 OF 3 JULY 1981

ANGLO-IRISH JOINT STUDIES

1. MR NELIGAN OF THE DFA TELEPHONED THIS AFTERNOON TO SAY THAT THE IRISH WOULD BE GRATEFUL IF WE COULD NOW HAND OVER OUR CONTRIBUTIONS TO THE ANGLO-IRISH JOINT STUDIES. A KEEN INTEREST WAS BEING SHOWN AT THE HIGHEST LEVEL HERE. I SAID THAT IT WAS A BIT LATE ON FRIDAY EVENING TO ARRANGE ANYTHING AND WE AGREED TO LEAVE THINGS TILL MONDAY 6 JULY.

2. I UNDERSTAND FROM A TELEPHONE CALL FROM RID THIS AFTERNOON THAT YOU NEED FURTHER TIME TO CONSIDER WHETHER WE CAN HAND OVER THE PAPERS NOW. HOWEVER, THE IRISH ARE UNDER THE IMPRESSION THAT THEY COULD HAVE THE PAPERS ANYTIME AFTER THE ELECTIONS, AND IT WOULD BE DIFFICULT TO EXPLAIN OURSELVES IF WE COULD NOT HAND THEM OVER ON MONDAY, ESPECIALLY AS WE HAVE HAD SO MUCH TIME TO CONSIDER THE MATTER. I SHOULD BE GRATEFUL FOR EARLY CONFIRMATION THAT WE MAY DO SO.

FIGG

NORTHERN IRELAND LIMITED

RID
NAD
INFORMATION DEPT
WED
MAED
NEWS DEPT
SECURITY DEPT
PUSD
PS
PS/LPS
PS/MR HURD

PS/MR RIDLEY
PS/MR BLAKER
PS/PUS
SIR A ACLAND
CHIEF CLERK
MR ADAMS
MR FERGUSSON
LORD N G LENNOX
MR BRAITHWAITE

ADDITIONAL DISTRIBUTION
NORTHERN IRELAND

RESTRICTED

e.c. Martin



Ireland File AA

ces NIO
CO

10 DOWNING STREET

From the Principal Private Secretary

2 July 1981

RESTRICTED

Dear Brian,

TELEPHONE CALL FROM DR GARRET FITZGERALD

Dr Garret FitzGerald, the new Taoiseach, telephoned the Prime Minister at 1800 yesterday evening. The line over which the conversation took place was particularly bad, and I am afraid that there were periods when Dr FitzGerald was inaudible, but I think that I have pieced together the essentials of what he had to say.

After thanking the Prime Minister for her message of congratulations on his appointment as Taoiseach, Dr FitzGerald said that he was looking forward to co-operating with the Prime Minister and to continuing the work which she had started with his predecessor. Nothing but good could come from this process. The Prime Minister said that there were now regular bilateral meetings between her and the Taoiseach and the next one was due to take place in London. On the assumption that Dr FitzGerald wished to continue with them, she was ready to try and find a convenient time for the next meeting, but she had to warn him that the present moment was a very busy time for her, as it was no doubt for him. Dr FitzGerald replied that he was anxious to move on to the next bilateral meeting as soon as appropriate and as soon as it was convenient. He had to pick up the reins in Dublin. But he hoped that his office and the Prime Minister's could agree upon a date for a meeting. In the meantime he was anxious to have an early word with the Prime Minister on one particular matter, the H Block situation. He had seen Sir Leonard Figg about it earlier in the day, and there were two points he wished to put to the Prime Minister. First, speed was very important. The hunger strike which had ended last December had been resolved at a very late stage indeed, and he did not believe that this way of proceeding could operate again on this occasion. The work which had been done already should be pushed ahead. He did not know the details of the contacts between the Northern Ireland Office and the Irish Commission for Justice and Peace, but he believed that the Commission were working along useful lines. The second point that he wanted to make was that the Commission should have the opportunity to explain to the prisoners in the Maze what was proposed so that there was

AA

no misunderstanding. He hoped that if the Commission could be allowed access to the Maze, the prisoners would end their protest on the basis of various arrangements which he believed were desirable in order to improve their conditions.

The Prime Minister said that Mr Alison had already met the Commission and had had a useful exchange of views with them. He could certainly have another meeting with them, although he probably would not be able to do that in the next twenty-four hours since he would almost certainly be attending an important debate on Northern Ireland in the House of Commons the following day. Nor could she agree that the Commission should be allowed to meet the prisoners. Prisoners were allowed to see only their relatives, their solicitors and their priests, If the Commission were given access to them, it would look as though they were acting as intermediaries in a negotiation between the British Government and the prisoners, and this was something which she could not accept. It remained her earnest hope that the hunger strikers would end their protest, and she thought that the statement issued by Mr Atkins the previous day might be sufficient to encourage the families of the prisoners and the clergy to try to persuade the hunger strikers to end their protest.

Dr FitzGerald said that he saw the difficulty of letting the Commission have access to the prisoners, but he hoped that the Prime Minister would be prepared to consider further her position on his request. Another meeting between Mr Alison and the Commission would be very helpful but it would need to be held very quickly. Friday might be too late: he was concerned about the deteriorating condition of the hunger striker McDonnell. He wondered whether there was any possibility of Mr Alison meeting the Commission later that evening.

The Prime Minister said that she did not believe that Mr Alison should rush into a meeting as quickly as that. She would, however, see how soon a meeting could be arranged but she had to repeat that she thought that Friday morning would be reasonable. She reiterated her hope that everybody would urge all the prisoners on hunger strike to end their protest, for to continue it would be a futile waste of their own lives.

Dr FitzGerald concluded by saying that the Prime Minister did not have to convince him of that. He was grateful to her for agreeing that Mr Alison should meet the Commission again as soon as possible.

I am sending copies of this letter to Stephen Boys-Smith (Northern Ireland Office) and David Wright (Cabinet Office).

Yours etc,

Alvin White.

Brian Fall Esq.,
Foreign and Commonwealth Office.

TELEPHONE CONVERSATION BETWEEN THE PRIME MINISTER AND DR. GARRETT FITZGERALD ON WEDNESDAY 1 JULY 1981

Prime Minister: Hello, Taoiseach, how are you? and many congratulations.

Dr. Fitzgerald: Thank you very much and I want to thank you for your very kind message.

Prime Minister: Not at all.

Dr. Fitzgerald: And to say how much I look forward to working with you and to the work you started with my predecessor between our two countries ^{nothing but good can come from} (unclear) working together in this respect.

Prime Minister: But we have the regular bilaterals, you know since those days, we have had one in London now, and one in Dublin, and I expect the next one will be in London. And you will continue those?

Dr. Fitzgerald: Of course and we are anxious then to move on to the next one as soon as appropriate and as soon as it is convenient.

Prime Minister: Right our offices can fix up a date that is mutually convenient. You have chosen a terribly busy time but its busy for you as well as for us.

Dr. Fitzgerald: I know well that is something that can be sorted out between our respective people would be the appropriate time and I've got to pick up the reins here a bit.

Prime Minister: Of course you have.

Dr. Fitzgerald: And I was anxious to have words on one particular point - the H Block situation. I did discuss it today with your Ambassador here and there are two points I want, if I might, to put to you we've been in daily contact with the situation - I myself have been in fairly close contact with it even before . . . and the assessment that I have made and supported by others ^{who I've been} ^{speed. is. of great importance . . .} here is that at this moment

talking to

/ what

what happened in December when at a very late stage the matter was resolved and we all thought and had hoped would not operate in our view on and we are very concerned is still conscious the work^{that} has been done already should be pushed ahead and might lead to things breaking down and the present situation does seem very favourable indeed in view of the . . . work that has been done. I don't know the details but . . . that has been dealing with you bilaterally and I hadn't thought of the details that cropped up between you. But I know that they are along useful lines. And the other point that I wanted to make was that it would be of very great importance that people should have the opportunity to explain what is involved to the prisoners who haven't obviously and suggestion of that should be avoided and if it were possible for them to have access to and it is very important that they should have the opportunity to explain to them what is proposed so there would be no misunderstanding. I believe that this could help to along the lines of the that we all desire. That they end their protest on the basis of the various arrangements which we believe are desirable to improve the conditions of the prisoners. I'm sorry for that very long statement but I wanted to put two points to the and desirability of the . . . at the earliest possible moment rather than access particularly by Hugh ? or somebody else to explain to the people what is involved . . .

Prime Minister: Can I just make two comments, Taoiseach. First as you know Michael Alison has met the Commission before and indeed I think they had a very interesting exchange. We have a debate in the House tomorrow about Northern Ireland, on the emergency regulations and the renewal of the requisite statutes to enable us to continue direct rule, but he can certainly see the Commission again. Michael Alison can certainly see the Commission again and discuss matters with them. I couldn't give consent immediately just like this to the Commission seeing the prisoners. We do have a rule that the prisoners see their relatives, lawyers and priests

/ and my

and my initial reaction to what you suggest is to put the Commission in a position where it looks as if they are negotiating would be totally wrong both from their view point and of course we couldn't possibly negotiate. We do in fact, you know Humphrey issued his statement yesterday, and we hoped that that would be sufficient to get people off the hunger strike if we had the goodwill of the relatives and of the clergy. But let me say that certainly Michael Alison can see the Commission again and that at any rate would be a first thing that we could do.

Dr. Fitzgerald: And that could be done very quickly, that would certainly help. And I appreciate the other difficulty. My concern would be whoever goes in to talk to all the prisoners not just to a prisoner who he might be related to and I see your difficulty
. . . .

Prime Minister: Well I warned you I would do what I said but lets agree that Michael Alison will see the Commission again. It can't I think be until after the debate in the House tomorrow but perhaps it could be, I will see if we can arrange it as early as possible after that.

Dr. Fitzgerald: When does the debate end, Prime Minister.

Prime Minister: The debate tomorrow, about 1000. 1000 tomorrow night - its our annual debate. And it is an important day for Northern Irish affairs and it is our annual debate and of course the Secretary of State - I'm not quite sure whether Michael Alison is winding up but we have most of our Ministers there tomorrow because it is our very important annual debate. But I will certainly see if we could arrange something for Friday.

Dr. Fitzgerald: Well it worries me a little because of the state of the . . .

morning earlier or something like that. I'm sorry to press this but . . .

Prime Minister: Yes well I do think. Taoiseach, its 6.15 on Wednesday night. We have a major debate tomorrow. It does seem to
/ me to be

me to be reasonable to try to fix it up early on Friday morning. Because you see Michael Alison will have to get over here for the debate tomorrow.

Dr. Fitzgerald: He could have seen them this evening . . .

Prime Minister: I don't think we should dash at it quite like that but he will naturally wish to prepare himself. I will see how early we can arrange, Garrett, but I think early Friday morning is reasonable. But I have not spoken to him, obviously I didn't know of the suggestion.

Dr. Fitzgerald: Yes I understand. But perhaps you can look and see if it is possible. There is just this danger that all that has become possible might no longer^{be} possible . . .

Prime Minister: I just hope that everyone will try to urge all of the prisoners on hunger strike to come off it because it is a futile waste of their own lives. A futile waste of their own lives.

Dr. Fitzgerald: You don't have to convince me of that, Prime Minister. I'm not new to the subject as you probably know. But . . .

Prime Minister: Yes I know. Everyone is trying to get them off the hunger strike and absolutely I don't wish them to waste their own lives in any way at all. I will get in touch with Michael Alison straightaway.

Dr. Fitzgerald: Thank you very much Prime Minister.

Prime Minister: Thank you for phoning. I look forward to seeing you. Goodbye.



10 DOWNING STREET

From the Principal Private Secretary

30 June, 1981

B.F. (for Kelly)

Irish Government

Thank you for your letter of 30 June about messages for the Prime Minister to send to Dr Fitzgerald and Mr Haughey.

As I told you on the telephone this evening, the Prime Minister was content with the draft message to Dr Fitzgerald but she changed the last two sentences of the message to Mr Haughey to read as follows:-

"I believe that we made some progress towards the common goal of peace and reconciliation, a goal we must forever keep in the forefront of our minds."

You said that you would arrange for the despatch of both messages tonight.

I am sending a copy of this letter to Stephen Boys-Smith (Northern Ireland Office).

W. A. WHITMORE

Roderic Lyne, Esq
Foreign and Commonwealth Office

5



Foreign and Commonwealth Office

London SW1A 2AH

30 June 1981

Dear Willie,

Irish Government

As you will know, Dr Garret Fitzgerald has now been elected Taoiseach. The Prime Minister may wish to congratulate him in terms of the following message, which is based on a draft approved by the Prime Minister at the time of the Irish General Election.

From the Prime Minister to Dr Fitzgerald

'Please accept my sincere congratulations on your election as Taoiseach. I am confident that the close relations between our two countries will continue to develop and I look forward to working with you to the mutual benefit of all the people in our two countries. Margaret Thatcher'

The Prime Minister may also wish to consider sending a message to Mr Haughey. The new Irish Government's majority in the Dail will be small and will depend on the votes of independents. There could easily be an early general election that Mr Haughey could win. It should also be borne in mind that in opposition he may be tempted to be less than co-operative on Northern Ireland. A small gesture to him now might be beneficial. The following language would be appropriate:

'I would like to send my best wishes and thanks for all your help in the time we have worked together, both on the problems of our two countries and in the European Community. I believe that we made some progress towards the common goal of peace and reconciliation in Northern Ireland. ~~I retain the greatest respect for your work and warm recollections of our association.~~

I feel we must preserve links with us for the benefit of our people
I am sending a copy of this letter to Steven Boys-Smith (Northern Ireland Office).

yours ever
Roderic Lyne

(R M J Lyne)
Private Secretary

Willie Rickett Esq
10 Downing Street

OUT TELEGRAM

RID

Classification and Caveats
RESTRICTED

Precedence/Deskby
IMMEDIATE

PRIME MINISTER'S
PERSONAL MESSAGE
SERIAL No. T100/81

CLASSIFICATION
CAVEATS
DESKBY
FROM
TO/ADD
TEL NO

1 ZCZC
2 GRS
3 RESTRICTED
4
5 01:0730Z

6 FM FCO
7 TO IMMEDIATE DUBLIN
8 TELEGRAM NUMBER

9 IRISH ELECTION : CONGRATULATORY MESSAGES
10 1. Please deliver the following messages as soon as possible:-
11 From the Prime Minister to Dr Fitzgerald:-
12 "Please accept my sincere congratulations on your election as
13 Taoiseach. I am confident that the close relations between
14 our two countries will continue to develop and I look forward
15 to working with you to the mutual benefit of all the people
16 in our two countries.
17 Margaret Thatcher"
18 From Prime Minister to Mr Haughey:-
19 "I would like to send my best wishes and thanks for all your
20 help in the time we have worked together, both on the problems
21 of our two countries and in the European Community. I believe
22 that we made some progress towards the common goal of peace
23 and reconciliation, ^{a goal we must forever keep in the} ~~in Northern Ireland. I retain the greatest~~
24 ~~respect for your work and warm recollections of our association.~~
^{forefront of our minds.}
25 Margaret Thatcher"

///
//
/

NNNN ends telegram	BLANK	Catchword /From	NOT Copied by Private Offr No 346
File number	Dept RID	Distribution	Copies to NIO (L) NIO (B) Cabinet Office Number 10.
Drafted by (Block capitals) P K C THOMAS		News Dept Info Dept PS PS/LPS PS/PUS Mr Bullard Mr Ferguson	
Telephone number 233 3654			
Authorised for despatch Ruy L 29 hi			
Comcen reference	Time of despatch		

OUT TELEGRAM (CONT)

Classification and Caveats
RESTRICTED

Page
2

1 <<<<

me

2 From ~~the Secretary of State~~ to the new Foreign Minister when
3 appointed:

4 "Please accept my personal congratulations on your appointment.
5 I look forward to working with you on matters of common interest
6 in the European Community and, in particular, on the continued
7 development of the close relationship between our two countries.
8 Peter Carrington"

9 From ~~Secretary of State~~ *me* to Mr Lenihan:

10 "Please accept my best wishes and thanks for your help, *office together.*
11 ~~the period we worked together~~ *"I have greatly enjoyed working with you during our period in"*
12 European Community *in* and the development of the close relation-
13 ship between our two countries.

14 Peter Carrington".

15 2. Please confirm that these messages have been delivered.
16 You have discretion to release texts once they have been
17 received.

19 CARRINGTON

20 NNNN

21

22

23

24

25

26

27

28

29

30

/// 31

// 32

/ 33

34

NNNN ends
telegram

BLANK

Catchword

IMMEDIATE

NORTHERN IRELAND: ADVANCE COPIES 18

PS	N IRELAND OFFICE	- PS TO SEC OF STATE
PS/LPS		RM 66 A/2 GGS
PS/PUS	N IRELAND OFFICE	[4 copies]
MR BULLARD		
MR FERGUSSON		SIR K STOWE
HD/RID		MR MORIATY
HD/PUSD (2)		MR MARSHALL
HD/IPD		MR BUXTON
HD/NEWS DEPT	CABINET OFFICE	- SIR R ARMSTRONG
...		DIO

~~NO 10 DOWNING STREET~~

GRPS 300
 UNCLASSIFIED
 FM DUBLIN 29:1045Z JUNE 1981
 TO IMMEDIATE FCO
 TELEGRAM NUMBER 216 OF 29 JUNE 1981

IMMEDIATE

MY TELNO 215: IRISH POLITICAL DEVELOPMENTS

FOLLOWING IS THE TEXT OF THE PASSAGE ON NORTHERN IRELAND IN THE JOINT PROGRAMME AGREED BETWEEN FINE GAEL AND LABOUR.

BEGINS

NORTHERN IRELAND

THE PARTIES IN GOVERNMENT WILL CONTINUE AS THEY DID IN OPPOSITION TO STRIVE TO UNITE THE PEOPLE OF THIS ISLAND. THEY WILL PROMOTE RECONCILIATION IN NORTHERN IRELAND, THE DEVELOPMENT OF A PLURALIST SOCIETY IN THIS PART OF THE ISLAND, AND INCREASED CO-OPERATION BETWEEN NORTH AND SOUTH.

MANY OF THE DIFFERENCES THAT DIVIDE THE COMMUNITIES IN THE NORTH AND SOUTH ARE BASED ON THE MISUNDERSTANDINGS AND MYTHS WHICH ARE KEPT ALIVE BY THE LACK OF PERSONAL CONTACT BETWEEN PEOPLE FROM THE TWO AREAS. THE PARTIES IN GOVERNMENT WILL ACCORDINGLY ENCOURAGE AND ASSIST THE DEVELOPMENT OF SUCH CONTACT BETWEEN THE PEOPLE AND INSTITUTIONS IN THE TWO PARTS OF THE ISLAND.

THE PARTIES IN GOVERNMENT WILL CONTINUE THE CURRENT ANGLO-IRISH TALKS AND STUDIES. THEY WILL, HOWEVER, SEEK TO ELIMINATE THE

THE PARTIES IN GOVERNMENT WILL CONTINUE THE CURRENT ANGLO-IRISH TALKS AND STUDIES. THEY WILL, HOWEVER, SEEK TO ELIMINATE THE DISTRUST THAT HAS BEEN CREATED BY UNWISE AND UNNECESSARY SECRET SURROUNDING THESE DISCUSSIONS. AT THE EARLIEST PRACTICABLE OPPORTUNITY IT WILL INVOLVE THE ELECTED REPRESENTATIVES IN NORTHERN IRELAND FULLY IN RELATION TO ANY MATTER WHICH MAY IMPINGE DIRECTLY UPON THE INTEREST OF THE NORTH.

THE GOVERNMENT WILL MAINTAIN THE CONTACTS THAT EXIST WITH THE DEMOCRATICALLY ELECTED REPRESENTATIVES OF THE MINORITY COMMUNITY IN NORTHERN IRELAND. IT WILL ALSO SEEK TO RE-ESTABLISH WITH THE WIDEST POSSIBLE RANGE OF ELECTED REPRESENTATIVES OF THE MAJORITY.

IN ALL THAT IT DOES THE GOVERNMENT WILL BE CONCERNED TO ACHIEVE PEACE, SECURITY AND JUSTICE FOR THE PEOPLE OF NORTHERN IRELAND AND TO ACHIEVE AN AGREED SOLUTION TO THE PROBLEMS THAT HAVE DIVIDED THE PEOPLE OF THIS ISLAND. IN PURSUING THIS OBJECTIVE IT WILL SEEK THE FULL SUPPORT OF THE BRITISH GOVERNMENT AND POLITICAL PARTIES, WHICH HAVE A CRUCIAL ROLE TO PLAY IN THE SETTLEMENT OF THIS PROBLEM.

ENDS.

FIGG

NNNN

IMMEDIATE

*Also filed on Ireland M4
Haughey*

Ireland

CONFIDENTIAL

Ref. A05109

PRIME MINISTER

Mr. Nally rang from Dublin at 3.45 this afternoon. He said he had been asked by Mr. Haughey to speak to me.

2. The message was as follows.

3. The situation in Dublin is difficult, and is going downhill. The more things are suppressed in the North, the more they break out elsewhere. Contacts are being established and systems are being set up which are destabilising and make the situation not a happy one.

4. Against this background the Taoiseach feels that the present lull before the next death of a hunger striker might be a time to get other things moving. He has two factors particularly in mind:

- (a) there is at present some tension in relations between the parents of hunger strikers, the hunger strikers themselves and the Provisional IRA controllers outside, which could be exploited;
- (b) if there is a change of Government in Dublin, the new Administration may not be as apparently sympathetic as the present, and that may make the Provisional IRA more amenable.

5. The suggestion is that we should consider whether there is any possibility of "getting back to what had been talked about last December", not so much in substance as in presentation. The suggestion is that we should once again find some way of drawing attention to the fact that what is already on offer is not very far removed from what is demanded, perhaps by issuing a comprehensive restatement of the position, of the kind issued by the Secretary of State for Northern Ireland last December.

6. If we thought there was something in this, Dr. Kennedy (the Irish Ambassador in London) would be prepared to come and see you (or me or anyone else you named) to discuss it; or the Taoiseach would send across Mr. Nally himself.

CONFIDENTIAL

CONFIDENTIAL

7. Mr. Nally added that he thought that this suggestion was made in a spirit more of opportunism than optimism: there was a lull in the procession of deaths of hunger strikers, and we ought to see if we could use it.

ROBERT ARMSTRONG

18th June, 1981

CONFIDENTIAL

jfh

Ireland

SIR ROBERT ARMSTRONG

Anglo/Irish Joint Studies

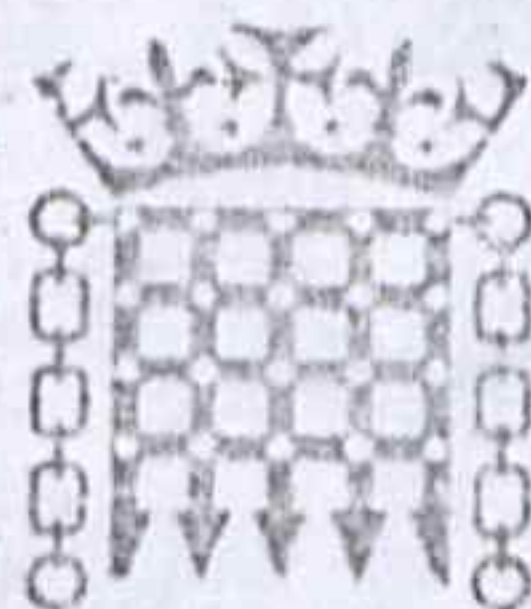
The Prime Minister has seen your minute to me of 16 June on this subject. She is content with the advice in paragraph 3 of that minute.

MODBA

18 June 1981

[Handwritten initials]

JOCK STALLARD MP



HOUSE OF COMMONS
LONDON SW1A 0AA

*Also filed a folder 114
Mayer*

Sent to NIO

Print

JS/SW

17th June 1981

Dear Prime Minister,

I am writing in my capacity as Chairman of the Parliamentary Labour Party Northern Ireland Group concerning the continuing situation in the Maze Prison.

Our Group has already stated its firm rejection of political status but is in favour of a "humane and responsive" approach to all aspects of prisoners living and working conditions within a common regime, as mentioned in your Government's statement of 23rd October 1980.

We share the concern expressed recently by the Irish Commission for Justice and Peace, inter alia, about the growing resentment in the nationalist community giving rise to increased alienation from Government and creating a climate for recruitment by para-military organisations, particularly amongst the young, and we are also concerned at the evidence of increased polarisation throughout the community in Northern Ireland.

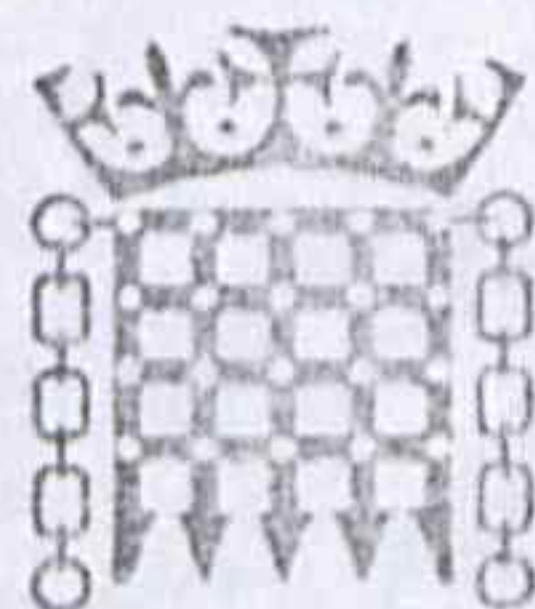
We are also concerned that responsible leaders views and exhortations have not been taken seriously, thus undermining the authority of democratically elected representatives and increasing the threat of more and worse violence.

We therefore appeal to you and your Government to look again at the situation in line with the promise "to keep the situation under review", and we suggest that:

1. Prisoners in the Maze, at present permitted to wear their own clothes for part of the time, should be allowed to do so at all times (as in Armagh Prison).
2. That some move might be made to increase opportunities for association (as in Portlaoise Prison, for example).
3. The question of prison work should be reviewed in order to ensure that the work is of the greatest possible cultural and educational value.

We believe these reforms could be extended to all prisoners and would remove objections raised by those who are opposed to any change in the Maze. Although we have not been able to visit similar establishments in the Republic, we do know that the Government there has been able, by introducing reforms along the above lines, to avert some of the problems which have arisen at the Maze.

/2...



HOUSE OF COMMONS
LONDON SW1A 0AA

We would, of course, be happy to discuss these suggestions with you at any convenient time. Meantime, we look forward to a reply which will demonstrate that you and your Government are prepared, given the circumstances, to be more flexible in an attempt to restore an atmosphere that will allow responsible leaders here and in Ireland, North and South, to concentrate on finding a peaceful political solution to the tragic problems of Northern Ireland.

Yours sincerely,
J. W. Stallard

Jock Stallard MP
Chairman
Northern Ireland Group PLP.

Rt Hon M Thatcher MP
Prime Minister
10 Downing Street
Whitehall
LONDON SW1

CONFIDENTIAL

①

Prime Minister

Apex line 2 para 3 below?

yes not sure

Ref. A05076

MR. ALEXANDER

Anglo-Irish Joint Studies

In the light of your minute to me of 1st June I spoke to Mr. Nally the following day. He agreed that there was no point in our exchanging further drafts until after the Irish election. So I did not reveal that we would have been willing to hand over ours then if pressed. Mr. Nally and I agreed to be in touch again as soon as the election was over.

2. We shall not know, until the Dail meets on 30th June, whether Mr. Haughey will survive as Taoiseach or be succeeded by Dr. FitzGerald. Both have said publicly that they are in favour of continuing the studies. Nonetheless, I think we should assume that the studies remain in suspense until after the Dail meets, and we know for sure who the new Taoiseach is to be.

3. In the meantime I would propose not to take the initiative in approaching Mr. Nally - I think he will hardly expect it. If he were to ring up, I would, if the Prime Minister agrees, speak to him as follows:

(a) I have been assuming that there is now no point in our sending the Irish any drafts until after 30th June. (As before, however, I would not refuse if Mr. Nally were to press for them without further delay.)

(b) I will be in touch about the next steps immediately after 30th June. We have noted that, if Dr. FitzGerald were to become Taoiseach, he would wish to continue the studies. So would we.

4. The Foreign and Commonwealth Office and the Northern Ireland Office agree with this advice.

5. Immediately after 30th June we shall also need to think whether we want to go for the next Anglo-Irish Summit in quick or slow time, i. e. before or after the summer break. Much will of course depend on what is by then happening in the Maze. But if there were to be a change of Taoiseach it would not be easy to carry on for long with the joint studies without a Summit meeting to renew their political mandate.

RA

ROBERT ARMSTRONG

16th June, 1981

CONFIDENTIAL

MS

Ireland

GRS 290

UNCLASSIFIED

FM DUBLIN 051420Z JUNE 1981

TO PRIORITY F C O

TELEGRAM NUMBER 186 OF 05 JUNE

AND TO PRIORITY N I O (BELFAST)

F C O PLEASE PASS SAVING INFO WASHINGTON

POSSIBLE POLITICAL INITIATIVE IN NORTHERN IRELAND.

1. AT A PRESS CONFERENCE IN DUBLIN ON THE AFTERNOON OF 3 JUNE, THE TAOISEACH WAS ASKED A NUMBER OF QUESTIONS ABOUT MR ATKINS' REMARK IN HIS INTERVIEW ON "PANORAMA" ON 1 JUNE TO THE EFFECT THAT A NEW POLITICAL INITIATIVE IN NORTHERN IRELAND WAS POSSIBLE.

2. NO TEXT HAS BEEN ISSUED HERE, BUT BASED ON A JOURNALIST'S TAPE RECORDING. THE EXCHANGES WERE AS FOLLOWS:

MARY HOLLAND (SUNDAY TRIBUNE):

MR HUMPHREY ATKINS HAS HINTED AT THE POSSIBILITY OF A NEW INTERNAL POLITICAL INITIATIVE IN NORTHERN IRELAND. HOW DO YOU THINK IT WOULD AFFECT THE JOINT STUDIES?

TAOISEACH:

I THINK IT WOULD BE A TOTALLY INEFFECTIVE OPERATION. I JUST SAW SOME NEWSPAPER REFERENCES. I WOULD REGARD IT AS TOTALLY INEFFECTUAL AND IN MY VIEW AN IDLE, USELESS EXERCISE.

MARY HOLLAND:

HAS THE BRITISH GOVERNMENT CONSULTED YOU ABOUT THE POSSIBILITY?

TAOISEACH:

NO, WE HAVE HAD NO INDICATION WHATSOEVER. THE POSITION AS FAR AS I AM CONCERNED IF THAT THE BRITISH GOVERNMENT, LIKE OURSELVES, IS TOTALLY COMMITTED TO THE POLITICAL INITIATIVE AT THE DUBLIN SUMMIT.

/DICK WALSH

DICK WALSH (IRISH TIMES):

IF MR ATKINS WENT AHEAD WITH SUCH AN INITIATIVE, WOULD YOU REGARD IT AS A SNUB TO YOUR POLICY IN RELATION TO MRS THATCHER?

TAOISEACH:

I DON' T KNOW. I HAVE ONLY NEWSPAPER REPORTS TO GO ON AT THE MOMENT. BUT I WOULD NOT REGARD IT AS VERY SIGNIFICANT. IN FACT, I WOULD REGARD IT AS A VERY FOOLISH EXERCISE WHICH WOULD GET NOWHERE JUST AS THE LAST EXERCISE GOT NOWHERE - JUST A WASTE OF TIME.

3. SURPRISINGLY, ALTHOUGH THE LONDON TIMES AND THE DAILY TELEGRAPH FEATURED THE STORY PROMINENTLY, THE IRISH PAPERS ONLY GAVE A VERY BRIEF SUMMARY.

FIGG

[REPEATED AS REQUESTED]

NORTHERN IRELAND LIMITED

RID	PS/MR RIDLEY
NAD	PS/MR BLAKER
INFORMATION DEPT	PS/PUS
WED	SIR A ACLAND
MAED	CHIEF CLERK
NEWS DEPT	MR ADAMS
SECURITY DEPT	MR BULLARD
FUSD	MR FERGUSSON
PS	LORD N G LENNOX
PS/LPS	MR BRAITHEWAITE
PS/MR HURD	

ADDITIONAL DISTRIBUTION
NORTHERN IRELAND :

[NOT ADVANCED]

GRS 243

RESTRICTED

PS TO THE PM.

NO10 DOWNING STREET.

RESTRICTED

DESKBY 020850Z

FM FCO 011809Z JUNE 61

TO IMMEDIATE DUBLIN

TELEGRAM NUMBER 88 OF 1 JUNE

MIPT : ANGLO-IRISH JOINT STUDIES

1. FOLLOWING ARE EXCERPTS FROM PRIME MINISTER'S STATEMENTS IN QUESTION:-

FROM REPLY TO FOUR HORSEMEN:

'THE GOVERNMENT REMAINS COMMITTED TO THE SEARCH FOR WAYS IN WHICH THE PEOPLE OF NORTHERN IRELAND CAN ASSUME GREATER RESPONSIBILITY FOR THEIR OWN AFFAIRS, THROUGH POLITICAL INSTITUTIONS IN WHICH ALL THE SECTIONS OF THE COMMUNITY CAN HAVE CONFIDENCE. IT BELIEVES THAT THE BEST HOPE STILL FOR LONG TERM PEACE AND STABILITY IS TO BE FOUND IN THE POLITICAL PROCESS, NOT IN VIOLENCE AND INTIMIDATION. AND THE GOVERNMENT REMAINS DETERMINED TO BUILD ON THE UNIQUE RELATIONSHIP THAT ALREADY EXISTS BETWEEN THE UNITED KINGDOM AND THE REPUBLIC OF IRELAND, TO THE BENEFIT OF ALL THE PEOPLES OF THESE ISLANDS.'

FROM PERTH SPEECH:-

'WE RECOGNISE, OF COURSE, THAT OUR NEIGHBOURS SOUTH OF THE BORDER, THE REPUBLIC OF IRELAND, ARE CONCERNED ABOUT THE SITUATION IN THE NORTH. THAT IS WHY OVER THE LAST YEAR OR MORE WE HAVE JOINED IN AN EFFORT TO IMPROVE THE RELATIONSHIP BETWEEN LONDON AND DUBLIN. WE BOTH HAVE MUCH TO GAIN FROM WORKING MORE CLOSELY TOGETHER. ABOVE ALL, WE HAVE AN OVERRIDING AND SHARED INTEREST IN SECURING PEACE AND RECONCILIATION IN NORTHERN IRELAND.'

FROM PARLIAMENT, 8 MAY:-

'WE SHALL DO EVERYTHING POSSIBLE TO HAVE PEACE AND RECONCILIATION WITH OUR NEIGHBOUR THE REPUBLIC OF IRELAND, SOUTH OF THE BORDER.'

CARRINGTON

NORTHERN IRELAND LIMITED

RID
NAD
INFORMATION DEPT
WED
MAED
NEWS DEPT
SECURITY DEPT
PUSD
PS
PS/LPS
PS/MR HURD

PS/MR RIDLEY
PS/MR BLAKER
PS/PUS
SIR A ACLAND
CHIEF CLERK
MR ADAMS
MR BULLARD
MR FERGUSSON
LORD N G LENNOX
MR BRAITHEWAITE

**ADDITIONAL DISTRIBUTION
NORTHERN IRELAND**

RESTRICTED

Ireland

hs. Hunt

CONFIDENTIAL

12704 - 1

OO DUBLIN DESKBY 020830Z

GRS 520

CONFIDENTIAL
DESKBY 020830Z
FM FCO 011809Z JUNE 61
TO IMMEDIATE DUBLIN
TELEGRAM NUMBER 87 OF 1 JUNE

ANGLO-IRISH JOINT STUDIES

1. MINISTERS HAVE AGREED THAT WHEN THE IRISH WANT IT THEY CAN NOW BE GIVEN THE BRITISH DRAFTING MATERIAL PROMISED. THIS COMPRISES DRAFTS OF THE REPORTS TO THE STEERING GROUP ON INSTITUTIONAL STRUCTURES, CITIZENSHIP RIGHTS AND SECURITY; CONTRIBUTIONS TO THE DRAFT REPORTS ON MEMU AND ECONOMIC COOPERATION; AND A COMMENTARY ON THE IRISH PAPER ON SCIENTIFIC AND TECHNOLOGICAL COOPERATION. THIS MATERIAL IS BEING DESPATCHED TO YOU BY BAG TOMORROW, 2 JUNE.
2. BUT WE SHOULD PREFER NOT TO HAND IT OVER UNTIL AFTER 11 JUNE. ARMSTRONG OR MADE-GERY WILL THEREFORE SPEAK TO NALLY BY TELEPHONE AS SOON AS HE CAN BE REACHED (WHICH MAY WELL BE TOMORROW BECAUSE OF THE IRISH PUBLIC HOLIDAY TODAY) TO TRY AND PERSUADE HIM THAT THERE IS LITTLE POINT IN OUR PRODUCING THE MATERIAL UNTIL THE ELECTION IS OVER. BUT IF THIS ATTEMPT FAILS (AS SEEMS LIKELY) NALLY WILL BE TOLD THAT YOU WILL BE HANDING OVER THE MATERIAL FORTHWITH.
3. WE SHALL INSTRUCT YOU ACCORDINGLY. IF AND WHEN YOU DO HAND OVER THE MATERIAL, YOU SHOULD MAKE THE FOLLOWING POINTS.
 - (A) WE REGRET THE TIME IT HAS TAKEN TO PRODUCE OUR CONTRIBUTIONS. MANY OF THE OFFICIALS CONCERNED HAVE BEEN PARTICULARLY STRETCHED BECAUSE OF DEVELOPMENTS IN NORTHERN IRELAND.
 - (B) WE ARE CONSCIOUS THAT THE IRISH MAY FIND OUR DRAFTS, PARTICULARLY THAT ON STRUCTURES, LESS POSITIVE THAN THEY MIGHT HAVE WISHED. THEY SHOULD NOT INTERPRET

1

CONFIDENTIAL

/THIS

CONFIDENTIAL

THIS AS REFLECTING A LACK OF INTEREST IN THE JOINT STUDIES. THE IRISH WILL HAVE NOTED THE PRIME MINISTER'S RECENT REFERENCES TO ANGLO-IRISH RELATIONS, IN PARTICULAR HER REPLY TO THE FOUR HORSEMEN, AND IN HER SPEECHES IN PARLIAMENT ON 7 MAY AND IN PERTH ON 8 MAY (EXCERPTS IN MIFT). THEY MADE CLEAR HMG'S FIRM COMMITMENT TO DEVELOPING ANGLO-IRISH RELATIONS IN THE SPIRIT OF THE DUBLIN SUMMIT COMMUNIQUE. EVENTS IN THE NORTH HAVE MADE CLOSER ANGLO-IRISH UNDERSTANDING MORE NECESSARY THAN EVER.

(C) BUT THE PRESENT SITUATION REQUIRES US TO PROCEED WITH PARTICULAR CAUTION IF THE AIMS OF THE JOINT STUDIES ARE TO BE ACHIEVED. IT WOULD SERVE NO-ONE'S PURPOSE BUT THE TERRORISTS TO INFLAME PROTESTANT SUSPICIONS.

(D) THE IRISH WILL REMEMBER THAT THE NAME OF THE PROPOSED INTERGOVERNMENTAL STRUCTURE WAS A POINT OF PARTICULAR DIFFICULTY WHEN WE LAST TALKED. WE HAD SERIOUS RESERVATIONS ABOUT USING THE WORD 'COUNCIL'. BUT IN THE LIGHT OF THE SPECIAL IMPORTANCE WHICH THE IRISH CLEARLY ATTACH TO THAT TERM WE HAVE ACCEPTED ITS USE, DESPITE OUR CONCERN ABOUT ITS OVERTONES. ON OUR SIDE THERE WILL BE PUBLIC OPINION DANGERS IN THIS. HENCE OUR NEED FOR THE REPORT TO BE PRETTY DEADPAN AS REGARDS SOME OTHER ASPECTS, EG A POSSIBLE PARLIAMENTARY STRUCTURE. IT WOULD NOT BE SENSIBLE OF US TO RUN RISKS IN TOO MANY AREAS AT ONCE. BETTER TAKE ONE PACE FORWARD AND STICK TO IT THAN TRY TWO AND BE FORCED BY THE OUTCRY TO TAKE THREE PACES BACKWARDS.

(E) IN SUM WE HAVE NO WISH TO PUT THE STUDIES IN BAULK, BUT TO ACHIEVE THEIR OBJECTIVES IT IS IN THE COMMON INTEREST THAT WE PROCEED WITH CAUTION.

4. SEE MIFT.

CARRINGTON

NORTHERN IRELAND LIMITED

RID
NAD
INFORMATION DEPT
WED
MAED
NEWS DEPT
SECURITY DEPT
FUSD
PS
PS/LPS
PS/MR HURD

PS/MR RIDLEY
PS/MR BLAKER
PS/PUS
SIR A ACLAND
CHIEF CLERK
MR ADAMS
MR BULLARD
MR FERGUSSON
LORD N G LENNOX
MR BRAITHWAITE

ADDITIONAL DISTRIBUTION NORTHERN IRELAND

CONFIDENTIAL

FILE
ds

Ireland

SIR ROBERT ARMSTRONG
CABINET OFFICE

Anglo-Irish Joint Studies

The Prime Minister has seen Mr. Wade-Gery's minute to me of 29 May about the Anglo-Irish Joint Studies. She would be content if you were to proceed on the lines summarised in paragraph 2 of that minute.

MODBA

CS

1 June 1981

CONFIDENTIAL

Ref: B06211

MR ALEXANDER

c Sir Robert Armstrong o/r



Prime Minister

Agree the line at 'A'?

Yes no.

Amd - 29/5

Anglo-Irish Joint Studies

The Prime Minister's meeting on 13th May (your letter to Mr Walden of 14th May) approved ~~certain~~ negotiating texts to be given to the Irish Government (subject to certain drafting changes which have since been incorporated); but agreed that in view of the critical situation in Northern Ireland they should not actually be handed over for a week or so. On 18th May Sir Robert Armstrong told Mr Nally in the Taoiseach's office in Dublin that we would not be able to let them have any texts that week but would be doing so during the week beginning 25th May. Sir Robert also spoke to the Prime Minister, who was in principle content with this timetable.

A. 2. On 21st May Mr Haughey called a general election, which will be held on 11th June. In the light of this development Lord Carrington and Mr Atkins have reflected further on whether it is safe to let the Irish have these texts during their election campaign. They have concluded that we should seek to persuade the Irish that negotiations should now clearly wait till after the election and that there is therefore no need for us to hand over texts until then; but that if (as seems likely) the Irish do not rise to this and instead continue to press for the texts, we should not refuse to hand them over.

3. Provided the Prime Minister agrees with these conclusions, Sir Robert Armstrong or I will speak accordingly to Mr Nally on 1st June.

4. There is no sign so far that Mr Haughey intends to make trouble for us by misrepresenting during his election campaign what has been happening in the Joint Studies. If he were to decide to do that he would not be particularly handicapped by not having the texts we now propose to hand over. In their latest versions, as approved by Ministers, they are (as you will remember) extremely anodyne. And there would be a real risk of angering the Irish, and thereby prejudicing the future negotiating process, if after promising to hand over these texts this week we refused to do so ^{even} next week; whatever we said, it would be clear that we were expecting to be doublecrossed.

29th May 1981

R L WADE-GERY

SUBJECT

CONFIDENTIAL

cc master



File Ireland

cc to MOD
HO
LPS
NIO

10 DOWNING STREET

From the Private Secretary

14 May 1981

Anglo-Irish Joint Studies

The Prime Minister held a meeting here yesterday afternoon with the Home Secretary, Foreign and Commonwealth Secretary, Lord Privy Seal and Secretary of State for Northern Ireland, to consider Sir Robert Armstrong's minutes of 29 April and 11 May on the progress of the Joint Studies. Sir Robert and Mr. Wade-Gery were also present.

The meeting began with some discussion of the current situation in Northern Ireland and of the calls by the Irish Ambassador and by Mr. John Hume which the Prime Minister was expecting later in the evening. It was agreed that Mr. Atkins should be present when the Ambassador called, but no Foreign and Commonwealth Office Minister. It was also agreed that a small group of Ministers under the Prime Minister's chairmanship should meet next week to consider a paper which Mr. Atkins hoped to circulate by 15 May on the Government's response to the situation presented by the continuing hunger strike at the Maze prison. There could be no departure from the principle that political status could not be conceded, but it might be possible to devise a useful role for the European Commission on Human Rights; and it would be helpful to know whether convicted prisoners in the United States were allowed to wear their own clothing. The Government's greatest need was to get the message across, both at home and abroad, that the deaths of hunger strikers were due to their own consistently maintained pursuit of their five demands and thereby of political status. It might be helpful in this context if the Central Office of Information could prepare a film documenting atrocities committed by terrorists in the context of Northern Ireland.

On the Joint Studies the following decisions were reached:

- a. The British draft for the joint report on citizenship needed to be more robust, e.g. in paragraph 12, as regards the Irish negotiators' unreasonable objectives.

/b.

CONFIDENTIAL

CONFIDENTIAL

-2-

- b. The British draft for the joint report on Institutional Structures, as attached to Sir Robert Armstrong's minute of 11 May, was on the right lines, although certain presentational changes might be desirable.
- c. Ministers present would each arrange for the Cabinet Office to be informed as soon as possible of any particular drafting changes which they wished to see in either of these documents.
- d. The British negotiators should wait at least a week before tabling either draft. Speed was not essential, and the present crisis not an opportune moment for handing over material which, though not intended for publications, might all too easily leak.
- e. In tabling the British draft on Institutional Structures, the British negotiators should seek to ensure that further work should be based on the British, and not on the draft put forward by the Irish. It would of course be impossible to refuse to consider Irish amendments to the British draft. The aim should be to agree if possible on a single report, with the differing views of the two sides spelt out where necessary. "The Anglo-Irish Co-operation Council" would be an acceptable title for the new inter-governmental structure envisaged.

I am sending copies of this letter to the Private Secretaries of other Ministers present; to the Secretary of State for Defence's Private Secretary; and to Sir Robert Armstrong.

G.G.H. Walden, Esq., CMG.,
Foreign and Commonwealth Office.

M. O'D. R. ALEXANDER

CONFIDENTIAL

DRAFT LETTER FROM MR ALEXANDER TO MR FALL, FCO

CONFIDENTIAL

1. Sir R. Armstrong.
2. Th. Alexander.

Joint
Anglo-Irish/Studies

Philly
14/5/81.

Issue
Philly

The Prime Minister held a meeting here yesterday afternoon with the Home Secretary, Foreign and Commonwealth Secretary, Lord Privy Seal and Secretary of State for Northern Ireland, to consider Sir Robert Armstrong's minutes of 29th April and 11th May on the progress of the Joint Studies. Sir Robert and Mr Wade-Gery were also present

The meeting began with some discussion of the current situation in Northern Ireland and of the calls by the Irish Ambassador and by Mr John Hume which the Prime Minister was expecting later in the evening. It was agreed that Mr Atkins should be present when the Ambassador called, but no Foreign and Commonwealth Office Minister. It was also agreed that a small group of Ministers under the Prime Minister's chairmanship should meet next week to consider a paper which Mr Atkins hoped to circulate by 15th May on the Government's response to the situation presented by the continuing hunger strike at the Maze prison. There ~~would~~^{is} be no departure from the principle that political status could not be conceded, but it might be possible to devise a useful role for the European Commission on Human Rights; and it would be helpful to know whether convicted prisoners in the United States were allowed to wear their own clothing. The Government's greatest need was to get the message across, both at home and abroad, that the ^{deaths of} hunger strikers' ~~deaths~~ were due to their own consistently maintained pursuit of their five demands and

thereby of political status. It might be helpful in this context if the Central Office of Information could prepare a ~~the~~ film documenting atrocities committed by terrorists in the context of Northern Ireland.

On the Joint Studies the following decisions were reached.

- a. The British draft for the joint report on Citizenship needed to be more robust, eg in paragraphs 12, ~~and 52~~, as regards the Irish negotiators' unreasonable objectives.
- b. The British draft for the joint report on Institutional Structures, as attached to Sir Robert Armstrong's minute of 11th May, was on the right lines, ~~wa~~ although certain presentational changes might be desirable.
- c. Ministers present would each arrange for the Cabinet Office to be informed as soon as possible of any particular drafting changes which they wished to see in either of these documents.
- d. The British negotiators should wait at least a week before tabling either draft. Speed was not essential, and the present crisis not an opportune moment for handing over material which, though not intended for publications, might all too easily leak.

e. In tabling the ~~draft~~ British draft on Institutional Structures, the British negotiators should ~~make clear that they could not agree to~~ ^{seek to ensure that} further work ~~on the basis of~~ ^{should be based on the British, and not on} the draft put forward by the Irish. ~~But~~ ^I It would of course be impossible to refuse to consider Irish amendments to the British draft. The aim should be to agree if possible on a single report, with the differing views of the two sides spelt out where ^{necessary.} ~~this proved unavoidable.~~ "The Anglo-Irish Co-operation Council" would be an acceptable title for the new inter-governmental structure envisaged.

I am sending copies of this letter to the private secretaries of other Ministers present; to the Secretary of State for Defence's private secretary; and to Sir Robert Armstrong.

Paul

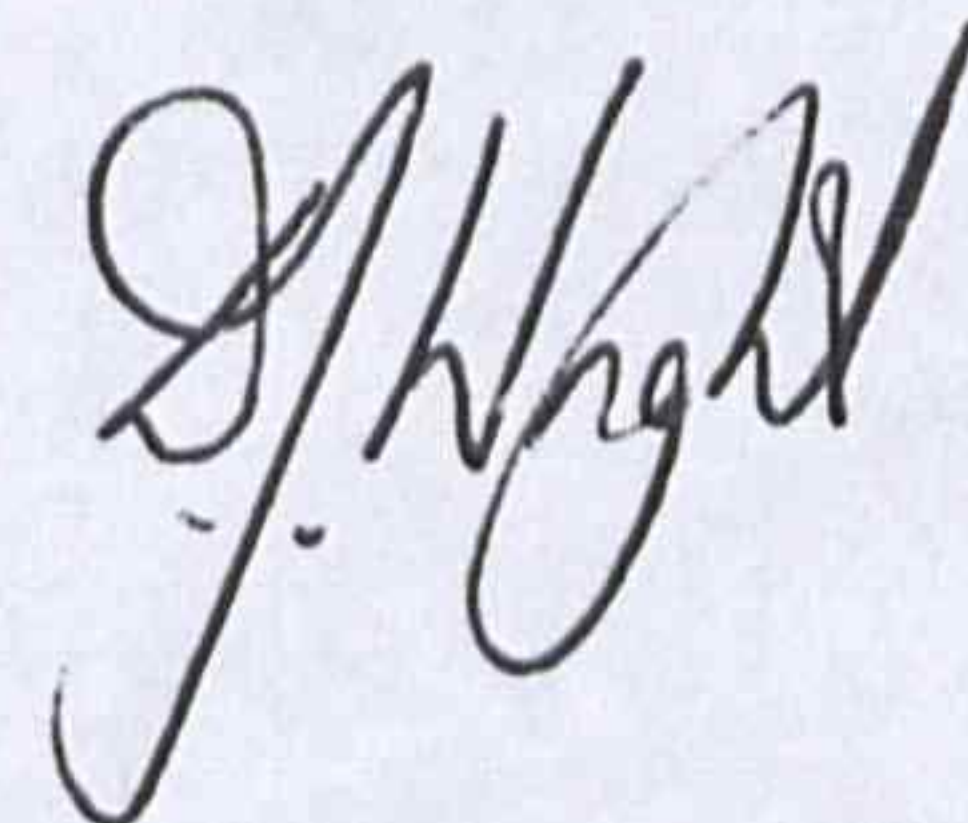
CONFIDENTIAL

SIR ROBERT ARMSTRONG

Mr. Nally telephoned at 1.00 pm to say that the Irish Ambassador, Dr. Eamon Kennedy, was with him in the Taoiseach's office at that moment and that the Irish hoped it would be possible for Dr. Kennedy to meet the Prime Minister this evening to pass to her a message from the Taoiseach. Dr. Kennedy would be flying back to London at 2.00 pm. The Irish hoped that it would be possible for him to call on the Prime Minister at around 7.00 or 8.00 pm this evening but their main concern was that such a call should take place before the Prime Minister's meeting with Mr. John Hume.

2. As background, Mr. Nally said that the Irish believed that there was now a great deal in danger, especially the Anglo-Irish studies. Dr. Kennedy's call on the Prime Minister would be designed to suggest a way of salvaging both the studies and related problems, especially what he described as "things in the North".

3. I said that I would convey this message to you and that you would be back in touch with Mr. Nally early this afternoon.



D.J. WRIGHT

13th May, 1981

CONFIDENTIAL

CONFIDENTIAL



*Prime Minister's comments
forwarded to Mr Wade - being orally.*

Paul

Ref. A04863

PRIME MINISTER

Anglo-Irish Joint Studies

I submit as requested a British version of a draft Joint Study Group Report on Institutional Structures.

2. Ministers will need to decide at their meeting on 13th May which draft the British representative should table at the next meeting of the Study Group: the "amended Irish" draft attached to my minute of 29th April, or this British draft (with whatever amendments Ministers may want to suggest in either case).

3. In presenting a new British draft, our negotiators could argue that, given the highly charged situation that now prevails in Northern Ireland, it had become even more important to avoid the risk of the report that is produced on the subject of new institutional structures (if it should leak) inflaming Protestant suspicions. Nonetheless a rival draft on these lines may be seen in Dublin as a setback to the joint studies, and might be interpreted as a clear sign of a significant reduction in the temperature of Anglo-Irish relations as compared with your visit to Dublin. It is arguable that such a shock is both necessary - because the Irish have tried to push their luck too far - and salutary. But Ministers will need to consider whether they are prepared to run the risk of precipitating a harder Irish Government line on the North, and even some diminution of cross-Border co-operation on security. That risk could be reduced if the revised draft were preceded by some kind of message from you to Mr. Haughey (either direct, or via our Ambassador in Dublin) or from me to Mr. Nally as joint Chairmen of the steering group, saying that the object of tabling the revised draft is to tread cautiously but not to put the studies in baulk.

4. If Ministers decide that we should table this British draft (or something like it) our representatives on the Study Group will need instructions about how far they may go. For instance -

CONFIDENTIAL

CONFIDENTIAL



- (a) Are they authorised to continue any discussions at all on the basis of the Irish draft? One tactic would be to table the British draft as a means of securing alterations to the Irish draft which the Irish would not otherwise be willing to agree.
- (b) Are they authorised to consider Irish amendments to the British draft? The answer must surely be yes, on their merits; but not to compromise on anything essential, or politically risky.
- (c) Are they to make a serious attempt to achieve an agreed draft, with points of difference (expressed in parallel columns or "two views" drafting) noted but reduced to a minimum?

Or

- (d) Is the preference of Ministers that we should aim for two separate documents on this study - in which case we can of course ensure that the British draft is as we want it, but we shall have to accept an Irish draft which may well be more extreme than the one we already have?

5. My recommendation would be that our representatives should be instructed to table this British draft (or something very like it), in order to establish that we are not prepared to be put in the defensive position of merely discussing amendments to an Irish draft, but that they should make, and be seen by the Irish to make, a serious attempt to reach agreement on a single joint draft. We should not be hurried on this; if the process requires discussion of the two drafts followed by the preparation of another draft for discussion at a further meeting of the Study Group before anything is submitted to the steering group, we should accept that. To the extent that the Study Group cannot reach agreement, it should seek to narrow the points of difference and identify them for consideration by the steering group. That cannot now meet until mid-June (the Irish are reconciled to that), so that there is a little more time in hand.

6. Your meeting will also need to decide whether our negotiators may table the draft joint report on citizenship attached to my minute of 29th April, or if not how it should be modified. Irish objectives in this field are almost wholly directed at the position of citizens of the Republic living in the North. There

CONFIDENTIAL

CONFIDENTIAL

would be obvious difficulty in doing anything towards meeting these objectives, at least in the short term. The draft therefore does not accept them. But it cannot suppress them either. So it merely states what they are and suggests that the problems they raise need further consideration (which might, as my earlier minute suggested, take place in the forum provided by the new inter-governmental structure when established).

7. I am sending copies of this minute to the Ministers who will be attending your meeting on 13th May, viz. the Home Secretary, Foreign and Commonwealth Secretary, Lord Privy Seal and Secretary of State for Northern Ireland; and to the Secretary of State for Defence.



ROBERT ARMSTRONG

11th May, 1981

CONFIDENTIAL



CONFIDENTIAL

Joint Study on Possible New Institutional Structures
(British Draft for Joint Report: / date /)

The general terms of reference for the Joint Studies, as agreed at the Joint Steering Group on 30 January 1981, are as follows:

"Having regard to the degree of mutual understanding reached by the Prime Minister and the Taoiseach at their meetings on 21 May and 8 December 1980 as expressed in the communiques issued following those meetings and in particular the reference to the need to bring forward policies and proposals

(1) to achieve peace, reconciliation and stability
and

(2) to improve relations between the peoples of the two countries

The Working Groups are asked to make proposals to assist the Prime Minister and the Taoiseach in their special consideration of the totality of relationships within these islands."

2. The specific terms of reference for the Joint Study on Possible New Institutional Structures, as agreed at the same Steering Group meeting, are as follows:

"To identify possible new institutional structures which might help in achieving the broad objectives described in the communiques of 21 May and 8 December, including the scope for improving existing arrangements for co-operation and consultation.

To consider the role of any new institutional structures in relation to measures which might be recommended in the other joint studies."

3. The Joint Study Group met in Dublin on 11 March and in London on 13 April. Its report was finalised at a restricted meeting, attended only by the two Group leaders, on May.

4. The Group have seen it as the purpose of their work to put forward proposals on possible new institutional structures which will contribute to the improvement of relations between the Governments and the peoples of the two countries without inflaming old or engendering new suspicions in either country, and without calling in question the constitutional framework in



CONFIDENTIAL

which the position of Northern Ireland within the United Kingdom cannot be changed without the consent of a majority of the people of Northern Ireland and the Westminster Parliament.

5. The Group noted that existing arrangements for co-operation and consultation included, in addition to normal European Community and diplomatic contacts, the following.

a. Regular Prime Minister/Taoiseach meetings, accompanied by other Ministers, as appropriate, once or twice a year.

b. Ad hoc Ministerial meetings.

c. Occasional meetings of the Joint Steering Group on Anglo-Irish Economic Co-operation, and more frequent meetings of a number of sub-groups on North/South Co-operation, communications matters, energy, customs, etc.

d. Direct informal contacts between Government Departments (both Dublin/Belfast and Dublin/London).

e. Meetings of the Anglo-Irish Parliamentary Group every two years, alternately in Dublin and London. (The last such meeting was in Dublin in March 1980.)

6. The Group considered the characteristics comprehended by the unique relationship, mentioned in the two joint communiqués issued following the meetings of Heads of Government in 1980, which geography and history have bequeathed to the present generation. In many fields relations and co-operation between the two countries are closer and more extensive than exist between other countries in Europe that enjoy a particularly close relationship. There was agreement that over a very wide range, these relationships involve common interests, mutually beneficial exchanges and developing co-operation appreciated on both sides. (While there were some divergencies of interest and differences of view on certain matters, these were in general not such as to have adverse consequences on the links between the two countries and their peoples.) At the same time, it was recalled that the communiqué of 8 December 1980 had recorded agreement that the full development of these links had been put under strain by division and dissent in Northern Ireland. This would need to be taken fully into account in considering possible new institutional structures.



CONFIDENTIAL

A New Inter-Governmental Structure

7. It was agreed, having regard to the considerations set out above, that in the immediate future attention should focus on the possibility of the Republic of Ireland and the United Kingdom establishing a new inter-governmental structure; and on the nature, purposes and functions of such a body. The requirements described in paragraph 4 led the Group to give higher priority to finding proposals that might have a reasonable chance of proving to be durable than to looking for wide-ranging proposals which would prove to be over-ambitious. A number of structural models for inter-governmental co-operation, particularly in Europe, were examined. These included various aspects of the European Community, the Benelux arrangements, the Council of Europe, the Nordic Council, the Franco-German Co-operation Treaty and arrangements between the United Kingdom and France and the Federal Republic of Germany, including the Anglo-French Council and the Konigswinter Conferences. But the Group concluded that no one such model provided a basis for what was likely to be required in the Anglo-Irish context, since the Anglo-Irish relationship was acknowledged to be unique and it was that very uniqueness which the two countries would be seeking to reflect in any new arrangements.

NP
8. It was also agreed that the new inter-governmental structure might initially take the form of a joint Council constituted on a flexible basis, with the creation of other structures (eg in the Parliamentary field) envisaged after an appropriate interval in the light of progress in developing co-operation. It might appropriately be called the Anglo-Irish Co-operation Council (AICC). (In principle no aspect of the totality of relationships within these islands would lie outside its purview.) Its purposes and functions would include bringing forward policies and proposals to achieve peace, reconciliation and stability and to improve relations and foster co-operation between the people of the two countries. It would also have such more specific functions as were conferred on it by agreement between the two Governments, either before its establishment or from time to time thereafter.



CONFIDENTIAL

9. The AICC should have flexible characteristics, permitting it to subsume many of the existing patterns of contact between the executive branches of Government, although informal contact between Ministers and between officials on a non-institutionalised basis should of course continue wherever convenient. Thus, meetings would be possible at Head of Government and Ministerial level and at that of Ministers' Deputies or officials. Meetings at Head of Government level, at which Heads of Government could be accompanied by Ministerial colleagues as appropriate and as agreed for each occasion, would take place once or twice a year. At each such meeting Heads of Government would receive reports of the activities of the Council at other levels since their previous meeting. Different counterpart Ministers could meet in pairs or in groups, with any equal number of Ministers, up to a limit to be decided; and each such meeting would constitute a meeting of the AICC whenever both sides so agreed in advance. The framework of the Council would allow for discussion of all matters of common interest and concern to the two Governments, including (where so agreed by both Governments) cross-border co-operation and other matters of common interest between the Republic of Ireland and Northern Ireland, but not of the constitutional status of Northern Ireland as part of the United Kingdom. To prepare for such meetings, and to consider questions of North-South co-operation generally, there should also be periodic meetings of Ministers' Deputies.

10. Other aspects of the character and functions of the AICC will require further consideration to take account of the results of other studies. Preliminary consideration suggests that it should be possible to reach agreement that the body would be involved in a range of areas comprehended by the subject matters of other studies in progress, viz citizenship rights, security matters, economic co-operation and measures to improve mutual understanding. As in the case of the Nordic Council of Ministers the AICC could where appropriate establish bodies in particular in areas of economic co-operation or areas concerned with the promotion of mutual understanding, where joint activity may be agreed to be desirable.



CONFIDENTIAL

11. There should not be a permanent secretariat of the Council. Each Head of Government should designate an official to act as a Secretary of the Council, and each of the two Secretaries would be responsible for ensuring the provision of a secretariat for each individual meeting of the Council.

12. The AICC should be free to agree on the joint expenditure of any funds made available by the two Governments (under their normal procedures) for purposes of common interest, although such agreement should clearly not be a prior condition for any unilateral expenditure by either Government.

13. Preliminary consideration of legal aspects suggests that it would be possible to establish an AICC without legislation in either country. It would not, (initially at least) require to be vested with powers, since any action to which it gave rise could be taken through national departments and any expenditure involved would be met from existing departmental votes. A formal inter-governmental agreement in writing could (but need not) be used to establish it. If this were done, the agreement would have to be laid before the Irish Dail, and it would be normal to take similar action with the United Kingdom Parliament.

Possible Inter-Parliamentary Structure

14. It was agreed that it would be a natural development for the establishment of a new inter-governmental body to be followed in due course } by the establishment of a complementary inter-parliamentary body. This should be left for further consideration in the light of experience and of any opinions which might over time be expressed by members of either or both of the two national Parliaments (or by British or Irish members of any other relevant parliamentary body, such as the European Parliament or any Assembly which might be established locally in Northern Ireland). In the meantime efforts should be made to deepen and broaden the activities and composition of the existing Anglo-Irish Parliamentary Group.



CONFIDENTIAL

Structures for Exchanges on a Wider Basis

15. It was agreed that, in the pursuit of the objectives sought, it would be advantageous and important to ensure the existence of structures that would provide for the widest possible contact and participation in the process of closer co-operation. It was accepted that this required structures that would provide a forum which could include persons other than Ministers, parliamentarians and officials. It was felt that the objective should be to work towards the creation of an Advisory Committee on economic, social and cultural co-operation, associated with the AICC. Foreign models which were considered here were the Economic and Social Advisory Council within the Benelux arrangements and the Economic and Social Committee of the European Community. However, as the principal objective should be the promotion of contact and exchanges across a wide front of economic activity and of society within these islands, the membership should be reasonably large and in composition should reflect categories of economic and social activities. These features may require that the full meetings would take place not more than twice a year, although the body itself could perhaps make provision for separate meetings, at more or less frequent intervals, of any subsidiary bodies it established. The objective should be to have procedures a good deal more flexible and pragmatic than those of the EC body. However, it can be envisaged that the Committee would advise the AICC on economic and social matters referred to it, would be able to issue opinions on its own initiative in fields to be determined, and would present an annual report on the state of economic, social and cultural co-operation, including recommendations.

Trusts →

16. The Group considered that some time would be needed to assess how an Advisory Committee might best operate in the light of the development of closer co-operation. It considered, however, that there was an immediate need, as an interim measure, to provide a satisfactory structure for the promotion and review, in a central forum, of contacts and exchanges between wider economic and social circles. In this regard, the Group took note of the existence of the British-Irish Association, of Co-operation North, of the Anglo-German Konigswinter Conferences and of the



CONFIDENTIAL

Anglo-French Council. It was agreed that the British-Irish Association and Co-operation North had done useful work but that under existing arrangements they do not provide a suitable basis for what is required. It was felt that in general there was a need for a greater degree of Governmental guidance of activities than has characterised the work of these bodies. An "Anglo-Irish Konigswinter" organisation should be established and financed by the two Governments, although its day-to-day management might be entrusted to a panel composed largely of independent public figures. Its prime function should be to organise a high-level annual conference on the Konigswinter model, which could bring together participants drawn from wider circles than those traditionally concerned with the discussion of Irish questions. Trades unionists, agriculturalists and Irish/British residents in Britain/Ireland might be included as well as industrialists, academics, journalists, church leaders, politicians and officials. Smaller periodic seminars on specialised themes could also be arranged.

17. Ideas generated at such conferences (or seminars) might usefully be considered by the two Governments at appropriate meetings of the AICC.

May 1981

Ref: B06185

SIR ROBERT ARMSTRONGAnglo-Irish Joint Studies

As you know, the 5 Anglo-Irish Joint Study Groups held their second meetings in London on 13th and 14th April. The outcome of these meetings, and the steps we should now take, have been considered by the Official Committee on Anglo-Irish Relations. The following report represents their agreed views.

2. The Study Group meetings on economic co-operation, measures for the encouragement of mutual understanding (MEMU) and security were useful but unspectacular. But some of the ideas put forward by the Irish in the Group dealing with institutional structures suggest that their thinking may be somewhat over-ambitious; and in the Group dealing with citizenship they pressed unexpectedly hard for concessions relating to the position of the Republic's citizens in Northern Ireland. Unless there are surprises, therefore, these are the areas which the Official Committee regard as requiring Ministerial consideration at this stage.

Institutional Structures

3. The Group had before it the British commentary approved by Ministers (ie the first part of the enclosure to the Lord Privy Seal's minute to the Prime Minister of 3rd April). Contrary to the understanding at the 11th March meeting, the Irish chose to put their ideas forward in the form of a draft interim report of the Group. Since they only tabled this document in a complete form during the meeting they had to accept that we should treat it at that stage as a quarry for ideas rather than as an actual draft.

4. The central feature of the Irish draft was an intergovernmental structure similar to that envisaged in the British commentary. But they made clear in discussion that they attached major importance to calling it the Anglo-Irish Council; and that they were not attracted by any of the alternative titles envisaged on the British side. Other unsatisfactory features of the Irish draft were as follows.

a. They envisaged an over-formalised structure for the North-South (ie all-Ireland) aspects of the Council's work, with a separate Committee of Ministers' Deputies for North-South Co-operation.

b. They wanted prior consideration by the Council on "all major decisions or initiatives by either Government likely to have implications for the achievement of peace, reconciliation and stability", which would of course offer them excessive scope for interference in the governing of Northern Ireland.

No

c. While pointing out reasonably enough that the situation in Northern Ireland should be taken fully into account in considering possible institutional structure, they also suggested with undue emphasis that it "was regrettably but undeniably central to the totality of relationships within these islands".

So would any suggestion that they should be consulted - it would be a disaster to N.I.

d. They produced an excessively detailed and premature blueprint for a complementary parliamentary structure, in two stages by which private meetings of an Anglo-Irish Parliamentary Consultative Committee of about 20 members would be succeeded after 4 years by public meetings of a full blown Parliamentary Assembly perhaps twice that size.

No

e. They envisaged the gradual emergence of a Joint Secretariat, although discussion in the margin of the meeting suggested that they might be willing to be pushed off this at the present stage.

No

f. They tentatively envisaged the Council (and/or the Assembly) having certain formal powers to sanction expenditure eg on economic development projects.

No !!

4. Two other features of the Irish draft should be noted.

i. While accepting that the British side could not be associated with any papers affecting the constitutional position of Northern Ireland, the Irish indicated that they themselves would at a later stage be tabling on a unilateral basis "papers on institutional structures which might come into existence in Ireland on the basis of consent in the medium and long term".

ii. The Irish were broadly sympathetic to the idea in the British commentary that some kind of Anglo-Irish "Konigswinter" should be established by the two Governments, which they quite sensibly suggested might be seen as a preliminary step towards the creation of a non-governmental Advisory Committee on economic, social and cultural co-operation.

5. Procedurally it was agreed that each side should now prepare a draft for the Group's report (since neither was willing to leave the next drafting stage to the other); that these drafts should be exchanged as soon as possible; and that they should be considered, with a view to amalgamation, at a meeting before mid-May either of the whole Group or more conveniently of one or two representatives from each side.

6. Attached at Annex A is a British draft for this purpose, which has been cleared inter-departmentally at official level. To facilitate eventual agreement it is based on the Irish draft as tabled on 13th April. But it deals with the problems identified at paragraph 3.a-f above either by substituting acceptable language or, where that would clearly not be negotiable, indicating how the views of the two sides differ. The differing views of the two sides have also been underlined as regards the point at paragraph 4.i above; and have been spelt out as regards the intergovernmental structure's title.

7. The Irish counter-draft, when received, will no doubt contain several unacceptable features. But it should not be impossible to deal with those differences by further use of "two views" drafting as necessary. In any case the report, even when agreed, will not commit Ministers on either side; nor indeed the Joint Steering Committee, for whose consideration it will initially be submitted.

8. In the view of HM Ambassador in Dublin, with whom officials in London fully agree, the one point which could endanger continuing Irish goodwill in this exercise is the dispute about the intergovernmental structure's title. The strong Irish contention that "the Anglo-Irish Council" is the right title probably reflects Mr Haughey's personal views. It is not easy to counter their argument that Council is the natural word to use; that it is already used between countries less intimately and uniquely involved than the United Kingdom and the Republic; and that any comparisons with Sunningdale's ill-fated Council of Ireland can readily be rebutted by pointing to the essentially London-Dublin rather than all-Ireland character of what is now contemplated.

9. Officials therefore recommend that we should now table the British draft as attached; but that in the process of negotiating it with the Irish we should be prepared to agree to "Council". The concession would of course be used as a lever for securing our preferred wording in other areas.

No - if any document done as was indicated above were submitted - it would not look any better than the other and to all further stages.

What about our goodwill?

Citizenship Rights

10. This is the other area in which substantive Irish aims are becoming clear. The Group's second meeting, unlike its first, was on the Irish side strident and sometimes emotional in tone. They want their citizens who live in Northern Ireland treated as generously as their citizens who live in Great Britain. They referred particularly to the restrictions on the voting rights of Irish citizens at local and provincial elections in the North, and the consequent restrictions on Irish citizens holding elective office in local government or serving on juries there. They also drew attention to the five-year residence requirement for eligibility for supplementary benefit in Northern Ireland.

11. The Irish confirmed that they intend to introduce legislation to enfranchise United Kingdom citizens living in the Republic. But they regard it as likely that their Supreme Court will find such legislation unconstitutional. If that happened, they would simply accept the ruling; ie they would not attempt to amend their Constitution, which would require a referendum.

12. Procedurally, it was agreed that the British side should now prepare a draft for the Group's report and that this should be considered at a further Group meeting before mid-May. A draft for this purpose is attached at Annex B. It has been cleared interdepartmentally at official level. The bulk of this (paragraphs 1-54) does not require Ministerial consideration; it is simply a factual account of the position of the citizens of one country resident in the other. What matters is the conclusions, in paragraphs 55-58. As will be seen, these suggest that though changes and rationalisation might in theory be desirable there would in practice be very real political and/or legal difficulties involved. The aim of this draft is to persuade the Irish that these more sensitive aspects of citizenship rights should be left on one side. If necessary, we could concede that they should be referred in due course to the proposed intergovernmental structure, when set up.

Security Matters

13. Representatives of the British Ministry of Defence and of the Department of Defence in Dublin took part in the talks, which were uncontroversial as far as defence-related questions were concerned. The Irish showed themselves ready to continue the contacts which already exist in many fields - eg of air and sea search and rescue, fishery protection and the exchange of information

on the movement of Warsaw Pact shipping and aircraft, but showed no signs of expecting or seeking any substantial increase in the level or nature of such contacts. They were a little more forthcoming as far as civil defence was concerned and also suggested that attendance at military training courses in the United Kingdom could be expected to increase substantially in the coming year. It seems likely that this slight difference in tone reflects differences in the approach of departments or sections of departments in Dublin rather than one of policy. It may be also that the improvement in relations since the last two summit meetings had made it easier for the Irish to contemplate an increase in training in this country.

14. We clearly have a greater interest in border security and in the administration and working of the criminal law. As far as these were concerned, the Irish put forward short but useful papers. In the first, on border security, the Irish acknowledge that many in Northern Ireland still regard the South as a haven for terrorists and doubt the sincerity of the Irish Government's commitment to deal with terrorism. They indicate that they intend to continue to arrange for parties of journalists from Northern Ireland and Britain to see the work of the Garda and Irish Army, and acknowledge that successful prosecutions under the Criminal Law Jurisdiction Act would help with the problem. This suggests that the arguments which we have put on extradition have been understood and that it will be important to keep up pressure in this area to encourage the Irish to do more to obtain a successful prosecution under the Criminal Law Jurisdiction Act. As for the administration and working of the criminal law, the Irish agreed to the value of discussions and indicated that they were ready to join in these.

15. The Group's report is to be drafted initially by the British side, except that an Irish draft will also be produced for the criminal law sections. There should be little difficulty in reaching agreement.

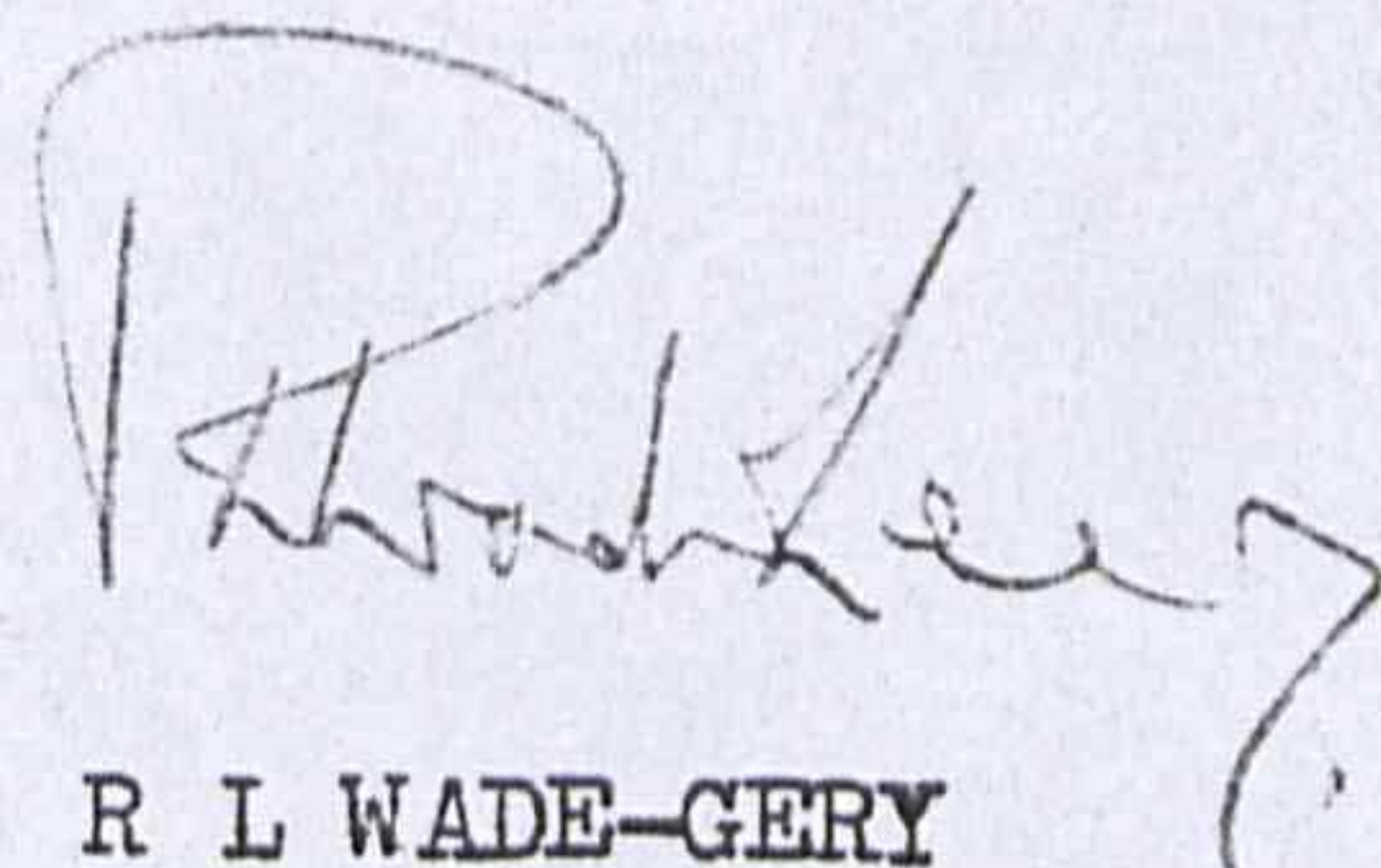
Economic Co-operation

16. The discussion on economic co-operation was pedestrian. The Irish were clearly pleased to receive the detailed comments which we put forward to them at the beginning of the meeting, as agreed by Ministers. There was agreement that existing work ought not to be disturbed (though where it was losing impetus Prime Ministerial interest in the studies could be used to get more progress). There was agreement that sufficient material had been exchanged to make possible the drafting of the Group's report, and the work involved was divided up between the two sides.

Measures for the Encouragement of Mutual Understanding

17. Discussion of MEMU was equally unexciting. The United Kingdom paper put to the Irish before the meeting, analysing the nature of misconceptions in the United Kingdom about the Republic, encouraged the Irish to produce a thoughtful paper of their own which stimulated a useful discussion. Both sides undertook to produce drafts for the section of the Group's report dealing with mutual misconceptions; the proposed British draft is attached for information at Annex C. A number of workaday proposals were also considered. But these should involve few political difficulties and it proved possible quickly to divide up the rest of the work of preparing the Group's report.

28th April 1981



R L WADE-GERY

ANGLO/IRISH STUDIESJOINT STUDY ON CITIZENSHIP RIGHTSREPORT OF JOINT STUDY GROUP

1. Following the agreement contained in the Communiqué issued after the Dublin meeting between Heads of Government in December 1980, we were given the following terms of reference:

- (1) "To review the rights and privileges accorded to citizens of each country while residing within the jurisdiction of the other, including those relating to voting, social security, employment and consular protection; to compare these with the rights and privileges enjoyed by citizens of the host country; and to consider whether the rights and privileges could be further assured, harmonised and extended on a mutual basis.
- (2) To review the obligations and duties of citizens of each country residing within the jurisdiction of the other, including those in respect of taxation and jury service; and to compare these with the obligations and duties of citizens of the host country.
- (3) To consider any anomalies revealed by these reviews and whether they might usefully be rectified."

2. We have held 3 meetings - in Dublin on 12 March and \surd May and in London on 14 April - and have agreed this report as a summary of the points that have been discussed.

BASIS ON WHICH RIGHTS ARE CONFERRED

3. We agreed, as a preliminary, to detailed scrutiny of specific issues,

/to examine...

to examine the framework within which the United Kingdom and the Republic of Ireland confer the rights normally associated with citizenship and to see how this affects the approach to the treatment of the *500,000 citizens of the Republic resident in the United Kingdom and the *50,000 British citizens resident in the Republic

REPUBLIC OF IRELAND

4. The rights of citizens, under various heads, are set out in the Constitution of the Republic (Bunreacht Na H'Eireann). The Constitution guarantees certain fundamental rights and entitlements, provides for the practical exercise by the people of their Sovereignty expressed in the Parliamentary system, in referenda and the election of the President, and determines the basis on which provision is made for social rights such as education.

Position of non-Irish citizens

5. It is not clear from the text of the Constitution whether the rights and entitlements conferred by it are the exclusive privilege of citizens of the Republic, or whether some or all of these extend to all resident persons, including foreign nationals such as British subjects.

6. In practical terms, there appears to be no evidence of any dissatisfaction among non-Irish citizens, including British subjects, about their position. This question has arisen in a limited number of cases which, while not conclusive, show, in the view of the Irish side, that no non-Irish citizen who has raised a Constitutional issue before the Courts has failed

/to obtain...

* Estimates derived from the 1979 Labour Force Survey

CONFIDENTIAL

to obtain a full hearing and reasoned decision. The Irish side also point out that it seems to be the exception rather than the rule for the Courts to refer to the issue of citizenship and the locus standi of a petitioner.

....
(The most important of these are summarised by the British side at Annex A. [not attached])

7. Nevertheless, the Irish Constitution does not explicitly protect the position and the rights of any non-Irish citizen resident in Ireland. In common with the United States Constitution, on which it is to some extent modelled, it is designed to protect the rights of Irish citizens. Whatever view is taken of the possible general application of sections of the Constitution to non-Irish citizens there is certainly no direct or special reference to the rights of British subjects.

8. The Group noted the lack of special constitutional protection for British subjects resident in Ireland as one of the matters which might be considered if it were decided by Heads of Government to strengthen yet further the links between our two countries.

UNITED KINGDOM

9. In contrast to the Republic of Ireland, the United Kingdom does not have a written Constitution or any form of "basic law" which purports to define the rights and privileges of its citizens or other persons residing within its territory. Such rights and privileges are provided under specific legislative authority.

10. Section 2 of the Ireland Act of 1949, which was passed after the Republic withdrew from the Commonwealth and severed its last formal links with the British Crown, provides that the Republic is not to be treated as

CONFIDENTIAL

/a foreign....

a foreign country and that its citizens resident in the United Kingdom, while they could no longer be regarded as Commonwealth citizens, are not to be regarded as aliens.

11. Citizens of the Republic of Ireland resident in the United Kingdom are thus in a unique position. This seems to be highly valued by Irish opinion within the Republic and to have been of mutual benefit to the people of both countries.

12. The Irish side, while accepting the significance of the continuing special position held by the citizens of the Republic resident in the United Kingdom, noted that it rests only on legislation passed by the Westminster Parliament and is therefore open to amendment by that Parliament. The British side acknowledged that all laws (including a Constitution) are man-made, and can be amended, but pointed out that the special status enjoyed by Irish citizens in the United Kingdom, while sometimes the subject of contention in certain quarters, has never been seriously questioned in the United Kingdom and represents a commitment on the part of successive British administrations of differing political complexions.

ANTI-DISCRIMINATION LEGISLATION

13. Irish citizens resident in the United Kingdom enjoy also the protection provided to all residents by the anti-discrimination laws. In Great Britain all residents, including Irish citizens, are subject to, and protected by, the provisions of the Race Relations Acts. The 1976 Act makes discrimination on racial grounds unlawful in the fields of employment, education and the provision of goods, facilities, services and premises (for the purpose of the Act "racial grounds" means any of the following: colour, race, nationality or ethnic or national origins). In Northern Ireland the

Northern Ireland Constitution Act 1973 makes it unlawful for public bodies to discriminate against any person on the grounds of religious belief or political opinion, and renders discriminatory legislation void; and the Fair Employment (Northern Ireland) Act 1976 makes it unlawful for an employer to discriminate in relation to employment on those grounds.

14. In addition, the Race Relations Act ¹⁹⁷⁶ amended the Public Order Act 1936 to make it a criminal offence in Great Britain to publish or distribute written matter, or use in any public place or at any public meeting, language which is threatening, abusive or insulting and likely, having regard to all the circumstances, to stir up racial hatred against any racial group in Great Britain. In Northern Ireland the Prevention of Incitement to Hatred Act (Northern Ireland) 1970 makes it an offence to stir up hatred against, or arouse fear of, any section of the public on grounds of religious belief, colour, race or ethnic or national origin. The difference between the legislation in force in Great Britain and in Northern Ireland, which the British side explained in terms of differing circumstances applying in each of these parts of the United Kingdom, was noted ~~by the Irish side~~ as a subject for consideration etc.

SPECIFIC RIGHTS AND PRIVILEGES

VOTING RIGHTS

(1) REPUBLIC OF IRELAND

15. At present, only resident citizens of the Republic of Ireland may vote at elections to the Dail, at presidential elections and at referendums. All citizens of the European Community resident in the Republic may, however, register to vote at the election of Irish representatives to the European Parliament; and all qualified persons, regardless of nationality, may register to vote at Irish local elections.

~~CONFIDENTIAL~~

16. There was some expectation in the United Kingdom in the late 1940s, when the present voting arrangements for Irish citizens in the United Kingdom were consolidated, that the Irish authorities would introduce reciprocal arrangements for British nationals resident in the Republic. In the event, no such arrangements were made, nor has the Government of the Republic been under any pressure from either the United Kingdom Government or United Kingdom nationals resident in the Republic to do so.

17. At their meeting in December 1980, the Taoiseach told the Prime Minister that, following examination of the constitutional, legal and other aspects of the matter, he was now prepared to present proposals to effect an extension of the Irish franchise to permit United Kingdom citizens to vote at elections to the Dail. These proposals might have to be held over until pending changes in British nationality law had been brought forward.

18. The Irish side pointed out that as the franchise in the Republic is determined by the Constitution, it is not within the power of the Government or the legislature to alter it without reference to the "Irish people"; i.e. without satisfying the specific provisions established by the Constitution for its amendment. These include the holding of a referendum. Nevertheless, the Taoiseach intends to introduce legislation to affect the limited but nevertheless fundamental extension of the franchise referred to above (i.e. for Dail elections only), leaving it to the Supreme Court to decide ultimately whether such legislation is intra vires.

(Before signing a Bill into law, the President of the Republic may refer it to the Supreme Court for its opinion as to its constitutionality and it was the view of Irish officials that a Bill to extend the franchise would probably be referred to the Court in this way in order to prevent a situation arising in which the results of an election were challenged on the grounds that the franchise had been extended unconstitutionally.)

19. The text of the Constitution of the Republic is such that, while/side may just be possible to extend the franchise for Dail elections by legislation, it is most unlikely that the franchise for Presidential elections or referendums could be extended without formally amending the Constitution. For this reason, the present Government of the Republic does not intend to refer to these elections in their proposed legislation about the Dail franchise as it believes that to do so would considerably increase the risk of the extension of the Dail franchise itself being declared invalid on the grounds that it was repugnant to the Constitution.

20. The Group noted that even after the franchise at Dail elections had been extended as now proposed by the Taoiseach, there would not be complete reciprocity of voting rights at national elections and proposed this matter as a subject for consideration etc.

(2) UNITED KINGDOM

21. The voting rights of the citizens of the Republic of Ireland resident in the United Kingdom are identical to those enjoyed by British subjects, including Commonwealth citizens, as far as the franchise used at national elections in the United Kingdom is concerned - i.e. elections to the Westminster Parliament, the election of United Kingdom representatives to the European Parliament, and at such referendums as have been held. There are certain statutory disqualifications which are common to British subjects and Irish citizens, and only those citizens entered on an electoral register are entitled to vote. Residence is a necessary qualification for electoral registration. This is not defined as far as the electoral law in Great Britain is concerned, but the courts have indicated that "overnight"

/residence....

CONFIDENTIAL

residence on the qualifying date (10 October) is not sufficient and a degree of "constructive" residence is required.

22. The residence requirements for electoral registration in Northern Ireland is specified in legislation as being 3 months continuous residence preceding the qualifying date. This definition of residence applies equally to people coming from Great Britain as to people originating in the Irish Republic or elsewhere and is explained by the fact that Northern Ireland, unlike Great Britain, has a land border with the Republic.

23. As far as local elections are concerned, the franchise in Great Britain is, with the exception of Peers of the Realm who cannot vote at Parliamentary elections, identical to that in use in national elections and, in practical terms, only one register is prepared. The British Government has reserved its position with regard to the proposal to extend the franchise at local elections to all resident Community citizens as suggested by the Heads of Government in 1974, so Irish citizens resident in Great Britain remain in a privileged position compared to other non-British subjects.

24. In Northern Ireland, the franchise for local and provincial elections is confined to persons born in Northern Ireland or who have been continuously resident in the United Kingdom for the previous 7 years, provided that they are British subjects or were on the Northern Ireland Register of Electors in 1962 and have resided in Northern Ireland for the 3 months preceding the qualifying date. In effect, this excludes most citizens of the Republic resident in Northern Ireland from voting at local and provincial elections and comparison between the different registers in use in Northern Ireland suggests that about (?)4,000 potential electors may be disfranchised in

/this way....

this way. This difference between the voting rights enjoyed by Irish citizens resident in Great Britain and those resident in Northern Ireland was noted as a subject for further consideration etc.

QUALIFICATION TO STAND FOR PUBLIC OFFICE

(1) REPUBLIC OF IRELAND

25. In the Republic, the general position is that persons qualified to vote at an election to an authority are also qualified to stand for election to that authority, provided that residence and other requirements are met. Thus all resident European Community citizens may stand at local elections [and ? European Parliament elections]; but, at present, only resident citizens of the Republic may stand for election to the Dail. Although the present Government of the Republic has not yet considered this matter, the Group agreed that once the franchise for Dail elections has been extended to include United Kingdom residents in the Republic, it would be appropriate to extend the right to stand for membership of the Dail in the same way.

(2) UNITED KINGDOM

26. In Great Britain, any British subject (including Commonwealth citizens or citizens of the Republic of Ireland of 21 years or over and not otherwise disqualified may, irrespective of residence, be nominated for election to the Westminster Parliament or the European Parliament. There are certain residential requirements, however, for election to, and service on, local authorities. Essentially these require either residence in (or, in the case

CONFIDENTIAL

/of the....

of the lowest tier of local government in England and Wales, residence adjacent to) the electoral area, or employment in (or, as before, adjacent to) the area. In Northern Ireland the qualifications for candidature at

Westminster and European elections are the same as those which apply in Great Britain. So far as local ^{and provincial} elections are concerned, much the same residential qualifications apply as in Great Britain; but candidates must also be British subjects or have been on the Northern Ireland Register of Electors in 1962. The Group noted this additional requirement as a subject for consideration etc.:

27. As far as membership of the second chamber of the legislature is concerned, a United Kingdom citizen resident in the Republic may sit in the Seanad only as ^{an} [] while Irish citizens may sit and vote in the House of Lords provided that, like a member of the House of Commons, he takes an oath (or affirmation) of allegiance to the British Sovereign. (There is no requirement that members of the Irish Parliament should take an oath of allegiance of any kind.)

QUALIFICATION FOR PUBLIC SERVICE POSITIONS

28. As for the opportunities which citizens of each country resident in the other have to serve in the public services of their host country, the position is as follows:

(1) Civil Service

29. While there is no legislative barrier to the employment of non-citizens in the Civil Service of the Republic, the Civil Service Commissioners Act 1957 gives the Commissioners power to insert in the regulations for any competition held by them a nationality clause, limiting the competition to citizens. In

/deciding....

deciding the cases in which such a requirement is to be included, the general practice of the Commissioners is to do so in the case of open competitive examinations, but not of competitions for professional and technical posts.

30. In the United Kingdom, citizens of the Republic have exactly the same rights of access to all positions in the Civil Service as do British subjects. Entry to the Northern Ireland Civil Service, however, is restricted by administrative practice to British subjects save when exemption is justified in the public interest.

31. Each side noted that in practice entry to its Civil Service was more restrictive than the formal position implied, although in the United Kingdom these restrictions did not apply at the national level but only to posts in the Civil Service serving one part of the country.

(2) Local Government Service

32. Under the centralised system operated in the Republic on the basis of regulations made by the Minister for the Environment, no nationality requirement is imposed either in the competitions held by the Local Appointments Commission (relating to local authority professional and technical posts, Chief Executive posts - such as County and City Managers, Town Clerks - and certain other statutory provisions) or in those held by the local authorities themselves for clerical administrative posts.

33. In the United Kingdom, appointment to local government posts is the responsibility of the local authority concerned. The anti-discrimination legislation prohibits local authorities from imposing nationality qualifications on candidates for employment.

/34...

CONFIDENTIAL

CONFIDENTIAL

(3) Armed and Defence Forces

34. In the Republic of Ireland there is in general no legislative bar to an alien enlisting in the Defence Forces but it would be expected that a candidate should ordinarily reside in the Republic. On the recruitment of officers, the Republic's Defence Act 1954 (section 41) states:

"each of the following persons shall be eligible to be appointed to be an officer of the Permanent Defence Force or the Reserve Defence Force, that is to say:-

(a) Irish citizens,

(b) any other persons specially approved by the Minister."

Although the Irish side gave assurances that the approval referred to at (b) would normally be given in the case of officer recruitment where specialised technical knowledge is required, the British side noted that this policy appeared to exclude British citizens from recruitment into the general officer class.

35. In the United Kingdom, there are residence requirements which apply equally to British subjects and to citizens of the Irish Republic. Recruits who are Irish citizens are, however, required to apply for registration as citizens of the United Kingdom and Colonies in order to enable them to obtain a British passport. This was a practical requirement which facilitates overseas travelling arrangements and does not prejudice recruits' status as citizens of the Irish Republic.

36. It was noted that when conscription had been in force in the United Kingdom, the courts had held that a citizen of the Republic of Ireland indefinitely resident in Great Britain was liable to national service in the same way as citizens of the United Kingdom. The British side pointed out

/that the...

that the service given by Irish citizens in the British armed forces was highly valued by British public opinion. It was seen as part of the unique relationship between the 2 countries and as a corollary of the fact that Irish citizens resident in the United Kingdom enjoyed virtually the same rights and privileges as British subjects.

(4) Police

37. There is no restriction on the recruitment of non-Irish people to serve in the Gada Siochana (Irish Police Force).

38. There are no nationality restrictions which would prevent the recruitment of Irish citizens into the regular police forces of the United Kingdom, provided that they are otherwise suitable and make a declaration of allegiance. In Northern Ireland, the present practice in respect of the RUC (Reserve) is to restrict entrants to United Kingdom citizens British subjects resident in Northern Ireland. This restriction was noted as a subject for consideration etc.

THE LEGAL SYSTEM

(1) Jury Service

39. In the Republic of Ireland eligibility to serve on a jury is confined to citizens between 18 and 70 who are registered as Dail electors. British citizens are not therefore eligible.

40. In the United Kingdom, lists of jurors are prepared from the local government electoral register so that while in Great Britain Irish citizens qualify on an equal basis with British subjects, in Northern Ireland jury service is restricted to those who were born in Northern Ireland or who have

CONFIDENTIAL

/been....

CONFIDENTIAL

been continuously resident in the United Kingdom for the previous 7 years provided that they are British subjects or were on the Northern Ireland Register of Electors in 1962 and have resided in Northern Ireland for the 3 months preceding the qualifying date for electoral registration.

41. The Group noted that jury service was another example of a right which Irish citizens resident in Great Britain enjoyed on equal terms with British subjects, while those resident in Northern Ireland are, like United Kingdom citizens resident in the Republic, treated less well than the citizen of the host country. This matter was therefore noted for further consideration etc.

(2) The Legal Profession

42. The Bars of the Republic of Ireland and the United Kingdom have agreed reciprocal arrangements for those already qualified; there are no nationality restrictions on those seeking qualification. There are no similar reciprocal arrangements as far as qualified solicitors are concerned, but access to the profession in the Republic and in the United Kingdom is not confined on nationality grounds.

(3) Appointment to the Magistrates' Bench or Judiciary

43. There are no nationality qualifications on prospective appointees to the Bench and judiciary in either the Republic or the United Kingdom. No person may hold judicial office in the latter, however, without taking the Oath (or affirmation) of allegiance to Her Majesty the Queen.

SOCIAL RIGHTS

44. The Group considered the arrangements which exist in the Republic of Ireland and the United Kingdom to provide for the basic social needs of the

CONFIDENTIAL

/resident.

resident population, including education, social service, housing and employment.

45. Neither country imposes any citizenship qualifications for education provision, save that ex-patriate citizens of both countries are favoured with other EC countries in fees for tertiary studies.

46. Neither country imposes citizenship qualifications on eligibility for local authority housing. Local authorities in both countries sometimes impose residence qualifications for public housing and give preference to applicants from the immediate locality, but these rules do not involve considerations of citizenship.

47. As for social security, EC regulations in force in both countries provide equal access to the basic contributory and non-contributory benefits. Certain special benefits do require proof of residence but do not relate to citizenship.

48. In the Republic, the scheme of last resort is the supplementary welfare allowance. Every person in the Republic whose means are insufficient to meet his needs and those of his dependents is entitled to this benefit. In Great Britain, the supplementary benefit scheme is available on an equal basis to newly arrived Irish citizens as to all British subjects. In Northern Ireland, however, a person arriving from the Republic of Ireland or any other country outside the United Kingdom does not qualify for supplementary benefit until he has been resident in Northern Ireland for 5 years. The British side gave an assurance that this regulation is not implemented in practice but it was nevertheless noted for further consideration, etc.

49. Equal access to employment rights are guaranteed under the provisions of various EC directives and specifically for British subjects in the Republic by 7

Citizens of the Republic of Ireland working in the United Kingdom have the same rights as United Kingdom citizens under all the legislation relating to trades unions, employment protection, sex discrimination and equal pay.

FISCAL LIABILITIES

50. We considered how far ex-patriate British and Irish citizens living in the Republic of Ireland and the United Kingdom are subject to equal liabilities in the fields of taxation and rating.

51. As for taxation, the Group noted that the United Kingdom/Republic of Ireland Double Taxation Convention expressly forbids any differentiation in the field of taxation between Irish citizens and United Kingdom citizens. It was noted also that a British subject resident in the Republic receives preferential treatment over aliens in that section 153 of the Income Tax Act 1967 (whereby Irish citizens living abroad may claim certain relief on income arising in Ireland) applies also to British subjects.

52. In both countries, the obligation to pay local rates depends entirely on occupation of property. The payment of rates on private dwellings in the Republic was abolished in 1977/78.

CONSULAR PROTECTION

.... 53. The Irish side placed on record (Annex B) its appreciation of the consular protection given to Irish citizens by British missions in third countries.

54. Note on relevant proposals, particularly concerning voting rights, under discussion in EC and Council of Europe.

SUMMARY AND CONCLUSION

55. As is evident from the detailed material above, citizens of the United Kingdom resident in the Republic of Ireland and Irish citizens resident in the United Kingdom enjoy virtually all the rights and privileges of citizens of the host country, reflecting the unique relationship between the two countries. In Great Britain, Irish citizens are treated exactly the same as British subjects.

56. The Group noted, however, that United Kingdom citizens resident in the Republic do not enjoy the following rights and privileges which are reserved for Irish citizens:

- (i) the right to vote at Dail elections, Presidential elections or referendums [paras 15-20];
- (ii) the right to be a member of the Dail or to stand as President of the Republic [para 25];
- (iii) the right to serve on juries [para 39];
- (iv) etc.

In addition, United Kingdom citizens are treated differently from Irish citizens in respect of recruitment to the Civil Service [para 29] and officer recruitment to the Defence Forces [para 34].

57. The Group noted also that in Northern Ireland, resident Irish citizens are treated differently from British subjects in respect of the following matters:

- (i) voting at local and provincial elections [para 24]
- (ii) standing for election to local authorities [para 26];
- (iii) recruitment to the Northern Ireland Civil Service [para 30];
- (iv) recruitment to the Royal Ulster Constabulary (Reserve) [para 38];
- (v) the right to serve on juries [paras 40-41];
- (vi) the receipt of supplementary benefit [para 48];

CONFIDENTIAL

58. The Group agreed that if it were decided to strengthen yet further the ties between our two countries, their work had revealed that the field of citizenship rights offered a number of candidates for further consideration. Both sides felt, however, that while it might be thought that the sorts of "anomalies" exposed by their study could be eliminated relatively easily by legislation, there were deep-rooted difficulties which stood in the way of short-term change. In particular, it was probably not possible to extend the rights of United Kingdom citizens resident in the Irish Republic without amending the Irish Constitution, and this is a matter which requires the consent of the Irish people and is not within the gift of any particular Irish Government. As for the differences in the treatment of Irish citizens resident in the United Kingdom as between Great Britain and Northern Ireland, while these could be eliminated by decision of the Westminster Parliament, any attempt to do so within a limited time scale could stir up fears that might jeopardise the aims which these Joint Studies were established to achieve.

59. At C is a summary of the matters discussed in the course of the Group's deliberations [not attached].

CONFIDENTIAL

JOINT STUDY ON POSSIBLE NEW INSTITUTIONAL STRUCTURES

Draft Report of Joint Study Group

(Based on original Irish draft. New British passages are marked with asterisks; discarded Irish passages are described in square brackets)

Background

1. The work on this subject to date has taken place in the context of the general terms of reference governing the joint studies, generally, as agreed at the meeting of the Joint Steering Group in London on 30 January 1981. For convenience, these are set out here -

120

Having regard to the ^{with} ~~(degree of mutual understanding)~~ ^{o/-} reached by the Prime Minister and the Taoiseach at their meetings on 21 May and 8 December, 1980 ~~(as expressed in the communiques issued following those meetings and in particular the reference to the need)~~ to bring forward policies and proposals

i. to achieve peace, reconciliation and stability

and

ii. to improve relations between the peoples of the two countries,

the Working Groups are asked to make proposals to assist the Prime Minister and the Taoiseach in their ~~special consideration of the totality of relationships within these islands.~~

2. The Study Group considered the elements of this totality and the characteristics comprehended by the "unique relationship" mentioned in the two joint communiques issued following the meetings of Heads of Government in 1980. Geography, history and movements of population within these islands have bequeathed to the present generation a relationship having a multiplicity of facets, including many features which elsewhere might be seen as anomalous but which have their own particular value. In many fields,

relations and co-operation between the two countries are closer and more extensive than exist between other countries in Europe that enjoy a particularly close relationship. There was agreement that in considering possible new institutional structures, it was necessary to envisage structures *which would help to break down the barriers between the two countries without giving offence to significant sections of the people of either*; and which would correspond adequately to the complex reality of the unique relationship and encompass the totality of relationships within these islands.

3. There was agreement that over a very wide range, these relationships involve common interests, mutually beneficial exchanges and developing co-operation appreciated on both sides. While there were some divergences of interest and differences of view on certain matters, these were in general not such as to have adverse consequences on the links between the two countries and their peoples. At the same time, it was recalled that the Communique of 8 December 1980 had recorded agreement that the full development of these links had been put under strain by division and dissent in Northern Ireland. This would need to be taken fully into account in considering possible new institutional structures.

[Additional Irish text preceding this sentence read -

"It was accepted by the Working Group that the situation in Northern Ireland, involving over the last twelve years widespread loss of life, injuries and destruction, was regrettably but undeniably central to the totality of relationships within; and that..."

The British side objected to this on the grounds that it was important that the expression 'totality of relationships' should not become a codeword for the 'Northern Ireland problem.]

Ambit of Studies

4. The Study Group acknowledged, as part of the background to its work, the constitutional framework in which the position of Northern Ireland within the United Kingdom cannot be changed without the consent of a majority of the people of Northern Ireland. The Irish side indicated that the possible structures to be studied should include all structures which in the view of either side could contribute, over whatever timescale

CONFIDENTIAL

and fully recognising the need for consent, to the objectives of peace, reconciliation and stability and the improvement of relations between the two countries. They indicated their intention to table papers on institutional structures which might come into existence in Ireland on the basis of consent in the medium and long-term. The British side indicated that they could not be associated with any* papers affecting the constitutional position of Northern Ireland*

[The Irish text from * to * read -

"such papers which would therefore go forward in any report to Heads of Government simply as options described by the Irish side on which the British side made no comment."]

A New Inter-Governmental Structure [Irish version: 'Anglo-Irish Council']

5. It was agreed, having regard to the considerations set out in paragraphs 2 and 3 above, that in the immediate future attention should focus on the possibility of *the Republic of Ireland and the United Kingdom establishing a new inter-governmental structure; and on the nature, purposes and functions of such a body.* [Irish version: 'establishing an Anglo-Irish Council and on the possible structure, purposes and functions of such a body.'] It was agreed that the study of this concept should be conducted with due regard to the need for care and prudence in the eventual presentation of any decision based on it. It was also accepted that there would be special emphasis on the durability and capacity for development of the structure proposed.

6. A number of structural models for inter-governmental co-operation, particularly in Europe, were examined. These included various aspects of the European Economic Community, the Benelux arrangements, the Council of Europe, the Nordic Council, the Franco-German Co-operation Treaty and arrangements between the United Kingdom and France and the Federal Republic of Germany, including the Anglo-French Council and the Konigswinter Conferences. While the Working Group acknowledged that there were useful elements in some of these models, it was agreed that no one such model provided a basis for what was likely to be required in the unique Anglo-Irish context.

CONFIDENTIAL

CONFIDENTIAL

7. It was also agreed that the *new inter-governmental structure might initially take the form of a joint Ministerial Committee or* Council constituted on a flexible basis, with the creation of other structures *(eg in the Parliamentary field)* envisaged after an appropriate interval in the light of progress in developing co-operation. [The Irish text down to * below continued: 'The primary purposes or functions of this Ministerial Council would be to bring'] The Irish side considered that the new body should be called the "Anglo-Irish Council"; the British side preferred eg the "Anglo-Irish Standing Committee" or "Anglo-Irish Permanent Commission". For convenience in this report it is referred to as "the Council /Committee or 'the (Ministerial) body'. In principle, no aspect of the totality of relationships within these islands would lie outside its purview. Its purposes and functions would include bringing* forward policies and proposals to achieve peace, reconciliation and stability and to improve relations between the peoples of the two countries.

It would also have such more specific functions as were conferred on it by agreement between the two Governments, either before its establishment or from time to time thereafter.

8. The Ministerial body should have flexible characteristics, permitting it to subsume many of the existing patterns of contact between the executive branches of Government, *although informal contact between officials on a non-institutionalised basis should of course continue wherever convenient.* Thus, meetings would be possible at Head of Government and Ministerial level and at that of Minister's Deputies or other officials. Different counterpart Ministers could meet in pairs or in groups, with each such meeting constituting a meeting of the body whenever both sides so agreed in advance, with any equal number of Ministers, up to a limit to be decided. The structure of the Council/Committee would embrace contacts of a North-South (Dublin-Belfast) well as an East-West (Dublin-London) nature. ^{A-A} There would be advantage in convening at appropriate intervals meetings of the body at which the Secretary of State for Northern Ireland and the Minister for Foreign Affairs, accompanied by other Departmental Ministers concerned, would review the full range of co-operation on North-South matters. *To prepare for such meetings, and to consider questions of North-South co-operation generally, there should also be periodic meetings of Ministers' Deputies*.

^A
L although there would naturally
not impinge on the Constitutional Status of N. Ireland. A.

CONFIDENTIAL

CONFIDENTIAL

[The Irish text from * to * read -

'To prepare the work of the Ministers, there might be provision for a separate Committee of Ministers Deputies for North-South co-operation generally.'

The British side argued that the proposal for a separately identified committee for North-South co-operation raised difficulties.]

9. Other aspects of the character and functions of the Council/Committee will require further consideration to take account of the results of other studies. Preliminary consideration suggests that it should be possible to reach agreement that the body would be involved in a range of areas comprehended by the subject-matter of other studies in progress viz citizenship rights, security matters, economic co-operation, and measures to improve mutual understanding. Provision should be made* for consultation under the aegis of the Council/Committee at the discretion of either Government, on major issues having* [Irish text: 'for prior consultation under the aegis of the Council of all major decisions or initiatives by either Government likely to have ...'] implications for the achievement of peace, reconciliation and stability or the improvement of relations between the peoples of the two countries. As in the case of the Nordic Council of Ministers the Council/Committee should have the power to establish bodies, in particular in areas of economic co-operation or areas concerned with the promotion of mutual understanding, where joint activity may be agreed to be desirable.

10. *The extent to which the Ministerial body would require a Secretariat should become clearer in the light of experience. Initially, designated officials from each Government might on a part-time basis constitute an ad hoc secretariat as required for individual meetings.* [The Irish text included, unnecessarily, a more specific passage on the arrangements for a Secretariat.]

11. *The Council/Committee should be free to agree on the joint expenditure of any funds made available by the two Governments (under their normal procedures) for purposes of common interest, although such agreement should clearly not be a prior condition for any unilateral expenditure by either Government.* [The Irish text left space for a passage on finance]

CONFIDENTIAL

CONFIDENTIAL

Legal Basis

12. Preliminary consideration of legal aspects suggests that it would be possible to establish an Anglo-Irish Ministerial Council/Committee without legislation in either country. In Ireland, however, a formal written inter-governmental agreement would have to be laid before the Dail. In addition, if the establishment of the body in some way involved a charge on public funds, the approval of the Dail would be necessary. If the body were to have powers with any legal effect in Ireland or if it were to exercise in Ireland any legal control over funds allocated to it, Irish legislation would be required. One formula would be to give the Council/Committee the status of a body corporate on the model of the Foyle Fisheries Commission.

United Kingdom officials believe that the Council/Committee would not initially at least require to be vested with powers, since any action to which it gave rise could be taken through national departments. On that basis, and so long as any expenditure involved was met from existing departmental votes, there would be no need for United Kingdom legislation. A formal agreement could (but need not) be used to establish the Council/Committee. If it were, it should normally be laid before Parliament.

[The Irish text left space for a British legal contribution, as now inserted]

Possible inter-parliamentary Structure

13. *It was agreed that it would be a natural development for the establishment of a new intergovernmental body to be followed in due course by the establishment of a complementary inter-parliamentary body.* [This paragraph, the next, and the passage from * to * in the following paragraph replace a more detailed and specific Irish passage, which now appears at Appendix.]

14. *The British side considered that this should be left for further consideration in the light of experience and of any opinions which might over time be expressed by members of either or both of the two national Parliaments (or by British or Irish members of any other relevant parliamentary body, such as the European Parliament or any Assembly which might be established locally in Northern Ireland), and that in the meantime efforts should be made to deepen and broaden the activities and composition of the existing Anglo-Irish Parliamentary Group."

15. *The Irish side considered that it would be preferable to take as an objective the establishment of* a Parliamentary Assembly, associated with the Ministerial Council/Committee, within about four years from the date of the latter's establishment. In the interval the immediate aim should be the creation of an Anglo-Irish Parliamentary Consultative Committee, with a smaller membership of perhaps half that envisaged for the Assembly. This would provide a forum for a more regular and structured pattern of inter-parliamentary exchanges and would represent a natural development of the existing

CONFIDENTIAL

links while facilitating the involvement of Northern Ireland representatives. While the existence of the Consultative Committee and the fact of its meeting would be known, proceedings would be in private. Having regard to the existence and activities of a Ministerial Council/Committee with functions bearing on for example, economic co-operation, it might be expected that parliamentarians of all parties would be prepared to participate in private exchanges. If this expectation were realised, a basis of trust and perceived mutual interest might be laid during the 4 year period in preparation for the transformation of the Consultative Committee into a Parliamentary Assembly, which as a general rule would meet in public session. Illustrative details of how such an Assembly might be composed and function are attached at Appendix.

Structures for Exchanges on a Wider Basis

16. It was agreed that, in the pursuit of the objectives sought, it would be advantageous and important to ensure the existence of structures that would provide for the widest possible contact and participation in the process of closer co-operation. It was accepted that this required structures that would provide a forum which could include persons other than Ministers, parliamentarians and officials. It was felt that the objective should be to work towards the creation of an Advisory Committee on economic, social and cultural co-operation, associated with the Council/Committee. Foreign models which were considered here were the Economic and Social Advisory Council within the Benelux arrangements and the Economic and Social Committee of the European Community. However, as the principal objective should be the promotion of contact and exchanges across a wide front of economic activity and of society within these islands, the membership should be reasonably large and in composition should reflect categories of economic and social activities. These features may require that the full meetings would take place not more than twice a year, although the body itself could perhaps make provision for separate meetings, at more or less frequent intervals, of any subsidiary bodies it established. The objective should be to have procedures a good deal more flexible and pragmatic than those of the EC body. However, it can be envisaged that the Committee would advise the Ministerial body on economic and social matters referred to it, would be able to issue opinions on its own initiative in fields to be determined, and would present an annual report on the state of economic, social and cultural co-operation, including recommendations.

CONFIDENTIAL

17. The study group considered that some time would be needed to assess how an Advisory Committee might best operate in the light of the development of closer co-operation. It considered, however, that there was an immediate need, as an interim measure, to provide a satisfactory structure for the promotion and review, in a central forum, of contacts and exchanges between wider economic and social circles. In this regard, the Study Group took note of the existence of the British-Irish Association, of Co-operation North, of the Anglo-German Königswinter Conferences and of the Anglo-French Council. It was agreed that the British-Irish Association and Co-operation North had done useful work but that under existing arrangements they do not provide a suitable basis for what is required. It was felt that in general there was a need for a greater degree of Governmental guidance of activities than has characterised the work of these bodies. *An "Anglo-Irish Königswinter" organisation should be established and financed by the two Governments, although its day-to-day management might be entrusted to a panel composed largely of independent public figures. Its prime function should be to organise a high-level annual conference on the Königswinter model, which could bring together participants drawn from wider circles than those traditionally concerned with the discussion of Irish questions. Trades unionists, agriculturalists and Irish/British residents in Britain/Ireland might be included as well as industrialists, academics, journalists, church leaders, politicians and officials. Smaller periodic seminars on specialised themes could also be arranged.* [The passage from * to * and the next paragraph are additional text drafted by the British side in the light of the Study Group's meeting on 13 April].

18. *Ideas generated at such conferences (or seminars) might usefully be considered by the two Governments at appropriate meetings of the Ministerial Council/Committee.*

April 1981

A PARLIAMENTARY ASSEMBLY: ILLUSTRATIVE DETAILS

(Note by the Irish Side)

[See note at end of paragraph 13 of covering paper]

The Assembly might be in a position to exercise its functions when at least thirty members of its full complement of forty registered as taking up their seats. In current circumstances this complement might be envisaged as composed as follows:

- i. fifteen members nominated by the Irish Government
- ii. fifteen British members nominated by the British Government
- iii. the three representatives of Northern Ireland in the European Parliament
- iv. seven members elected from among their number by the proportional representation (STV) system by the members elected to the House of Commons for constituences in Northern Ireland.

2. The panels from which those nominated by the British and Irish Governments were drawn need not be confined to members of the House of Commons or Dail Eireann, respectively but could include other parliamentary representatives from either country ie Members of the European Parliament; of Seanad Eireann and of the House of Lords. It would be understood - and specific provision might perhaps be made - that the composition of the nominees of the British and Irish Governments would be as close as possible in being proportionate to the representation of political parties in the lower or directly elected House in each country. The tentative composition outlined would require to be reviewed in the light of any election of members to a devolved assembly in Northern Ireland but the provision suggested at iv. above might remain valid after the envisaged increase in the number of Northern Ireland Members at Westminster.

3. Such an assembly might meet once a year, possibly in the period in the autumn before the resumption of sittings by both Parliaments. Provision might be made for the creation of a smaller Standing Committee of say, 13 members which would meet twice a

CONFIDENTIAL

year alternately in the two countries, to prepare and to follow through on the work of the assembly. At the assembly's annual meeting, its members might be joined, as in the case of the Nordic Council, by representatives of the two Governments, who would participate on a non-voting basis.

4. The ambit and purpose of the Assembly would correspond to that of the Ministerial Council/Committee. Its functions would essentially be consultative advisory and review in nature. They could discuss and/or debate the activities of the Ministerial Council/Committee and review the work of ancillary bodies, on the basis - but not exclusively so - of an annual report on co-operation from the Ministerial Council. There could be provision for written and oral questions to Ministers. Further consideration, would have to be given to a range of matters, including terms of office, the submission of reports, the formation of committees, servicing (see paragraph 10 dealing with Secretariat) and rules of procedure, (possibly to be adopted by the assembly subject to the consent of the Ministerial Council Committee), voting (possibly 27 affirmative votes required to pass a resolution or alternatively two-thirds of those present), remuneration (possibly payment in respect of attendance, as in case of House of Lords).

CONFIDENTIAL



CONFIDENTIAL

10 DOWNING STREET

FleKB

Ireland.

From the Private Secretary

5 May 1981

BT for mtg (not yet fixed)

ANGLO/IRISH JOINT STUDIES

The Prime Minister has seen Robert Armstrong's minute to her of 29 April, and his subsequent minute to me of 1 May, on this subject. As you know, she was not at all happy with the papers attached to that minute. She is not prepared for them to be put to the Irish in their present form. It will, therefore, be necessary to have an early Ministerial meeting to discuss the way ahead. We here will be arranging this.

I am sending copies of this minute to John Halliday (Home Office), Roderic Lyne (Foreign and Commonwealth Office), Stephen Gomersall (Lord Privy Seal's Office), Roy Harrington (Northern Ireland Office) and Brian Norbury (Ministry of Defence).

M. O'D. B. ALEXANDER

D. J. Wright, Esq.,
Cabinet Office.

Sp

CONFIDENTIAL



B/F to Aristotel
meeting when arranged.

Paul

10 DOWNING STREET

3 May 1987.

THE PRIME MINISTER

Anglo-Irish Joint Studies -

This is the most alarming set of papers on the U.K / Irish situation I have read. They reveal starkly a total difference of approach. We are trying to achieve increasing co-operation and reconciliation between our two countries, i.e. U.K and the Republic. They are using every study as a step towards takeover. If these papers go ahead to publication even on an agreed to different basis I am not prepared to go on with the studies. The Irish view would view such mistrust, hostility and downright anger in the North that it would set Anglo-Irish relations back for years and do untold harm to many innocent people of the Protestant para-military groups needed. It is no longer a question of cheapening the wording of the two studies. We are at the heart of the matter MS.

CONFIDENTIAL

~~MR. ALEXANDER~~

Anglo-Irish Joint Studies

Lord Carrington has now seen Sir Robert Armstrong's minute to the Prime Minister of 29 April and attached papers. He is content with these, subject to the two following comments:

(a) The third sentence of paragraph 8 of the draft Report on Institutional Structures seems to ~~me~~^{him} unsatisfactory as it stands. I have agreed with his office that his point here would be met by adding the following words at the end of the sentence: "... although these would naturally not ~~obscure~~^{disrupt} impinge on the constitutional status of Northern Ireland." *disrupt?*

(I have amended the text. Rm)

(b) He recognises the symbolic importance for Mr. Haughey of the title "Council" for the proposed inter-Governmental structure, and the force of HM Ambassador in Dublin's advice on this point. But he is concerned that use of "Council" would be difficult to sell to public opinion particularly among the majority community in Northern Ireland. He would therefore prefer further Ministerial consideration of this point, before it is indicated to the Irish that a concession on it would be possible.

Agreed

(SIGNED) R. L. WADE-GERY

1 May 1981

CONFIDENTIAL



Foreign and Commonwealth Office

London SW1A 2AH

1 May 1981

Dear Michael,

Anglo/Irish Joint Studies

You asked for the views of the Foreign and Commonwealth Secretary and the Lord Privy Seal on the proposals in Sir Robert Armstrong's minute of 29 April to the Prime Minister, which enclosed British drafts for the Joint Reports of the Study Groups on Institutional Structures and Citizenship.

Lord Carrington wishes to make two points on the draft on Institutional Structures. The first concerns the use of the word "Council" to describe the Anglo/Irish structure. Lord Carrington is aware of the symbolic importance of this term to Mr Haughey on which HM Ambassador at Dublin commented in his telegram No 91 of 31 March (copy enclosed for ease of reference). However, he is concerned that this term conveys the idea of a formal body and might therefore be difficult to sell to public opinion, particularly among the majority community in Northern Ireland. Given the importance of this question, Lord Carrington would prefer that there should be further Ministerial consideration of the point before it was indicated that an Irish concession on it was possible.

Lord Carrington's second point relates to paragraph 8 of the draft report of the Joint Study Group on Institutional Structures. The third sentence of this paragraph states that "the structure of the Council/Committee would impose contacts of a North/South (Dublin-Belfast) as well as an East-West (Dublin-London) nature". Lord Carrington is concerned that unless the scope of these "contacts" is defined, the suspicion could arise that we were discussing controversial matters relating to Northern Ireland without the Northern Irish being represented. I have discussed this point with Robert Wade-Gery who suggested that we should add to the sentence: "although these would naturally not impinge on the constitutional status of Northern Ireland". In the time available, I have not had an opportunity to check this

/wording



wording with the Foreign and Commonwealth Secretary or with officials here, but my impression is that it would meet the point that Lord Carrington would wish to make.

I am sending copies of this letter to Robert Wade-Gery and David Wright at the Cabinet Office, and to the Private Secretaries to the Home Secretary, the Secretary of State for Northern Ireland, the Secretary of State for Defence and the Lord Privy Seal.

Yours ever

Roderic Lyne

(R M J Lyne)
Private Secretary

M O'D B Alexander Esq
10 Downing Street

LRS 315
CONFIDENTIAL

CONFIDENTIAL

FM DUBLIN 311600Z MAR 1981

TO IMMEDIATE DESKBY F C O (010800Z)

TELEGRAM NUMBER 91 OF 31 MAR

ANGLO/IRISH JOINT STUDIES

1. I HAVE BEEN CONSIDERING ALEXANDER'S LETTER OF 19 MARCH TO WALDEN ABOUT PROGRESS IN THE JOINT STUDIES. I QUITE SEE THE DIFFICULTIES ON OUR SIDE IF THE PACE OF EVENTS SEEMS TOO SWIFT. BUT AS THE LETTER POINTS OUT IT IS IMPORTANT TO MAKE SUFFICIENT PROGRESS TO ENSURE THAT MR HAUGHEY DOES NOT FEEL FORCED TO BREAK OFF THE JOINT STUDIES.
2. I AM AFRAID THAT IF WE SUGGEST TO THE IRISH AT THE NEXT MEETING THAT REFERENCE TO A COUNCIL OR A CONFERENCE BE REPLACED BY REFERENCE TO A COMMITTEE, THIS COULD WELL BE TAKEN BY THEM AS A STEP BACKWARDS. THE STANDING COMMITTEE ON ANGLO-IRISH COOPERATION SOUNDS TOO MUCH LIKE THE ANGLO-IRISH COMMITTEE ON ECONOMIC COOPERATION WHICH WHILE ACCEPTABLE AT A WORKING LEVEL HAS NO IMPACT POLITICALLY.
3. IT COULD BE DANGEROUS FOR US TO MAKE THIS CHANGE OF EMPHASIS WITHOUT BEING SURE IN ADVANCE THAT IT WOULD NOT CAUSE TOO MUCH DAMAGE AT THIS EARLY STAGE. AT THE NEXT SET OF MEETINGS, THE IRISH WILL EXPECT TO PURSUE THE DISCUSSIONS OF IDEAS ABOUT AN ANGLO-IRISH COUNCIL. IN THE LIGHT OF MR HAUGHEY'S PRESENT ECONOMIC AND POLITICAL DIFFICULTIES IT COULD MAKE LIFE VERY DIFFICULT FOR HIM IF HE HEARS THAT AN ANGLO-IRISH COUNCIL OR SOMETHING SIMILAR IS NOT A POSSIBILITY. IT IS WORTH RECALLING THAT HE SEES A CLEAR CONNEXION BETWEEN SECURITY COOPERATION WITH US AND POLITICAL ADVANCE.
4. RECENTLY THE THEME OF THE EXTRA FINANCIAL COST OF SECURITY MEASURES WHICH RELATE TO THE BORDER HAS RE-EMERGED IN THE PRESS. THESE COSTS REPRESENT 15% OF THE TOTAL PROJECTED IRISH BUDGET DEFICIT THIS YEAR WHICH MUST BE WORRYING FOR MR HAUGHEY ON PURELY ECONOMIC GROUNDS. IT IS LIKELY THAT THE ELECTIONS IN THE REPUBLIC WILL BE HELD IN MAY/JUNE AND IT SEEMS ESSENTIAL THAT WE KEEP THE MOMENTUM OF THE JOINT STUDIES GOING TILL AFTER

CONFIDENTIAL

THEN.

He too needs security cooperation. The need is not all on our side.

He could be in danger of attacks in the south unless he has time to stamp out terrorism.

CONFIDENTIAL
TO PRI
TELETYPE

CONFIDENTIAL

THEN. IF WE CANNOT AT THIS STAGE MATCH THE IRISH MINIMUM DEMAND ON INSTITUTIONS WE SHOULD TRY AND PLAY FOR TIME. REFERENCE TO APPREHENSIONS IN THE NORTH WOULD BE WELL UNDERSTOOD AS A REASON FOR TAKING THINGS MORE SLOWLY. WHAT WE MUST AVOID IS OFFERING SOMETHING THE IRISH CANNOT ACCEPT AND NOT BEING ABLE TO IMPROVE ON IT.

FIGG

NORTHERN IRELAND LIMITED
RID PS/MR HURD
NAD PS/MR RIDLEY
INFORMATION D PS/MR BLAKER
WED PS/PUS
MAED SIR A ACLAND
NEWS D CHIEF CLERK
SECURITY D MR ADAMS
PUSD MR BULLARD
PS MR FERGUSSON
PS/LPS LORD N G LENNOX
MR BRAITHWAITE

ADDITIONAL DISTN.
NORTHERN IRELAND

2
CONFIDENTIAL

I agree with Lord C.
The Irish want the word
'Council' precisely because
it conveys the very message
we do not want

Ref. A04810

MR ALEXANDER

it to convey. No

CONFIDENTIAL

Prime Minister

(1)

I refused to submit these papers to you
until your colleagues had given their
views. These are now set out below.

They are content except on the reference
to an 'Anglo-Irish Council': this will
presumably have to be the subject of a
further Ministerial meeting. Subject to
that, do you agree that the drafts can
be sent to the Irish? *1/5*

Some words can alter that -
I should be reluctant to

Anglo-Irish Joint Studies

Further - I should be reluctant to
send the draft to
the Irish
until the
unavoidable
problems with
the merger
issues are
resolved.
me

In the light of your minute to Mr Wright of 29 April and of the extreme

difficulty of assembling a meeting of the Ministerial Committee on Anglo-Irish
Relations in the limited time available, it was agreed yesterday that before my
minute of 29 April was put to the Prime Minister the Cabinet Office should first
establish that its Ministerial recipients were content with what was there
proposed.

2. The Home Secretary, the Lord Privy Seal and the Secretary of State for
Defence have all now seen the papers and agree with them. The Home Secretary,
who against the Sunningdale background was at the Prime Minister's meeting on
19 March particularly doubtful about "The Anglo-Irish Council" as a title for the
proposed intergovernmental structure, has now indicated specifically that he
would be content with that title, provided that the Prime Minister was also con-
tent. The Secretary of State for Northern Ireland has also seen and agreed the
papers, although he does not wish to underestimate the difficulties which using
the "Council" title might involve.

3. The Foreign and Commonwealth Secretary (who is not a member of the
Ministerial Committee on Anglo-Irish Relations) has not yet had time to study
the papers. Mr Walden, who expects him to agree with them, hopes he will do
so this evening, or at latest while flying to Rome on Sunday. Mr Walden will
arrange for the No 10 Duty Clerk to be informed of Lord Carrington's views as
early as possible during the weekend.

See now
Mr Wade-Clegg's
minute,
attached.
1/5

a letter from Lord Carrington's office
setting out his views has now arrived
and is immediately below.

REA

ROBERT ARMSTRONG

1 May 1981

Anglo-Irish Co-operation - CONFIDENTIAL
Council?

CONFIDENTIAL

PRIME MINISTER

Anglo-Irish Joint Studies

In the light of your meeting on 19th March (Mr. Alexander's letter to Mr. Walden of that date), which reviewed the first round of meetings of the Anglo-Irish Joint Study Groups, comments were passed to the Irish as proposed in the Lord Privy Seal's minute to you of 3rd April. A second round of meetings of the Study Groups then took place on 13th-14th April. I submit a report to me on these by the Chairman of the Official Committee on Anglo-Irish Relations, Mr. Wade-Gery.

2. As you will see, Citizenship has now emerged as a potentially sensitive study, along with Institutional Structures. Mr. Wade-Gery's report attaches (at Annexes A and B) British drafts for the Joint Reports of these two Groups. I should be grateful for your agreement that these should now be given to the Irish.

3. The other three Study Groups are not expected to give rise to difficulty. We are continuing to press the extradition point in the Security Group. For the report of the Group on Measures for the Encouragement of Mutual ~~Mi~~ Understanding, some care will be necessary over the drafting of a passage on Mutual Misconceptions; the proposed British draft for this passage is also attached to Mr. Wade-Gery's report (at Annex C).

4. All five Joint Reports are likely to be agreed at a third round of meetings to be held by mid-May. Where the attitudes of the two sides cannot readily be reconciled, they will simply be recorded side by side. We shall not therefore need to shift from our own essential positions; and by the same token we shall not be able to control what the Irish side wish to say about theirs. We shall have a chance to review the disputed passages between the meetings of the Study Groups and the next meeting of the Joint Steering Group, at which the Joint Reports will in the first instance be considered.

CONFIDENTIAL

CONFIDENTIAL

5. When the Joint Steering Group held its first meeting on 30th January it was agreed in principle to meet again about the beginning of May to review progress and to consider what could be reported to you and the Taoiseach. The Steering Group cannot now meet until about the middle of May. But unless it meets before the Spring Bank Holiday, it will have to stand over to around mid-June. The Irish have strongly urged (for reasons unstated but presumably connected with their electoral timetable) that we ought to meet in May. The best date available seems to be 20th May, which happens to be also the date of the local elections in Northern Ireland. The Northern Ireland Office do not consider that this coincidence matters: there will be no publicity for the meeting. We shall therefore be going ahead accordingly.

6. How we proceed after the Steering Group meeting will depend partly on whether the Irish decide to bring forward further proposals in the institutional field, as they have hinted that they may; and partly on the interrelated questions of when Mr. Haughey has his elections and when you have your next Summit meeting with him. The Irish still seem to be thinking in terms of a July Summit. ?

7. Despite the difficulties it seems clearly in our interest to keep the Studies going, as part of the preparation for the next Summit. Their existence, as the product of the Dublin Summit and the vehicle by which its spirit is kept in being, has no doubt contributed to the Irish Government's comparatively restrained behaviour over the Sands affair so far.

8. I am sending copies of this minute and the enclosure to those who attended your meeting on 19th March, viz the Home Secretary, the Foreign and Commonwealth Secretary, the Lord Privy Seal and the Secretary of State for Northern Ireland; and to the Secretary of State for Defence.

RIA

Robert Armstrong

29th April, 1981

*Delay further
because of
NOR Sands
meeting has
I think it
does matter
will be*

ANGLO/IRISH STUDIES

JOINT STUDY ON CITIZENSHIP RIGHTS

REPORT OF JOINT STUDY GROUP

1. Following the agreement contained in the Communiqué issued after the Dublin meeting between Heads of Government in December 1980, we were given the following terms of reference:

- (1) "To review the rights and privileges accorded to citizens of each country while residing within the jurisdiction of the other, including those relating to voting, social security, employment and consular protection; to compare these with the rights and privileges enjoyed by citizens of the host country; and to consider whether the rights and privileges could be further assured, harmonised and extended on a mutual basis.
- (2) To review the obligations and duties of citizens of each country residing within the jurisdiction of the other, including those in respect of taxation and jury service; and to compare these with the obligations and duties of citizens of the host country.
- (3) To consider any anomalies revealed by these reviews and whether they might usefully be rectified."

2. We have held 3 meetings - in Dublin on 12 March and [] May and in London on 14 April - and have agreed this report as a summary of the points that have been discussed.

BASIS ON WHICH RIGHTS ARE CONFERRED

3. We agreed, as a preliminary, to detailed scrutiny of specific issues,

/to examine..

CONFIDENTIAL

to examine the framework within which the United Kingdom and the Republic of Ireland confer the rights normally associated with citizenship and to see how this affects the approach to the treatment of the *500,000 citizens of the Republic resident in the United Kingdom and the *50,000 British citizens resident in the Republic

REPUBLIC OF IRELAND

4. The rights of citizens, under various heads, are set out in the Constitution of the Republic (Bunreacht Na H'Eireann). The Constitution guarantees certain fundamental rights and entitlements, provides for the practical exercise by the people of their Sovereignty expressed in the Parliamentary system, in referenda and the election of the President, and determines the basis on which provision is made for social rights such as education.

Position of non-Irish citizens

5. It is not clear from the text of the Constitution whether the rights and entitlements conferred by it are the exclusive privilege of citizens of the Republic, or whether some or all of these extend to all resident persons including foreign nationals such as British subjects.

6. In practical terms, there appears to be no evidence of a dissatisfaction among non-Irish citizens, including British subjects, about their position. This question has arisen in a limited number of cases which, while not conclusive, show, in the view of the Irish side, that no non-Irish citizen who has raised a Constitutional issue before the Courts has failed /to obtain..

* Estimates derived from the 1979 Labour Force Survey

to obtain a full hearing and reasoned decision. The Irish side also point out that it seems to be the exception rather than the rule for the Courts to refer to the issue of citizenship and the locus standi of a petitioner.

..... (The most important of these are summarised by the British side at Annex A. [not attached])

7. Nevertheless, the Irish Constitution does not explicitly protect the position and the rights of any non-Irish citizen resident in Ireland. In common with the United States Constitution on which it is to some extent modelled, it is designed to protect the rights of Irish citizens. Whatever view is taken of the possible general application of sections of the Constitution to non-Irish citizens there is certainly no direct or special reference to the rights of British subjects.

8. The Group noted the lack of special constitutional protection for British subjects resident in Ireland as one of the matters which might be considered if it were decided by Heads of Government to strengthen yet further the links between our two countries.

UNITED KINGDOM

9. In contrast to the Republic of Ireland, the United Kingdom does not have a written Constitution or any form of "basic law" which purports to define the rights and privileges of its citizens or other persons residing within its territory. Such rights and privileges are provided under specific legislative authority.

10. Section 2 of the Ireland Act of 1949, which was passed after the Republic withdrew from the Commonwealth and severed its last formal links with the British Crown, provides that the Republic is not to be treated as

CONFIDENTIAL

/a foreign....

CONFIDENTIAL

a foreign country and that its citizens resident in the United Kingdom, while they could no longer be regarded as Commonwealth citizens, are not to be regarded as aliens.

11. Citizens of the Republic of Ireland resident in the United Kingdom are thus in a unique position. This seems to be highly valued by Irish opinion within the Republic and to have been of mutual benefit to the people of both countries.

12. The Irish side, while accepting the significance of the continuing special position held by the citizens of the Republic resident in the United Kingdom, noted that it rests only on legislation passed by the Westminster Parliament and is therefore open to amendment by that Parliament. The British side acknowledged that all laws (including a Constitution) are man-made, and can be amended, but pointed out that the special status enjoyed by Irish citizens in the United Kingdom, while sometimes the subject of contention in certain quarters, has never been seriously questioned in the United Kingdom and represents a commitment on the part of successive British administrations of differing political complexions.

ANTI-DISCRIMINATION LEGISLATION

13. Irish citizens resident in the United Kingdom enjoy also the protection provided to all residents by the anti-discrimination laws. In Great Britain all residents, including Irish citizens, are subject to, and protected by, the provisions of the Race Relations Acts. The 1976 Act makes discrimination on racial grounds unlawful in the fields of employment, education and the provision of goods, facilities, services and premises (for the purpose of the Act "racial grounds" means any of the following: colour, race, nationality or ethnic or national origins). In Northern Ireland the

CONFIDENTIAL

/Northern Ireland

Northern Ireland Constitution Act 1973 makes it unlawful for public bodies to discriminate against any person on the grounds of religious belief or political opinion, and renders discriminatory legislation void; and the Fair Employment (Northern Ireland) Act 1976 makes it unlawful for an employer to discriminate in relation to employment on those grounds.

14. In addition, the Race Relations Act ¹⁹⁷⁶ amended the Public Order Act 1936 to make it a criminal offence in Great Britain to publish or distribute written matter, or use in any public place or at any public meeting, language which is threatening, abusive or insulting and likely, having regard to all the circumstances, to stir up racial hatred against any racial group in Great Britain. In Northern Ireland the Prevention of Incitement to Hatred Act (Northern Ireland) 1970 makes it an offence to stir up hatred against, or arouse fear of, any section of the public on grounds of religious belief, colour, race or ethnic or national origin. The difference between the legislation in force in Great Britain and in Northern Ireland, which the British side explained in terms of differing circumstances applying in each of these parts of the United Kingdom, was noted ~~by the Irish side~~ as a subject for consideration etc.

SPECIFIC RIGHTS AND PRIVILEGES

VOTING RIGHTS

(1) REPUBLIC OF IRELAND

15. At present, only resident citizens of the Republic of Ireland may vote at elections to the Dail, at presidential elections and at referendums. All citizens of the European Community resident in the Republic may, however, register to vote at the election of Irish representatives to the European Parliament; and all qualified persons, regardless of nationality, may register to vote at Irish local elections.

16. There was some expectation in the United Kingdom in the late 1940s, when the present voting arrangements for Irish citizens in the United Kingdom were consolidated, that the Irish authorities would introduce reciprocal arrangements for British nationals resident in the Republic. In the event, no such arrangements were made, nor has the Government of the Republic been under any pressure from either the United Kingdom Government or United Kingdom nationals resident in the Republic to do so.

17. At their meeting in December 1980, the Taoiseach told the Prime Minister that, following examination of the constitutional, legal and other aspects of the matter, he was now prepared to present proposals to effect an extension of the Irish franchise to permit United Kingdom citizens to vote at elections to the Dail. These proposals might have to be held over until pending changes in British nationality law had been brought forward.

18. The Irish side pointed out that as the franchise in the Republic is determined by the Constitution, it is not within the power of the Government or the legislature to alter it without reference to the "Irish people"; i.e. without satisfying the specific provisions established by the Constitution for its amendment. These include the holding of a referendum. Nevertheless, the Taoiseach intends to introduce legislation to affect the limited but nevertheless fundamental extension of the franchise referred to above (i.e. for Dail elections only), leaving it to the Supreme Court to decide ultimately whether such legislation is intra vires.

(Before signing a Bill into law, the President of the Republic may refer it to the Supreme Court for its opinion as to its constitutionality and it was the view of Irish officials that a Bill to extend the franchise would probably be referred to the Court in this way in order to prevent a situation arising in which the results of an election were challenged on the grounds that the franchise had been extended unconstitutionally.)

in the view of the Irish
19. The text of the Constitution of the Republic is such that, while/siáe
may just be possible to extend the franchise for Dail elections by
legislation, it is most unlikely that the franchise for Presidential
elections or referendums could be extended without formally amending the
Constitution. For this reason, the present Government of the Republic does
not intend to refer to these elections in their proposed legislation about
the Dail franchise as it believes that to do so would considerably increase
the risk of the extension of the Dail franchise itself being declared
invalid on the grounds that it was repugnant to the Constitution.

20. The Group noted that even after the franchise at Dail elections had
been extended as now proposed by the Taoiseach, there would not be complete
reciprocity of voting rights at national elections and proposed this matter
as a subject for consideration etc.

(2) UNITED KINGDOM

21. The voting rights of the citizens of the Republic of Ireland resident
in the United Kingdom are identical to those enjoyed by British subjects,
including Commonwealth citizens, as far as the franchise used at national
elections in the United Kingdom is concerned - i.e. elections to the
Westminster Parliament, the election of United Kingdom representatives to
the European Parliament, and at such referendums as have been held. There
are certain statutory disqualifications which are common to British subjects
and Irish citizens, and only those citizens entered on an electoral register
are entitled to vote. Residence is a necessary qualification for electoral
registration. This is not defined as far as the electoral law in
Great Britain is concerned, but the courts have indicated that "overnight"

/residence....

CONFIDENTIAL

residence on the qualifying date (10 October) is not sufficient and a degree of "constructive" residence is required.

22. The residence requirements for electoral registration in Northern Ireland is specified in legislation as being 3 months continuous residence preceding the qualifying date. This definition of residence applies equally to people coming from Great Britain as to people originating in the Irish Republic or elsewhere and is explained by the fact that Northern Ireland, unlike Great Britain, has a land border with the Republic.

23. As far as local elections are concerned, the franchise in Great Britain is, with the exception of Peers of the Realm who cannot vote at Parliamentary elections, identical to that in use in national elections and in practical terms, only one register is prepared. The British Government has reserved its position with regard to the proposal to extend the franchise at local elections to all resident Community citizens as suggested by the Heads of Government in 1974, so Irish citizens resident in Great Britain remain in a privileged position compared to other non-British subjects.

24. In Northern Ireland, the franchise for local and provincial elections is confined to persons born in Northern Ireland or who have been continuously resident in the United Kingdom for the previous 7 years, provided that they are British subjects or were on the Northern Ireland Register of Electors in 1962 and have resided in Northern Ireland for the 3 months preceding the qualifying date. In effect, this excludes most citizens of the Republic resident in Northern Ireland from voting at local and provincial elections and comparison between the different registers in use in Northern Ireland suggests that about (?)4,000 potential electors may be disfranchised in

/this way...

this way. This difference between the voting rights enjoyed by Irish citizens resident in Great Britain and those resident in Northern Ireland was noted as a subject for further consideration etc.

QUALIFICATION TO STAND FOR PUBLIC OFFICE

(1) REPUBLIC OF IRELAND

25. In the Republic, the general position is that persons qualified to vote at an election to an authority are also qualified to stand for election to that authority, provided that residence and other requirements are met. Thus all resident European Community citizens may stand at local elections [and European Parliament elections]; but, at present, only resident citizens of the Republic may stand for election to the Dail. Although the present Government of the Republic has not yet considered this matter, the Group agreed that once the franchise for Dail elections has been extended to include United Kingdom residents in the Republic, it would be appropriate to extend the right to stand for membership of the Dail in the same way.

(2) UNITED KINGDOM

26. In Great Britain, any British subject (including Commonwealth citizen or citizens of the Republic of Ireland of 21 years or over and not otherwise disqualified may, irrespective of residence, be nominated for election to the Westminster Parliament or the European Parliament. There are certain residential requirements, however, for election to, and service on, local authorities. Essentially these require either residence in (or, in the case

of the lowest tier of local government in England and Wales, residence adjacent to) the electoral area, or employment in (or, as before, adjacent to) the area. In Northern Ireland the qualifications for candidature at

Westminster and European elections are the same as those which apply in Great Britain. So far as local ^{and provincial} elections are concerned, much the same residential qualifications apply as in Great Britain; but candidates must also be British subjects or have been on the Northern Ireland Register of Electors in 1962. The Group noted this additional requirement as a subject for consideration etc.

27. As far as membership of the second chamber of the legislature is concerned, a United Kingdom citizen resident in the Republic may sit in the Seanad only as ^{an} [] while Irish citizens may sit and vote in the House of Lords provided that, like a member of the House of Commons, he takes an oath (or affirmation) of allegiance to the British Sovereign. (There is no requirement that members of the Irish Parliament should take an oath of allegiance of any kind.)

QUALIFICATION FOR PUBLIC SERVICE POSITIONS

28. As for the opportunities which citizens of each country resident in the other have to serve in the public services of their host country, the position is as follows:

(1) Civil Service

29. While there is no legislative barrier to the employment of non-citizens in the Civil Service of the Republic, the Civil Service Commissioners Act 1951 gives the Commissioners power to insert in the regulations for any competition held by them a nationality clause, limiting the competition to citizens. In

/deciding....

deciding the cases in which such a requirement is to be included, the general practice of the Commissioners is to do so in the case of open competitive examinations, but not of competitions for professional and technical posts.

30. In the United Kingdom, citizens of the Republic have exactly the same rights of access to all positions in the Civil Service as do British subjects. Entry to the Northern Ireland Civil Service, however, is restricted by administrative practice to British subjects save when exemption is justified in the public interest.

31. Each side noted that in practice entry to its Civil Service was more restrictive than the formal position implied, although in the United Kingdom these restrictions did not apply at the national level but only to posts in the Civil Service serving one part of the country.

(2) Local Government Service

32. Under the centralised system operated in the Republic on the basis of regulations made by the Minister for the Environment, no nationality requirement is imposed either in the competitions held by the Local Appointments Commission (relating to local authority professional and technical posts, Chief Executive posts - such as County and City Managers, Town Clerks - and certain other statutory provisions) or in those held by the local authorities themselves for clerical administrative posts.

33. In the United Kingdom, appointment to local government posts is the responsibility of the local authority concerned. The anti-discrimination legislation prohibits local authorities from imposing nationality qualifications on candidates for employment.

/34...

CONFIDENTIAL

CONFIDENTIAL

(3) Armed and Defence Forces

34. In the Republic of Ireland there is in general no legislative bar to an alien enlisting in the Defence Forces but it would be expected that a candidate should ordinarily reside in the Republic. On the recruitment of officers, the Republic's Defence Act 1954 (section 41) states:

"each of the following persons shall be eligible to be appointed to be an officer of the Permanent Defence Force or the Reserve Defence Force, that is to say:-

(a) Irish citizens,

(b) any other persons specially approved by the Minister."

Although the Irish side gave assurances that the approval referred to at (b) would normally be given in the case of officer recruitment where specialised technical knowledge is required, the British side noted that this policy appeared to exclude British citizens from recruitment into the general officer class.

35. In the United Kingdom, there are residence requirements which apply equally to British subjects and to citizens of the Irish Republic. Recruits who are Irish citizens are, however, required to apply for registration as citizens of the United Kingdom and Colonies in order to enable them to obtain a British passport. This was a practical requirement which facilitates overseas travelling arrangements and does not prejudice recruits' status as citizens of the Irish Republic.

36. It was noted that when conscription had been in force in the United Kingdom, the courts had held that a citizen of the Republic of Ireland indefinitely resident in Great Britain was liable to national service in the same way as citizens of the United Kingdom. The British side pointed out

/that the...

that the service given by Irish citizens in the British armed forces was highly valued by British public opinion. It was seen as part of the unique relationship between the 2 countries and as a corollary of the fact that Irish citizens resident in the United Kingdom enjoyed virtually the same rights and privileges as British subjects.

(4) Police

37. There is no restriction on the recruitment of non-Irish people to serve in the Gada Siochana (Irish Police Force).

38. There are no nationality restrictions which would prevent the recruitment of Irish citizens into the regular police forces of the United Kingdom, provided that they are otherwise suitable and make a declaration of allegiance. In Northern Ireland, the present practice in respect of the RUC (Reserve) is to restrict entrants to United Kingdom citizens [? British subjects] resident in Northern Ireland. This restriction was noted as a subject for consideration etc.

THE LEGAL SYSTEM

(1) Jury Service

39. In the Republic of Ireland eligibility to serve on a jury is confined to citizens between 18 and 70 who are registered as Dail electors. British citizens are not therefore eligible.

40. In the United Kingdom, lists of jurors are prepared from the local government electoral register so that while in Great Britain Irish citizens qualify on an equal basis with British subjects, in Northern Ireland jury service is restricted to those who were born in Northern Ireland or who have

CONFIDENTIAL

been continuously resident in the United Kingdom for the previous 7 years provided that they are British subjects or were on the Northern Ireland Register of Electors in 1962 and have resided in Northern Ireland for the 3 months preceding the qualifying date for electoral registration.

41. The Group noted that jury service was another example of a right which Irish citizens resident in Great Britain enjoyed on equal terms with British subjects, while those resident in Northern Ireland are, like United Kingdom citizens resident in the Republic, treated less well than the citizens of the host country. This matter was therefore noted for further consideration etc.

(2) The Legal Profession

42. The Bars of the Republic of Ireland and the United Kingdom have agreed reciprocal arrangements for those already qualified; there are no nationality restrictions on those seeking qualification. There are no similar reciprocal arrangements as far as qualified solicitors are concerned, but access to the profession in the Republic and in the United Kingdom is not confined on nationality grounds.

(3) Appointment to the Magistrates' Bench or Judiciary

43. There are no nationality qualifications on prospective appointees to the Bench and judiciary in either the Republic or the United Kingdom. No person may hold judicial office in the latter, however, without taking the Oath (or affirmation) of allegiance to Her Majesty the Queen.

SOCIAL RIGHTS

44. The Group considered the arrangements which exist in the Republic of Ireland and the United Kingdom to provide for the basic social needs of the

CONFIDENTIAL

/resident.

resident population, including education, social service, housing and employment.

45. Neither country imposes any citizenship qualifications for educational provision, save that ex-patriate citizens of both countries are favoured with other EC countries in fees for tertiary studies.

46. Neither country imposes citizenship qualifications on eligibility for local authority housing. Local authorities in both countries sometimes impose residence qualifications for public housing and give preference to applicants from the immediate locality, but these rules do not involve considerations of citizenship.

47. As for social security, EC regulations in force in both countries provide equal access to the basic contributory and non-contributory benefits. Certain special benefits do require proof of residence but do not relate to citizenship.

48. In the Republic, the scheme of last resort is the supplementary welfare allowance. Every person in the Republic whose means are insufficient to meet his needs and those of his dependents is entitled to this benefit. In Great Britain, the supplementary benefit scheme is available on an equal basis to newly arrived Irish citizens as to all British subjects. In Northern Ireland, however, a person arriving from the Republic of Ireland or any other country outside the United Kingdom does not qualify for supplementary benefit until he has been resident in Northern Ireland for 5 years. The British side gave an assurance that this regulation is not implemented in practice but it was nevertheless noted for further consideration, etc.

49. Equal access to employment rights are guaranteed under the provisions of various EC directives and specifically for British subjects in the Republic by 7

Citizens of the Republic of Ireland working in the United Kingdom have the same rights as United Kingdom citizens under all the legislation relating to trades unions, employment protection, sex discrimination and equal pay.

FISCAL LIABILITIES

50. We considered how far ex-patriate British and Irish citizens living in the Republic of Ireland and the United Kingdom are subject to equal liabilities in the fields of taxation and rating.

51. As for taxation, the Group noted that the United Kingdom/Republic of Ireland Double Taxation Convention expressly forbids any differentiation in the field of taxation between Irish citizens and United Kingdom citizens. It was noted also that a British subject resident in the Republic receives preferential treatment over aliens in that section 153 of the Income Tax Act 1967 (whereby Irish citizens living abroad may claim certain relief on income arising in Ireland) applies also to British subjects.

52. In both countries, the obligation to pay local rates depends entirely on occupation of property. The payment of rates on private dwellings in the Republic was abolished in 1977/78.

CONSULAR PROTECTION

.... 53. The Irish side placed on record (Annex B) its appreciation of the consular protection given to Irish citizens by British missions in third countries.

54. [Note on relevant proposals, particularly concerning voting rights, under discussion in EC and Council of Europe.]

SUMMARY AND CONCLUSION

55. As is evident from the detailed material above, citizens of the United Kingdom resident in the Republic of Ireland and Irish citizens resident in the United Kingdom enjoy virtually all the rights and privilege of citizens of the host country, reflecting the unique relationship between the two countries. In Great Britain, Irish citizens are treated exactly the same as British subjects.

56. The Group noted, however, that United Kingdom citizens resident in the Republic do not enjoy the following rights and privileges which are reserved for Irish citizens:

- (i) the right to vote at Dail elections, Presidential elections or referendums [paras 15-20];
- (ii) the right to be a member of the Dail or to stand as President of the Republic [para 25];
- (iii) the right to serve on juries [para 39];
- (iv) etc.

In addition, United Kingdom citizens are treated differently from Irish citizens in respect of recruitment to the Civil Service [para 29] and officer recruitment to the Defence Forces [para 34].

57. The Group noted also that in Northern Ireland, resident Irish citizens are treated differently from British subjects in respect of the following matters:

- (i) voting at local and provincial elections [para 24];
- (ii) standing for election to local authorities [para 26];
- (iii) recruitment to the Northern Ireland Civil Service [para 30];
- (iv) recruitment to the Royal Ulster Constabulary (Reserve) [para 38];
- (v) the right to serve on juries [paras 40-41];
- (vi) the receipt of supplementary benefit [para 48];

CONFIDENTIAL

58. The Group agreed that if it were decided to strengthen yet further the ties between our two countries, their work had revealed that the field of citizenship rights offered a number of candidates for further consideration. Both sides felt, however, that while it might be thought that the sorts of "anomalies" exposed by their study could be eliminated relatively easily by legislation, there were deep-rooted difficulties which stood in the way of short-term **change**. In particular, it was probably not possible to extend the rights of United Kingdom citizens resident in the Irish Republic without amending the Irish Constitution, and this is a matter which requires the consent of the Irish people and is not within the gift of any particular Irish Government. As for the differences in the treatment of Irish citizens resident in the United Kingdom as between Great Britain and Northern Ireland, while these could **be eliminated by** decision of the Westminster Parliament, any attempt to do so within a limited time scale could stir up fears that might jeopardise the aims which these Joint Studies were established to achieve.

59. At C is a summary of the matters discussed in the course of the Group's deliberations [not attached].

CONFIDENTIAL

ANGLO-IRISH JOINT STUDIESMEASURES TO ENCOURAGE MUTUAL UNDERSTANDINGDRAFT PASSAGE ON "MUTUAL MISCONCEPTIONS" FOR JOINT REPORT

The terms of reference of the joint study call for an analysis of misconceptions in each country over attitudes and government policies in the other.

2. The subject is potentially a very large one, and within the confines of this report it is not practicable to do more than identify briefly some salient themes.

3. A distinction worth making at the outset is between misconceptions which consist essentially of beliefs without any contemporary factual basis and those that are more in the nature of perceptions which, though they may be distorted or exaggerated, rest on some foundation of fact.

4. A second preliminary point is that though misconceptions exist on both sides, the picture is not a balanced one. As between the Republic and Great Britain, there is probably much greater awareness of Great Britain on the part of the Republic than vice versa. The presence in Great Britain of large numbers of people of Irish descent, many with relations in Ireland, is one reason for this. Another is the considerable cultural penetration of the Republic by the media - in particular television and the press - of Great Britain, to which there is little reciprocal counterpart; moreover, coverage of British news in Irish papers is much fuller than that of Irish news in British papers. More generally, Great Britain looms larger in

Irish consciousness - political, economic and cultural - than does the Republic in Great Britain's, and it is hardly an exaggeration to say that many people in Britain exhibit a lack of conception about Ireland rather than misconception. As between the Republic and Northern Ireland, the picture is a quite different one: the degree of knowledge of one another - and the scope of mutual misconception - is much greater.

5. Culturally, the many similarities within the two countries obscure important differences. There is a common language, legal systems with a common foundation, and many similar institutions. But Irish politics, education, pastimes, wide areas of culture and many areas of State organisation all differ greatly from their United Kingdom counterpart. These differences - and the cultural and political significance of the Irish language for many Irishmen - are not fully appreciated in the United Kingdom.

6. The shared history of the two countries is paradoxically the cause of a good deal of mutual misconception. Most people in Britain have little appreciation of how past history colours contemporary Irish attitudes to Britain, and of the continuing sense of grievance flowing from the non-fulfilment of the aspiration to the political unification of the island of Ireland. For their part, many people in the Republic seem reluctant to accept that the United Kingdom in the 1980s includes Northern Ireland not for quasi-imperial reasons but in response to the continuing wish of a majority of the people in the political unit created sixty years ago as the consequence of arrangements which themselves recognised the difficulty of reconciling opposing allegiances within a single political entity.

7. Mutual misconceptions within the island of Ireland inevitably centre round "the national question". The majority of people in Northern Ireland see the Republic's aspiration to national unity as an unfriendly or threatening attitude: disinterest in, or opposition to, that aspiration is not confined to the Protestant community. Its expression as an overt claim to the territory of the Northern counties is a particular grievance and hindrance to mutual understanding.

8. Hence the statutory provision that Northern Ireland will not cease to be part of the United Kingdom without the consent of the majority of its people - commonly referred to as the "guarantee" - is regarded by Northern Unionists as an important assurance. In fact it simply records a constitutional reality which would exist whether or not it was expressed in statutory language, and is recognised as such by the Republic as well as the United Kingdom. However the view that the repeal, or threatened repeal of the statutory provision of the "guarantee" would bring about more tolerant attitudes among Northern Unionists is a misconception: rather, the reverse would apply. In the Republic, however, the "guarantee" is seen as negative and one-sided since it is perceived as being reiterated without any accompanying call for reconciliation and compromise. Moreover despite its assurance the Unionist community is seen as not possessing the confidence to enable it to embrace policies of moderation which would benefit the divided community of Northern Ireland.

9. Linked with this perception is a general belief in the Republic

that Northern Unionists have failed to appreciate sufficiently the aspirations and grievances of the minority community, and that measures to prevent them from suffering discrimination have not been adequate. This is an area where it is difficult to unravel fact, myth, and the influence of social and economic forces devoid of discriminatory intent. There may be inadequate appreciation in the South of the political reforms of recent years and the strenuous efforts to develop counter-discriminatory measures.

10. Unionist antipathy to the idea of unification is undoubtedly reinforced by fears that it would threaten the survival of the Protestant community. Falling Protestant numbers in the South since independence are cited as evidence. Northern Protestants believe that the influence of the Roman Catholic church in the South is excessive and oppressive, and cite as examples the attitude to inter-faith marriage, divorce and contraception. The view in the South is that these are perceptions that are fast becoming outdated. It is no longer possible to speak of a society uniformly dominated by Roman Catholic attitudes. Certain values of social and religious behaviour in the South have been changing rapidly in the past decade. The impact of rising living standards, urban living and a growing and younger population is not generally perceived or understood in Britain and Northern Ireland. The point is also worth making that the prominent part played by religious influences in shaping social and cultural attitudes is a feature that North and South share, in marked distinction to most parts of Great Britain.

11. A further hindrance to mutual understanding that needs to be

mentioned is the widespread belief among Northern Unionists that people in the Republic are pre-occupied with the grievances of the Nationalist minority in the North and have little concern or understanding for the position of the Unionists. It is particularly difficult for them to accept that terrorists who have committed crimes in the Province should be able to avoid extradition from the Republic by pleading that their crimes are "political".

12. To sum up, the general picture is one of a variety of misconceptions relating both to public attitudes and to government policies. As between Britain and the Republic, the problem appears to be largely one of lack of conception and might be answered by efforts aimed at a more intensive exchange of information. As between Northern Ireland and the Republic the problem goes deeper, and remedial measures may need a long time to take effect. Institutional arrangements, greatly increased contacts and joint endeavours in appropriate fields, as well as intensified information exchanges, may all offer some hope of progress.

CONFIDENTIAL

RH



10 DOWNING STREET

From the Private Secretary

MR WRIGHT
CABINET OFFICE

Anglo-Irish Joint Studies

Sir Robert Armstrong sent us this afternoon a minute to the Prime Minister on this subject. It covered a six page minute from Mr Wade-Gery and lengthy annexes.

As I told you on the telephone, there is no possibility of the Prime Minister reading these papers before the weekend. Moreover, I think, and Clive Whitmore agrees, that it would be highly desirable for the Prime Minister to have the benefit of the views of the Ministerial Committee on Anglo-Irish Relations before she decides that the new drafts can be passed to the Irish. If Ministers were to meet on Monday and the results of their deliberations were to be available to the Prime Minister on Tuesday, you would have the Prime Minister's response on Wednesday.

M. O'D. B. ALEXANDER

29 April, 1981

CONFIDENTIAL

GRS 295

CONFIDENTIAL

5 TO PM

CONFIDENTIAL

FM DUBLIN 071635Z APRIL 1981

TO PRIORITY F C O

TELEGRAM NUMBER 97 OF 7 APRIL

AND TO ROUTINE INFO N I O (BELFAST)

Pan 2 is helpful.
mt

JOINT STUDIES

1. I CALLED ON DERMOT NALLY THIS AFTERNOON QUITE INFORMALLY TO FIND OUT WHETHER HE HAD ANYTHING TO SAY ABOUT THE JOINT STUDIES BEFORE THE MEETING NEXT WEEK. HE SAID THAT BECAUSE OF COMMITMENTS AT MAASTRICHT AND BONN THEY HAD NOT BEEN ABLE TO GET AS FAR AHEAD WITH THEIR PAPERS AS THEY HOPED AND I DOUBT WE WILL SEE THEM BEFORE THE MEETING. I SAID THAT WE HOPED TO GIVE HIM OURS TOMORROW AND WE WILL OF COURSE NOW DO SO.

2. I THOUGHT IT AS WELL TO SOUND A NOTE OF WARNING ABOUT OUR WISHING TO MODERATE THE PACE IN THE JOINT STUDY ON INSTITUTIONAL STRUCTURES. HE SEEMED TO TAKE THIS QUITE WELL AND SAID THAT THEIR PAPER WOULD NOT COME UP WITH ANYTHING DEFINITE BUT RATHER VARIOUS POSSIBILITIES TO LOOK AT. HE WENT ON TO SAY THAT IT DID NOT SEEM AS WE HAD THOUGHT AT THE JANUARY MEETING, THAT IT WOULD BE POSSIBLE TO PRODUCE ANYTHING IN FINAL FORM AT A MEETING LATER IN APRIL. BUT PERHAPS THIS WAS NOT SO IMPORTANT AS THEY DID NOT THINK THAT IT WOULD BE POSSIBLE TO HOLD THE NEXT SUMMIT AS EARLY AS JULY. WE NEED NOT THEREFORE WORK TO SUCH A TIGHT TIMETABLE.

3. NALLY WAS CLEARLY SPEAKING IN CONFIDENCE AND I THINK IT WOULD BE BETTER IF RECIPIENTS OF THIS TELEGRAM WOULD KEEP HIS REMARK ABOUT TIMING AS VERY MUCH BACKGROUND BRIEFING. FROM THE POINT OF VIEW OF THE STUDIES THIS REVISED TIMETABLE SEEMS HELPFUL. I DO KNOW WHAT SIGNIFICANCE IT MAY HAVE AS REGARDS THE IRISH ELECTIONS, ABOUT WHICH THERE IS MUCH SPECULATION. ON THIS WE MAY SEE ONE OR TWO CLUES AT THE FORTHCOMING FIANNA FAIL ARD FHEIS THIS WEEKEND.

FIGG

NORTHERN IRELAND LIMITED	
RID	PS/MR HURD
NAD	PS/MR RIDLEY
INFORMATION D	PS/MR BLAKER
WED	PS/PUS
MAED	SIR A ACLAND
NEWS D	CHIEF CLERK
SECURITY D	MR ADAMS
PUSD	MR BULLARD
PS	MR FERGUSSON
PS/LPS	LORD N G LENNOX
	MR BRAITHWAITE

ADDITIONAL DISTN.
NORTHERN IRELAND

**THIS TELEGRAM
WAS NOT
ADVANCED**

CONFIDENTIAL

CONFIDENTIAL



LB
Ireland

10 DOWNING STREET

From the Private Secretary

6 April 1981

JOINT STUDIES WITH THE IRISH

The Prime Minister has seen and taken note of the Lord Privy Seal's minute to her of 3 April on this subject.

I am sending copies of this letter to the Private Secretaries to the members of OD(AI), to Peter Shaw (Department of Education and Science), Jim Nursaw (Law Officers' Department) and David Wright (Cabinet Office).

M. O'D. B. ALEXANDER

S. J. Gomersall, Esq.,
Lord Privy Seal's Office.

CONFIDENTIAL

HS

DISTRIBUTION

Cnancellor of the Duchy of
Lancaster

MO

NI

TRADE

ENERGY

CHIEF SEC., TSY

MINISTER OF STATE HOME OFFICE

(~~Mr. Raison~~)

Patrick Raynew

PLUS

DES

LAW OFFICERS

CO



(2)

Prime Minister

M

PRIME MINISTER

*You will want to read the note on
institutional structures (Annex A). I doubt
whether you need go through the rest in
detail. Extradition is mffs 40/41. *Print* 3/4*

JOINT STUDIES WITH THE IRISH

At your meeting on 19 March to review progress in these studies, it was agreed that the Sub-Committee on Anglo-Irish Relations would vet any written comments on the subject matter of the Joint Studies before they are passed to the Irish.

The Sub-Committee met on 1 April to consider comments covering each of the five areas being examined in the Joint Studies. Officials had been instructed to stick to the cautious line agreed upon at your meeting, particularly as regards the form and name of any new institutional structures. At our meeting we excised one or two comments which could offer hostages to fortune, especially if later quoted out of context. What remains is intended:

- (a) to keep up the pressure on points where the Irish are on the defensive, eg extradition;
- (b) to keep the studies in sufficient motion to encourage Mr Haughey to continue with them;
- (c) to make them, as you wished, long, worthy, meaty and dull.

I enclose a copy of British officials' comments in the form in which we propose to transmit them to the Irish early next week.

I am sending copies of this Minute to the members of OD(AI), the Secretary of State for Education and Science, the Attorney General and Sir Robert Armstrong.

3 April 1981

1.4.81

CONFIDENTIAL

JOINT STUDY ON POSSIBLE NEW INSTITUTIONAL STRUCTURES

British officials have been reflecting on the useful first discussion of possible institutional structures at the Joint Study Group meeting in Dublin on the afternoon of 11 March. They were encouraged not only by the evidence of common ground in the thinking of the two delegations but also by the constructive and frank atmosphere of the meeting. The following informal comments are offered in the same spirit and are designed to carry the process a stage further.

2. First, two general thoughts.

a. Events both before and since 11 March have underlined the extent of public suspicions, in both countries, about the Joint Studies in general and perhaps the Institutional Structures study in particular. This makes it all the more important to be clear about their essential objective, which as British officials see it is to help break down the barriers between the two countries without giving offence to the people of either. Decisions about the substance, timing and eventual presentation of particular proposals need to be weighed in the light of that objective.

b. Although there may be scope for drawing specific ideas from existing international models, no one such model seems to provide a basis for what is likely to be required in the Anglo-Irish context. This is perhaps hardly surprising, since the Anglo-Irish relationship is acknowledged to be unique and it is that very uniqueness which the two countries are seeking to reflect in any new arrangements.

3. Given the problems identified in the field of possible parliamentary bodies (on which see paragraph 5 below), the most promising area for initial progress looks like being the institutionalisation of relations between the two Governments. What both sides seem to want is a flexible structure which would subsume existing patterns of contact, from summit meetings of Prime Ministers to meetings of officials concerned eg with the Joint Steering Group on Anglo-Irish Economic Co-operation, and would encourage the development of further contacts under the same aegis. Meetings between groups as well as pairs of Ministers would of course be included. So would contacts of a North-South (Dublin-Belfast) as well as an East-West (Dublin-London) nature; eg existing meetings involving on the United Kingdom side, in present circumstances, junior Ministers from the Northern Ireland Office. Such North-South contacts should be regarded as simply one normal manifestation of the new structure; they should not be seen as specifically subordinate, and therefore for reasons of eventual public presentation the term "substructure" (provisionally used by the British side on 11 March) should be avoided. For similar presentational reasons, it seems unwise to use the term "Council" in the structure's title. Although that was a natural term to use for descriptive purposes in the discussion on 11 March, its public use would inevitably evoke memories of the abortive Council of Ireland which on both sides would be better avoided. British officials have no preconceived ideas about alternative titles. But some use of "Committee" might convey the right flavour of unique non-externality; eg the Anglo-Irish Committee, the Anglo-Irish Co-operation Committee (or Committee on Co-operation), the Steering Committee on Anglo-Irish Co-operation, etc. "Commission" might be another possible basis for the title. British officials have considered whether the use of "Anglo-Irish" might cause resentment in Scotland, Wales and Northern Ireland, but think not. The use of "Anglo" to embrace the whole of the United Kingdom is sufficiently familiar from such usage as "Anglo-French" and "Anglo-American" not to excite remark; and any alternative would be clumsy and sound artificial.

4. The Committee's subject matter would no doubt vary with its composition at different meetings. But the fact that it was seen and described as one structure would usefully underline the fact that, in principle, no aspect of the totality of relationships within these islands would lie outside its purview. Preliminary British legal advice is that an intergovernmental structure of this kind would not require UK legislation for its establishment.

5. Discussion on 11 March of possible structures in the parliamentary field suggest that this is likely to be a more difficult and delicate area, as well as being less obviously a matter for governmental decision. If an intergovernmental structure is established and flourishes, demand for a comparable and complementary inter-parliamentary structure might naturally follow. Initially, however, it might be best (as suggested at one stage of the discussion on 11 March) to build on the existing Anglo-Irish Parliamentary Group, in which influential parliamentarians on both sides might be encouraged to participate.

6. Against that background, British officials have considered whether there is any other possible structure which might aim to bring together some of those who were mentioned in a parliamentary context on 11 March (eg members of the European Parliament and of the Senate and House of Lords as well as of the two Lower Houses) and other influential persons concerned with the totality of relationships within these islands. One possible model here is the series of Anglo-German "Konigswinter Conferences" which started in 1950. Over a period of many years these have attracted a consistently high level of attendance and have notably contributed to the development of friendship and mutual understanding between the United Kingdom and the Federal Republic. More recently, in the early 1970s, a roughly comparable Anglo-French body has been established with similar high level and high quality participation. Organisationally the main difference between the two bodies is that Konigswinter is a private organisation financed by charitable and other non-governmental grants, whereas the Anglo-French body was established by decision at an Anglo-French summit meeting and is financed by the two Governments. Both bodies are run by committees of independent public figures and have as their main activity the holding of major annual conferences, alternately in each country, at which politicians, businessmen, academics, officials, journalists and others meet under "Chatham House rules" (you can use what you hear but not attribute it). The Anglo-French body also organises smaller periodic seminars on more specialised themes.

7. In the Anglo-Irish field private enterprise has already established the British-Irish Association, which does useful work. But there might well be scope for a new organisation which though privately run was explicitly government inspired and government funded and thus able to attract very high level participation and to offer a natural channel for policy input. The Anglo-French body

might thus be a closer parallel than the Anglo-German one; but there would be no need to be more closely guided by either model than the two Governments wished. The setting would be important; and for the United Kingdom meetings a suitable one might be Ditchley Park, which can be borrowed for occasions not sponsored by the (Anglo-American) Ditchley Foundation.

8. Ideas generated at such annual Ditchley-type conferences might usefully be considered by the two Governments at appropriate meetings of the inter-governmental structure.

ANGLO/IRISH JOINT STUDIESWORKING GROUP ON CITIZENSHIP RIGHTS

1. At its first meeting held in Dublin on 12 March, the Working Group on Citizenship Rights agreed that the first step in fulfilling its terms of reference should be for each side to prepare and send to the other a series of brief, descriptive notes on how citizens of the other country resident within the jurisdiction of its own country are treated in respect of those matters which the Group identified as the principal rights, privileges, obligations and duties of citizenship. British officials agreed that their notes should bring out the differences, where they exist, between different parts of the United Kingdom. These notes are attached.

2. As far as the United Kingdom is concerned, the unique relationship between it and the Republic of Ireland is reflected in the special position which Irish citizens occupy in United Kingdom law and administrative arrangements. The United Kingdom does not have a written Constitution or 'basic law' defining the rights, obligations and duties of citizens; these follow from particular legislative provisions. As the Ireland Act 1949 provides that the Republic of Ireland is not to be treated as a foreign country and that Irish citizens resident in the United Kingdom are not to be treated as aliens, Irish citizens generally share the privileges of British subjects. Irish citizens living in Great Britain are protected also under the Race Relations Act 1976 which prohibits discrimination in such fields as housing, education and employment.

ANGLO/IRISH JOINT STUDIES: CITIZENSHIP RIGHTS

UNITED KINGDOM

VOTING RIGHTS AND QUALIFICATION FOR PUBLIC OFFICE

PRESENT POSITION IN THE UNITED KINGDOM

1. In Great Britain, citizens of the Republic of Ireland enjoy the same rights as resident British subjects (including Commonwealth citizens, see para 4 below) to vote at all elections, including those to the national Parliament. To be included on the electoral register - which has also been used as the basis for referenda in 1975 and 1979 - a person must be 18 during the currency of the register, not otherwise disqualified, and have been resident at an address in a constituency on the qualifying date for electoral registration. Citizens of the Republic of Ireland who have been registered in this way are not separately identified, but it has been estimated from employment surveys that there are some half a million citizens of the Republic who would be eligible.

2. In Northern Ireland, a person who is otherwise eligible may vote at national elections only if he has been continuously resident in Northern Ireland for the 3 months preceding the qualifying date for registration.

3. The franchise for local and provincial elections in Northern Ireland is confined to persons born in Northern Ireland or who have been continuously resident in the United Kingdom for the previous 7 years, provided that they are British subjects or were on the Northern Ireland Register of Electors in 1962 and have resided in Northern Ireland for the 3 months preceding the qualifying date.

CITIZENSHIP QUALIFICATION FOR VOTING

4. The franchise at United Kingdom elections is set out in the Representation of the People Acts by reference to British subjects and citizens of the Republic of Ireland. It will remain so whether or not new nationality legislation is enacted.

/The...

The Nationality Bill now before Parliament re-defines some of the categories of citizenship which may together be classified as 'British subjects'. The term does, of course, include all citizens of countries within the Commonwealth.

QUALIFICATION FOR OFFICE

POSITION IN THE UNITED KINGDOM

5. In Great Britain, any British subject (including Commonwealth citizens) or citizen of the Republic of Ireland of 21 years or over and not otherwise disqualified, may, irrespective of residence, be nominated for election to the Westminster Parliament or the European Parliament. There are certain residential requirements, however, for election to, and service on, local authorities. Essentially these require either residence in (or, in the case of the lowest tier of local government in England and Wales, residence adjacent to) the electoral area, or employment in (or as before, adjacent to) the area. In Northern Ireland the qualifications for candidature in Westminster and European elections are the same as those which apply in Great Britain. So far as local elections are concerned, much the same residential qualifications apply as in Great Britain; but candidates must also be British subjects or have been on the Northern Ireland Register of Electors in 1962. For provincial elections in Northern Ireland the same qualifications for candidature apply as for Westminster elections. Although aliens in general are disqualified from membership of the House of Lords, Irish citizens are not. Members of both Houses of Parliament must swear an oath (or affirmation) of allegiance.

ANGLO/IRISH JOINT STUDIES: CITIZENSHIP RIGHTS

UNITED KINGDOM

CONSULAR PROTECTION

Because the Republic of Ireland is not regarded as a foreign country there is no formal consular agreement between the UK and the Republic. Consular services are provided by Embassies.

British Embassies in certain countries also provide consular services for Irish citizens.

ANGLO-IRISH JOINT STUDIES: CITIZENSHIP RIGHTS

UNITED KINGDOM

ACCESS TO EDUCATION

Citizens of the Republic of Ireland resident in the UK have access to education on the same terms as British subjects.

ANGLO/IRISH JOINT STUDIES: CITIZENSHIP RIGHTS

UNITED KINGDOM

ACCESS TO EMPLOYMENT

Citizens of the Republic of Ireland working in the United Kingdom have the same rights as United Kingdom citizens under the legislation relating to trades unions, employment protection, sex discrimination and equal pay.

ANGLO/IRISH JOINT STUDIES: CITIZENSHIP RIGHTS

UNITED KINGDOM

RECRUITMENT TO THE CIVIL SERVICE

Citizens of the Republic of Ireland have the same rights of access to positions in the United Kingdom civil service as do citizens of the United Kingdom and Colonies. Entry to the Northern Ireland Civil Service, however, is restricted to British subjects, save when exceptional circumstances justify exemptions in the interests of the public service.

ANGLO/IRISH JOINT STUDIES: CITIZENSHIP RIGHTS

UNITED KINGDOM

THE LEGAL SYSTEM

1. So far as concerns eligibility for (a) the issue of proceedings, (b) legal aid, and (c) membership of either branch of the legal profession, no distinction is drawn between a United Kingdom resident who is an Irish national and one who is a United Kingdom national. Nor is there any distinction as regards appointment to the Bench (magistracy, circuit, High Court etc). However, no-one may hold judicial office without taking the Oath (or affirmation) of allegiance to Her Majesty The Queen.

2. As for jury service, lists of jurors are prepared from the electoral register. In Great Britain there is a single electoral register for which Irish citizens qualify on an equal basis with British citizens. In Northern Ireland jurors are drawn from the local electoral register, for which Irish citizens do not normally qualify. (See separate note on voting rights.)

ANGLO/IRISH JOINT STUDIES: CITIZENSHIP RIGHTS

UNITED KINGDOM

RECRUITMENT TO ARMED FORCES

1. The nationality and residence rules for recruitment to the armed forces apply equally to British citizens and to citizens of the Irish Republic. Recruits who are Irish citizens are, however, required to apply for registration as citizens of the United Kingdom and Colonies in order to enable them to obtain a British passport. This does not, of course, prejudice their status as citizens of the Irish Republic.

2. When conscription was in force it was held in the case of *Bicknell v Brosnan* (1953) that a citizen of the Republic of Ireland indefinitely resident in Great Britain was liable to national service in the same way as citizens of the United Kingdom.

ANGLO/IRISH JOINT STUDIES: CITIZENSHIP RIGHTS

UNITED KINGDOM

RECRUITMENT TO POLICE

Nothing prevents the recruitment of Irish citizens into police forces in England and Wales provided they are otherwise suitable and are prepared to make a declaration in the form, "I do ... declare and affirm that I will well and truly serve Our Sovereign Lady the Queen in the Office of Constable ...". The position in Scotland is broadly similar. In Northern Ireland Irish citizens are free to join the regular RUC (provided they are prepared to make a similar declaration). For the RUC (Reserve), however, the Chief Constable may enrol such people as he may think fit, and present practice is to restrict entrants to United Kingdom citizens resident in Northern Ireland.

ANGLO/IRISH JOINT STUDIES: CITIZENSHIP RIGHTS

UNITED KINGDOM

ACCESS TO HOUSING

Irish citizens are treated on a par with British subjects throughout the United Kingdom. In England, Wales and Northern Ireland many authorities require all applicants for housing to be living or working in the area, or to have lived and worked in the area for a minimum period, before placing them on the housing waiting lists, while in Scotland the Tenants' Rights Etc (Scotland) Act 1980 imposes certain restrictions on residential requirements. The residential qualifications apply equally, however, to Irish and British citizens.

ANGLO/IRISH JOINT STUDIES: CITIZENSHIP RIGHTS

UNITED KINGDOM

RACIAL DISCRIMINATION

1. All residents of Great Britain are subject to, and protected by, the provisions of the Race Relations Act 1976. The Act makes discrimination on racial grounds unlawful in the fields of employment, discrimination and the provision of goods, facilities, services and premises. (For the purposes of the Act 'racial grounds' means any of the following: colour, race, nationality or ethnic or national origins.)
2. The Race Relations Act 1976 amended the Public Order Act 1936 to make it a criminal offence to publish or distribute written matter, or use in any public place or at any public meeting language which is threatening, abusive or insulting and likely, having regard to all the circumstances, to stir up racial hatred against any racial group in Great Britain.
3. The Race Relations Act does not extend to Northern Ireland. But the Prevention of Incitement to Hatred Act (Northern Ireland) 1970 makes it an offence to stir up hatred against, or arouse fear of, any section of the public on grounds of religious belief, colour, race or ethnic or national origins. The Northern Ireland Constitution Act 1973 makes it unlawful for public bodies to discriminate against any person on the ground of religious belief or political opinion, and renders discriminatory legislation void; and the Fair Employment (Northern Ireland) Act 1976 makes it unlawful for an employer to discriminate in relation to employment on those grounds.

ANGLO/IRISH JOINT STUDIES: CITIZENSHIP RIGHTS

UNITED KINGDOM

ACCESS TO SOCIAL SECURITY

1. European Community regulations provide equal access to contributory and non-contributory benefits available in the United Kingdom with the exception of mobility allowance, invalid allowance and supplementary benefit. As regards eligibility for mobility allowances, a person must be ordinarily resident in the United Kingdom and present in the United Kingdom for a period of, or periods amounting in the aggregate to, not less than 52 weeks in the 18 months immediately preceding the day of claim. The qualification for invalid care allowance is the same, save that the requirement of presence in the United Kingdom is not less than 26 weeks in the 12 months immediately preceding the day for which benefit is claimed.

2. As for supplementary benefit, Irish citizens in Great Britain, even if newly arrived here, would have access to benefit on the same basis as United Kingdom citizens. In Northern Ireland, however, a person arriving from the Republic of Ireland or any other country outside the United Kingdom does not qualify for supplementary benefit until he has been resident in the United Kingdom for 5 years.

ANGLO/IRISH JOINT STUDIES: CITIZENSHIP RIGHTS

UNITED KINGDOM

TAXATION AND RATING

Article 23 of the United Kingdom/Republic of Ireland Double Taxation Convention (SI 1976 No 2151) expressly forbids any differentiation in the field of taxation between Irish citizens and United Kingdom citizens resident in the United Kingdom. The obligation to pay rates depends entirely on occupation of property; there is no differentiation on the grounds of the personal status or citizenship of occupiers.

CONFIDENTIAL

JOINT STUDIES

WORKING GROUP ON SECURITY MATTERS

At the joint meeting of the Working Group on Security Matters on 11 March 1981, it was agreed that notes would be exchanged on the lists of topics identified. Notes by British officials are attached as follows -

Maritime Emergencies and Safety

- Appendix I.1 Air/Sea Search and Rescue Liaison
2 Hydrographic Surveys
3 Fishery protection

Movements of Aircraft

- Appendix II.1 Use of Irish military and civilian airfields for peacetime emergency diversions.
2 Development and establishment of approved air routes for United Kingdom military aircraft in transit through or in Irish airspace on official missions.

Transmission of Information

- Appendix III.1 Exchange of information on movement characteristics etc of shipping and aircraft.
2 Control in wartime of radio transmissions and navigational lights.
3 Arrangements for exchange of meteorological information between Meteorological Services in an emergency.

Civil Defence

- Appendix IV Updating of arrangements for exchange of nuclear related and other civil defence data in a emergency; participation in Warning and Monitoring exercises; joint exercises in area of Warning and Monitoring.

CONFIDENTIAL

CONFIDENTIAL

Military Matters

- Appendix V.1 Training assistance
 2 Defence equipment sales
 3 Liaison visits

Working of the Criminal Law

- Appendix VI 1 The administration and working of the criminal law.
 2 The problem of insufficient understanding of the present
 level of security co-operation.
 3 The position on extradition and extra-territorial
 legislation

CONFIDENTIAL

Air/Sea Search and Rescue Liaison

1. A number of different authorities together form the maritime civil search and rescue (SAR) Organisation of the United Kingdom. Oversight of the organisation is provided by a standing committee under the chairmanship of the Department of Trade on which the principal arms of the organisation are represented. The responsibility for initiating and co-ordinating maritime civil SAR operations rests with HM Coastguard which is part of the Department of Trade and who have no equivalent in Ireland.
2. The Ministry of Defence, operating through centres at Pitreavie near Edinburgh and at Plymouth, is responsible for all SAR operations for its own forces and, on behalf of the Department of Trade for civil aircraft in distress.
3. Although it has some rescue facilities itself, HM Coastguard relies for the most part upon the services made available by other parts of the United Kingdom Maritime SAR Organisation to carry out a rescue (such as the Royal Navy, Royal Air Force, Royal National Lifeboat Institution etc). There are 26 maritime rescue centres and sub centres in the United Kingdom; those at Swansea, Holyhead, Formby and Greenock cover the Irish Sea.
4. Following a break in liaison visits of Royal Air Force/Irish Air Corps (IAC) SAR Forces of some 11 years, we re-established a rapport with SAR elements of the IAC by inviting them to RAF Valley during May 1979. Our SAR crews and Rescue Coordination Centre (RCC) controller paid a return visit in October 1979, demonstrating our new SAR Sea King helicopter. A further visit was made by the IAC to RAF Brawdy during October 1980. Plans are in hand for a return visit by the RAF during 1981.
5. Because the IAC lacks the capability for long range SAR, RN and RAF SAR forces support them. During the past year this amounted to 5 Sea King and 3 Nimrod sorties totalling 24 hours 20 minutes and 12 hours 45 minutes respectively.

6. We are anxious to maintain our links with the Irish Air Corps in view of our common interest in the Irish Sea. We trust that their new helicopter will improve their SAR capability and afford the opportunity for further mutual SAR tasking and exercises.

7. We would hope to continue and improve our existing links with the Irish Republic.

Hydrographic Surveys

1. The Hydrographer has done a considerable amount of work for the Irish Republic.

Surveying

2. Most Irish inshore waters were surveyed by the Royal Navy using leadlines in the 19th century.

3. In the late 1960s and early 1970s detached parties from RN survey ships working in the Atlantic and using electronic NAVAID stations on the Irish coast conducted surveys of harbours in the Republic. However, these surveys stopped in 1971 when boats from HMS Hecate were blown up in Baltimore by terrorists.

4. We understand that commercial firms now undertake contracts to carry out some surveys in Irish waters.

5. The Hydrographer's present programme in support of United Kingdom defence and civil requirements includes surveys of the waters off the West and south coasts of Ireland up to 6-10 miles of the coast. These surveys should be complete by 1983.

Charting

6. A full scheme of modernisation and metrication of charts of Irish waters is being undertaken. There is some rationalisation but the existing level of charting is being maintained.

7. Irish naval headquarters and local authorities are closely consulted in this process. Production of new metric charts is more than half complete and should be all complete by end of 1982.

8. Good working relationships are maintained with the Commissioner for Irish Lights and major port authorities. Information used for updating is reviewed regularly from these services. Communication with smaller

CONFIDENTIAL

and more remote authorities is more erratic but news of any developments is followed up vigorously.

9. The forthcoming expansion of Dublin, Cork and Waterford harbours will require new editions of civil charts.

10. Contacts are satisfactory and it would be difficult to see how they could be increased within the present resources.

CONFIDENTIAL

Fishery Protection

1. The Royal Navy's fishing protection force comprises 5 Island class offshore patrol vessels and 9 Ton class mine counter-measures vessels. Two Castle class offshore patrol vessels are also on order and are intended to replace the Ton class vessels eventually. The RN vessels are supported by RAF Nimrods which fly approximately 180 hours per month aerial surveillance. In addition the Department of Agriculture and Fisheries for Scotland has a fishery protection force consisting of 3 offshore patrol vessels and 3 inshore vessels. The latter force patrols an area to the north and west of Scotland, while the Royal Navy patrols the remainder of the United Kingdom's extended fishery limits. The Fisheries Departments are responsible for ensuring that fisheries policy is effective throughout these limits.

2. The Fisheries Limits Act 1976 extended British fishery limits to 200 miles, or median lines where appropriate, with effect from 1 January 1977; the Irish authorities extended their own fisheries limits at the same time. The resulting boundaries overlap at various points and patrolling of these 'grey areas' is carried out by fishery protection forces from both countries; the Irish authorities are notified in advance of United Kingdom intentions to patrol these areas. This system of advance notification has worked well.

3. The Ministry of Agriculture, Fisheries and Food is currently making arrangements to implement an Anglo-Irish agreement (Para 3 of the Irish note handed over on 11 March refers) whereby each country will notify the other when a vessel fishing illegally moves from their waters to those of the other country. Further co-operation along these lines would be considered worthwhile.

CONFIDENTIAL

British Note II.1

Use of Irish military and civilian airfields
for Peacetime emergency diversions

1. Currently Irish military and civilian airfields are not nominated as diversion airfields for use by United Kingdom military aircraft. In the United Kingdom, the Royal Air Force maintain a system under which 10 airfields are designated Master Diversion airfields which may be used by aircraft unable to land at their planned destination or undergoing an emergency. In the majority of cases United Kingdom military aircraft use this system. However, where weather conditions or the nature of an emergency precludes the use of a Master Diversion airfield, United Kingdom military aircraft are able, if necessary, to request emergency diversions to Irish airfields through the appropriate Air Traffic Control channels.

2. The nomination of Irish airfields for emergency diversions would only be of value to aircraft based on the West coast of Britain and therefore within a minimal flying distance of Eire. However, use of such airfields is likely to be limited to those occasions when adverse weather conditions or a serious emergency precludes the use of the nearest United Kingdom Master Diversion airfield, each of which is equipped with the appropriate facilities to handle diverted aircraft and provide emergency services to aircraft in distress. In order to provide a practicable alternative to these Master Diversion airfields the Irish airfields would need to be equally well-equipped.

3. It is concluded that there is the ability to use Irish airfields in an emergency subject to air traffic control direction, but United Kingdom military aircraft at present nominate only United Kingdom Master Diversion airfields. We would be interest to know whether the Irish authorities have formal proposals.

CONFIDENTIAL

CONFIDENTIAL

British Note II.2

Development and establishment of approved air routes for
United Kingdom military aircraft in transit through or in
Irish airspace on official missions

1. Under existing arrangements United Kingdom military aircraft are permitted to overfly Irish airspace after formal diplomatic clearance has been granted and appropriate air traffic notification has been submitted. Diplomatic clearance requests for overflight and landing must be submitted 14 days in advance of any flight and positive clearance must be awaited before the aircraft may depart. The air routes utilised are as stated in flight plans and as accepted by the Irish air traffic control authorities. Overflights of Irish airspace are mainly undertaken by transport aircraft en route to the United States of America and the Caribbean following standard airways routeings.
2. The arrangements for overflight of Irish airspace are well proven. Royal Air Force transport aircraft overfly Eire on average 25 times each month and diplomatic clearance is sought through a block bid for the forthcoming month. Where additional overflights are required at shorter notice the authorities in Dublin have in the past accepted requests at 10 days' notice. In the event that overflight clearance cannot be sought through lack of advance notice, avoidance of Irish airspace attracts a slight penalty of increased flying time and consequently higher fuel consumption.
3. Arrangements for overflight of Irish airspace are quite satisfactory and the only obvious improvement would be the waiver of diplomatic clearance for certain United Kingdom military aircraft. We should be interested to know whether the Irish would be prepared to consider such a waiver.

CONFIDENTIAL

CONFIDENTIAL

British Note III.1

Exchange of Information on Movement, Characteristics
etc of Shipping and Aircraft

1. The Irish quarterly report on the movements of "USSR and East European Fishing Vessels" is received regularly in the Ministry of Defence via the British Embassy in Dublin.

2. A possible area for co-operation could be a regular exchange of information on the movements of Soviet and Warsaw Pact merchant ships in and around the ports and coasts of Britain. Information relating to United Kingdom ports and coasts is presently derived from our Operation HORNBEAM and there could be mutual advantage if the Irish adopted a similar reporting system.
(This is a voluntary system of reporting Soviet and Warsaw Pact shipping in United Kingdom ports and within 200 miles of the coast by Freephone to the Maritime Headquarters at Mount Wise (Plymouth) and Pitreavie (Rosyth) by maritime authorities. The Reports are collated and forwarded weekly to the Ministry of Defence, so the system is used for information rather than real-time reporting.)

CONFIDENTIAL

CONFIDENTIAL

British Note III.2

Control in Wartime of Radio Transmissions and
Navigation Lights

We have considered the Irish Note handed over on 11 March. We are not immediately aware of areas in which existing arrangements could be improved, but would be very willing to consider any requests from the Irish.

CONFIDENTIAL

CONFIDENTIAL

British Note III.3

Exchange and Control of Meteorological Information
in an Emergency

1. Since 1967 a Memorandum, has been in existence providing for the exchange and control of Meteorological Information between the Meteorological Service, Dublin and the Meteorological Office, Bracknell in an emergency. The terms of this Memorandum have very recently been amended, by mutual agreement, to include measures to control the release of meteorological information within Eire at the same time as such measures are applied in the United Kingdom and North West Europe. These amendments have greatly increased the effectiveness of the exchange and control arrangements.

2. It is not likely that further amendment of these arrangements will be required in the near future.

CONFIDENTIAL

Civil Defence

The United Kingdom would welcome the development of co-operation in civil defence matters; and would welcome discussions leading to the exchange of ideas, experience, training and technical information.

2. In the areas of possible co-operation identified by the Irish, the position is as follows.

Arrangements for exchange of nuclear-related data in war

3. An agreement made in 1965 provided for the exchange, in the event of nuclear attack, of information on bomb bursts, fallout patterns and meteorological data. On the United Kingdom side, information would be provided by the United Kingdom Warning and Monitoring Organisation (UKWMO). Plans provide for the agreement to be implemented by mutual agreement if war appeared imminent, by the establishment of direct telephone links between Dublin and UKWMO Southern Sector Control near Bath and UKWMO Belfast Group Control near Lisburn.

4. The arrangements for exchanging meteorological data in war have recently been revised. A response is awaited to United Kingdom proposals for revised procedures for exchanging reports on air attack warnings and air attack, fallout winds and fallout warnings and predictions, radiation dose rate measurements and areas of contamination.

5. The United Kingdom would welcome discussions leading to arrangements for the further exchange of meteorological and of nuclear, biological and chemical (NBC) information in both peace and war.

Participation in national Warning and Monitoring Exercises

6. The UKWMO plans and conducts two or three national exercises a year. Between 1965 and 1976 there was active Irish participation in five of these exercises, involving the exchange of exercise warning and nuclear-related information. The Irish were unable to accept an invitation to participate in the 1977 United Kingdom exercises, and UKWMO were unable to attend the 1979 Irish exercise.

CONFIDENTIAL

7. The next UKWMO national exercise will be in November 1981. Irish participation in this and other future similar United Kingdom exercises would be welcome.

Joint Warning and Monitoring exercises

8. Although there has been Irish participation in United Kingdom national exercises, no jointly planned warning and monitoring exercises have been held or are in prospect. The UKWMO would be ready to consider any Irish proposals for jointly planned exercises in this field.

9. Outside these three areas there could be scope for liaison and co-operation in planning for dealing with the effects of nuclear war on the civil population in the Republic of Ireland and the United Kingdom.

CONFIDENTIAL

Training Assistance

1. Members of all three arms of the Irish Defence Forces have attended training courses in the United Kingdom.

2. Since its formation all deck officers in the Irish Naval Service have received their initial training at Dartmouth, and a few officers and ratings have attended specialist United Kingdom courses, such as those for diving and demolition. Recent and planned total numbers are -

1979	1980	1981	1982
27	24	24	24

3. A small number of Irish Army officers and senior NCOs attend courses for overseas students run by specialist training establishments in the United Kingdom. These include the Staff College Camberley, the School of Military Intelligence, the School of Signals and the Military Police Depot. In 1980 Irish Army personnel also attended courses at the Royal Armoured Corps Centre Bovington and the School of Artillery directly associated with the purchase of United Kingdom produced equipment such as the Scorpion tank and 105mm gun. Recent and planned total numbers are -

1979	1980	1981
2	24	5

4. Officers and NCOs of the Irish Air Corps have attended an aeronautical engineer course and courses in air safety and rescue. One officer has been nominated to attend a flying instructor's course in 1981 and another in 1982. Total numbers are -

1979	1980	1981	1982
1	2	1	1

5. The United Kingdom would consider favourably Irish proposals for widening the scope of training assistance.

CONFIDENTIAL

British Note V.2

Liaison Visits

1. Liaison visits have been made for a number of years between the Irish Defence Forces and the United Kingdom Armed Forces.
2. An Irish Army team visited the Command Ammunition Depot at Donnington in 1979, a combined Irish Army and civilian team discussed range management safety and associated byelaws at HQ United Kingdom Land Forces in 1980 and a visit was made to the Royal Army Pay Corps Computer Centre in January of this year. An Irish team may also attend a fire power demonstration in Germany or the United Kingdom later this year.
3. Irish Navy vessels regularly visit British ports each year to collect ammunition. A naval vessel paid a port visit to Gibraltar in 1980.
4. In connection with search and rescue co-operation (see also separate Irish and British Notes) exchanges of visits have taken place between the Royal Air Force and Irish Air Corps.
5. The United Kingdom would consider favourably Irish suggestions for increasing liaison activity.

CONFIDENTIAL

CONFIDENTIAL

British Note V.3

Defence Equipment Sales

United Kingdom sales of defence equipment to the Irish Republic amount to about £6 million a year. A small Defence Sales Organisation team visited Dublin on March 18 to review ways of developing co-operation and some possibilities were identified, in particular equipment for the offshore patrol vessels which the Irish Navy are building. It was also suggested that it might be possible for Irish contracts personnel to attend some Ministry of Defence contracts courses if the Irish authorities so wish.

CONFIDENTIAL

The Administration and Working of the Criminal Law

1. The criminal law is understood to comprise the creation of offences and penalties, the prosecution of offenders (including powers of investigation of offences), and the implementation of penalties.
2. The criminal law in Northern Ireland and in the Republic shares an origin in the common law and in pre-1921 statutes. As well, there are certain similarities of population, social conditions, attitudes and numbers of offenders which may make some comparisons between Northern Ireland and the Republic more useful than between either and a much larger or quite different jurisdiction.
3. While it is desirable that the common law, in its broad sense, should be reasonably congruent throughout the United Kingdom, it is also accepted that there will be necessary variations reflecting different social needs and differing legal traditions. In this area the opportunity to learn of developments in the Republic could benefit policy planning in Northern Ireland: it is to be hoped and expected that the benefit would be mutual.
4. The main value of such contact would be likely to be in the long-term administration of the normal criminal law: although there may well be occasions when it would be appropriate to discuss aspects of the criminal law as it affects subversion or terrorism, such issues often have a particular delicacy which will require them to be handled separately.
5. Areas of common concern which could, from a Northern Ireland point of view, be valuable subjects for an exchange of views and information include bail; the treatment of young offenders; cross border arrangements for the supervision of mentally-disordered offenders; police powers of search and arrest (arising from the report of the Royal Commission on Criminal Procedure); and problems associated with sexual offences and offences of indecency.

CONFIDENTIAL

6. This list is inevitably tentative. The problems of the criminal law are not static, and new issues for discussion will arise from time to time in each jurisdiction. This points to the need for something more enduring than a one-off meeting or conference: a continuing means of contact is required if new developments and new problems are to be the subject of fruitful exchange.

7. Whatever arrangements are made should be flexible; should be such as to encourage mutual consultation; and should not give rise to excessive expectations.

CONFIDENTIAL

CONFIDENTIAL

British Note VI.2

The Problem of Insufficient Understanding of the
Present Level of Security Co-operation

1. It has already been agreed that there would be no useful purpose in discussing operational matters which are the responsibility of the Garda Siochana and the Royal Ulster Constabulary. It is possible that there is room for improvement in the measures taken for co-operation between the two Police Forces, but any such questions are in the first instance matters for the Police Forces themselves and there appears at present to be no point at issue which requires discussion at governmental level.
2. In the context of the total relationships which form the framework of the joint studies, however, it is important not only that there should be effective co-operation between the Garda Siochana and the Police Forces of the United Kingdom, but that the relationship between these Police Forces and between the authorities of the two countries should be seen to be effective in preventing crime and in catching, prosecuting and punishing those responsible for crime in both jurisdictions.
3. There is agreement between the two Governments that details of operational co-operation between the two Police Forces will not be made public. There are very good reasons for treating such matters as confidential, but one of the consequences of this reticence is that many both in Northern Ireland and in Great Britain tend to misjudge the depth of co-operation that exists. There is thus a tendency to judge the state of co-operation between the two Governments by such isolated incidents as the refusal of a Court in the Republic to "extradite" to Northern Ireland a person accused of committing terrorist offences in Northern Ireland. There are many in Northern Ireland who still see the Republic of Ireland as a safe haven for terrorists; they claim to see no clear evidence of the commitment and effectiveness of the authorities in the Republic of Ireland and to them this justifies a perception of the Republic of Ireland as a hostile, and not a friendly, entity.
4. This misrepresentation of the position in the Republic is not in the interests of either Government. In particular, it is damaging to the cause of political progress in Northern Ireland. It seems important to the

CONFIDENTIAL

CONFIDENTIAL

interests of both Governments, and to the interests of the peoples of these islands, that means should be examined of overcoming the credibility gap which exists at present, particularly among the Unionist population in Northern Ireland.

5. Any action which is taken on the question of extradition (see also British Note VI.3) would be likely to close that credibility gap. Successful prosecutions in the Republic (whether under the existing extra-territorial legislation or not) could also have the same effect. Successful operations can also have a considerable effect. It would be helpful to the interests of both Governments to study any practicable means of demonstrating the depth, sincerity and effectiveness of the existing commitment of the authorities in the Republic.

CONFIDENTIAL

The Position on Extradition and Extraterritorial Legislation

1. Extradition between the United Kingdom and the Republic of Ireland is governed by the broadly reciprocal arrangements found in the Backing of Warrants (Republic of Ireland) Act 1965 and in Part III of the Republic's Extradition Act 1965. These provide a simple extradition system under which warrants of arrest issued by the courts of one country may be endorsed by a court in the other country for execution there. The alleged offence must correspond with an offence in the country where the fugitive is found and must there be an indictable offence or one punishable on summary conviction by imprisonment of six months or more. If these conditions are satisfied, the fugitive may be committed, by the court before which he is brought on arrest, for surrender to the police force of the area where the original warrant was issued. Neither in the United Kingdom, nor in the Republic, is there any requirement for the court to be satisfied before committing an alleged offender that there is a prima facie case against him. These arrangements work well in the ordinary run of cases.

2. Although there are slight differences of wording on this point, both Acts provide that surrender may not be granted where the offence for which the fugitive is sought is an offence of a political character. Experience has shown that the "political offence" limitation effectively prevents the surrender to the United Kingdom of persons suspected of involvement in terrorist activities on behalf of the IRA or a terrorist group with similar aims. Whether the political offence limitation in the United Kingdom Act would work in a similar fashion to prevent the return to the Republic of a fugitive wanted for terrorist offences committed there is a question which has not yet been considered by UK courts. But these courts have always taken a narrow view of the political offence safeguard in extradition law.

3. There is a strong desire in the United Kingdom (not simply in Northern Ireland) that the Republic should change its stand on extradition for terrorist offences, so as to facilitate the return of alleged offenders to the place where the offence was committed and where, it is argued, a trial can most conveniently take place. It is an affront to many in the United Kingdom that a person may secure immunity from extradition by claiming to belong to a terrorist organisation.

4. The Law Enforcement Commission, appointed jointly by both Governments in 1974, was unable to reach agreement on the question of extradition, and advised instead that both countries should establish extra-territorial jurisdiction, by which persons charged with certain offences in one part of Ireland could be tried in the courts of the other part if they were found there. The United Kingdom's Criminal Jurisdiction Act 1975 and the Republic's Criminal Law (Jurisdiction) Act 1976 gave effect to the Commission's proposals. These Acts take fairly extensive powers vis a vis Northern Ireland and the Republic, but so far as England and Wales are concerned their effect is limited to offences involving the use of explosives.

5. The extra-territorial legislation has so far had very limited use: the United Kingdom Government is not aware of any case brought under this legislation in which a person has been convicted in the Republic of Ireland for a crime committed in the United Kingdom (though there have been three unsuccessful prosecutions). It remains the wish of the United Kingdom Government to see this legislation used effectively in both countries in cases in which extradition is not possible. If it is agreed, the specialists in both jurisdictions (including the respective law officers' departments and the police services) could be asked for any constructive suggestions they are able to make in the light of experience so far.

6. HMG, however, continues to hope that the Republic will feel able to reconsider its position on the extradition of those suspected or convicted of terrorist offences.

CONFIDENTIAL

JOINT STUDY ON ECONOMIC COOPERATION

1. Following the talks on 12 March, officials on the UK side have considered further the questions then discussed. As noted at the meeting in Dublin, separate contacts between the competent Government Departments already exist on many of the subjects identified as suitable for inclusion in the ambit of the joint study. Where these contacts are already developing cooperation satisfactorily it will be undesirable to try to disturb them. But there may be areas in which contacts could be pursued with greater urgency. At the same time, arguably more subjects were identified at the Dublin talks than can be handled efficiently at one time by the working group.
2. In these circumstances it seems to the UK side that the best progress might be made if discussion were concentrated initially on a relatively limited number of topics.
3. Accordingly the UK side consider there would be advantage in identifying in the course of the London talks those subjects where a concentration of effort is desirable. They would also wish to consider with the Irish side how best to take discussion of these subjects forward, and how best to ^{relate} work on them to the work of the existing Anglo-Irish Economic Cooperation Working Parties.

JOINT STUDY ON MEASURES TO ENCOURAGE MUTUAL UNDERSTANDING

Following the talks on 12 March, British officials have considered further the questions then discussed. As a contribution to the talks planned for 14 April, they have assembled the attached notes on the most important of these, as follows:-

I. Reasons for Mutual Misconceptions over attitudes and government policies.

II. Measures to remove misconceptions:

- (i) Youth/Sport
- (ii) Education
- (iii) Special interest groups
- (iv) Secondment of officials
- (v) Culture

CONFIDENTIAL

MEASURES FOR THE ENCOURAGEMENT OF MUTUAL UNDERSTANDING

I. Misconceptions

1. It is easy to agree that relations between the peoples of the United Kingdom and Republic are clouded by a wide variety of mutual misconceptions. It is harder to get a common view of what these are. This is in part because there are two quite different kinds of misconception. On the one hand, there are those which consist essentially of beliefs without current factual basis - often amounting to considering that what was true 100 years ago must necessarily be true today. On the other hand there are misconceptions which consist rather of attitudes, possibly exaggerated, but reflecting undeniable facts. Both sorts hinder the development of a close and friendly relationship.

2. Many of the misconceptions which trouble our relations have their origin in our shared history, which while giving the two countries a common cultural and linguistic heritage, has also bequeathed to us deep divisions between communities which are geographically close. These divisions have seriously inhibited normal social contact in some respects and the absence of such contact has in turn deepened the divisions. Moreover, there have been in the past, and indeed there still are, many who have had an interest in perpetuating and deepening these misconceptions.

3. Misconceptions in the United Kingdom about the Republic vary widely between different sectors of the population. The most important distinction is that existing between misconceptions held in Great Britain and those held by the Protestant community in Northern Ireland.

4. In England, Scotland and Wales the problem is more one of lack of conception about Ireland rather than misconception. The awareness of a common language, a common legal system and similar institutions obscures in the British mind the division between us. Because - happily - differences between United Kingdom and Irish authorities are rare, the Republic does not figure largely in people's thinking in the United Kingdom.

CONFIDENTIAL

CONFIDENTIAL

5. It may therefore be the case that as far as England, Scotland and Wales are concerned what is necessary is a straightforward relatively uncomplicated series of measures to increase people's knowledge of the Republic.

6. Northern Ireland is a rather different matter. There those features of life in the Republic which most distinguish it from the North - the emphasis on Gaelic language and culture, the Roman Catholic religion and Republicanism - are seen by the Northern Protestant as a threat to his way of life, when they are taken with the Republic's claim to the Northern counties. The significance of this overt claim as a hindrance to mutual understanding can hardly be exaggerated. An important area is that in which religion and public life impinge. The Northern Protestant believes that there is prejudice in the Republic against Protestants, and will refer to the attitude of the Roman Catholic Church to inter-faith marriage, which he sees, in the light of the shrinkage of the Protestant community in the South since independence, as a threat to the survival of the Protestant community. He suspects that there is a reluctance to challenge Roman Catholic clerical opinion on matters well outside religious affairs. The Republic's laws on divorce and contraception are seen as particular evidence of this. (It would however be a mistake, when considering this aspect of Northern attitudes, to overlook the extent to which religion still influences conduct in the North.)

7. More generally, the Northern Protestant believes that politicians in the Republic are pre-occupied with the grievances of the Nationalist minority in the North and have little concern or understanding for the position of the Unionists. That terrorists who have committed crimes in the Province should be able to avoid extradition from the Republic by pleading that their crimes are "political" is hardly explicable for the Northern Protestant except in terms of sympathy with subversive groups.

43B

CONFIDENTIAL

CONFIDENTIAL

8. Lastly the average Northern Protestant believes the depth of his attachment to the Union to be misunderstood in the South (and, one might add, it should not be assumed that desire for Irish unity is universal among Northern Catholics). The supposition that the statutory guarantee is the key obstacle to Irish unity, and that, but for it, Northern Protestants would be ready to join the South is wide of the mark.

CONFIDENTIAL

II. MEASURES TO REMOVE MISCONCEPTIONS

(i) Youth/SportExchanges of school pupils; students; teachers; inspectors

Much the same considerations clearly apply between Great Britain and the Republic when exchanges between young people as school pupils are looked at as apply when one views such activity in the framework of organised youth groups or of sport. That is to say the great bulk of such exchanges take place spontaneously and reciprocally, and therefore go effectively unrecorded.

2. Where North-South contacts more specifically are concerned, the position is that existing contacts at school level are not believed to be extensive, though it is known that the Northern Ireland UNESCO Committee has recently and successfully taken an initiative in this field. There is also the annual Aer Lingus Young Scientist Competition, which is open to schools throughout Ireland and in which Northern Ireland schools regularly and successfully participate.

3. The conclusion must be that here, also, there would seem to be scope for increased contacts, but that, again, undue publicity could be damaging.

4. When one turns to students, there are some specific examples of cooperation. One applies to the field of English language assistants. For some time now there have been good relations between the Assistants Department of the Central Bureau for Educational Visits and Exchanges in London and a number of institutions of higher education in the Republic. In the result, students of French, Spanish and German in the Republic who go to the countries concerned to be foreign language assistants have been included in the induction courses which the Central Bureau runs for Great Britain foreign language assistants-to-be students on their arrival in those countries.

5. An interesting, and very recent development, is a request received by the Central Bureau from the Royal Irish Academy on behalf of the Academy's National Committee for Modern Language Students. The request is that the Central Bureau should give detailed information about itself, so that the National Committee can consider whether it could make a case to the government in the Republic for the establishment of an organisation in the Republic similar to the Central Bureau, with a view to the promotion of foreign visits and exchanges for Irish foreign language students.

/6. Student

6. Student unions also co-operate between universities in the North and in the South. A joint committee of the National Union of Students and of the Union of Students in Ireland operates in the North, and there are many existing opportunities for cross-Border contacts. Some limited contacts have also been undertaken by teacher training institutions in Northern Ireland, which have exchanged group visits with teacher training institutions in the Republic. It is likely that there would be a willingness to increase these contacts among both students and institutions, at either social or field trip/exchange study levels; but it is the case that existing organised contacts are limited by financial constraints.

7. Teacher exchanges between Great Britain and the Republic appear to be mainly a function of direct bilateral initiatives. The Central Bureau for Educational Visits and Exchanges in London has, since 1976, assisted two teachers' centres in Essex (at Harlow and at Basildon) to undertake informal joint activities with teachers' centres in the Republic. There have been such activities between teachers in Great Britain and in the Republic in 1976, 1977, 1978 and 1979; and there are further plans for joint teachers' expeditions in 1981 and 1982. At the university level, members of the academic staff of both Trinity College, Dublin, and University College, Dublin, have, through the offices of the Central Bureau for Educational Visits and Exchanges, been invited to international conferences on the Assistants scheme in 1979 and 1980.

8. North-South teacher exchanges, while quite possible in theory at present, seem in practice not to be taking place; the reason appears to be the lack of any potential demand among the teachers themselves, apart from a limited degree of cross-Border participation in in-service training courses. This is therefore a field which would seem to require further and more detailed exploration.

9. In regard to inspectors, again there is no doubt informal professional contact between the Inspectorates in Great Britain and in the Republic both bilaterally and multilaterally; but resource constraints on both sides must mean that it is on a very small scale, and this does not at the present time seem a promising line to pursue. On the other hand, there would be a welcome in the North for increased contacts between inspectors in Northern Ireland and in the Republic. (At present,

/contacts

contacts are limited mainly to areas of direct mutual concern. For example, a Northern Ireland specialist inspector in Irish language is due soon to spend a period of study leave in an Irish-speaking district and, with the co-operation of the Republic inspectorate, will attend teachers courses in the Republic and undertake a study of aspects of the Republic's education system. Members of the Republic's Inspectorate also receive papers of various Northern Ireland Inspectorate Standing Committees and are free to attend when they wish; there have also been reciprocal visits to Inspectorate Conferences in Northern Ireland and in the Republic.)

University places in Northern Ireland

10. The Republic has expressed interest in the use of institutions of higher education in Northern Ireland by students from the Republic, especially in the areas of science and engineering.

11. British officials can confirm that some spare capacity does exist in these areas of study in university institutions in Northern Ireland. The next step would therefore appear to be to make a more precise assessment of the Republic's requirements. In particular, can Irish officials indicate:-

- (a) the particular areas and levels of study (sub-degree level, degree level, postgraduate level);
- (b) the possible number of students involved;
- (c) the timing of this demand, and its possible duration; and
- (d) the employment markets to which study would be geared (for example, industry, teaching, public services)?

12. On the basis of this information, the Northern Ireland authorities concerned would be happy to explore with those in the Republic the extent to which Northern Ireland institutions would respond to the need. It is confirmed that, for purposes of fees, students from the Republic, as a member country of the European Community, are now treated at United Kingdom universities as home students.

The Open University

13. The British side welcomes in principle the Irish side's interest in closer contacts with the Open University, and would be glad to arrange for this to be

/discussed

discussed in more detail between those directly concerned. Important issues which would, among others, need to be taken into account in such discussions are the fact that an essential part of the Open University's operations are its territorial student support services*, including tutorial arrangements and residential summer schools; and the fact that the University's fees (now £98 a year plus the cost of the summer schools) are subsidised by the British taxpayer to the tune of some 87 per cent.

Science (academic contacts)

14. The free academic research community, and perhaps particularly that working in the field of science, being as international and as internationally-minded as it is, the volume of spontaneous contact between the scholars concerned, both East-West and North-South, is clearly very considerable. This applies both to the institutions of higher education and to the research councils on both sides of the Irish Channel. Contacts and exchanges flow freely and are welcomed on both sides; and this is therefore a field in which special steps would not seem to be called for.

*Such territorial support services are extant in Northern Ireland.

(ii) EducationExchanges, visits and joint activities

Exchanges, visits and joint activities in the fields of youth and of sport clearly take place between Great Britain and the Republic on a considerable scale. But they normally happen at the working level, and in the ordinary course of day-to-day life. Because they are between countries which have the same language, they are not perceived as being "abroad" and thus they do not have the special status which attaches to visits or exchanges with the principal or incidental purpose of furthering "foreign" contacts. One result is certainly that the visits go largely unrecorded; another is probably that there is less incentive for extending their volume than there would be if they constituted prestigious "foreign" exchanges, etc.

2. The Republic representatives have however stressed their wish to encourage further contacts and exchanges, and have referred in this context particularly to North-South exchanges. While a specific grant scheme for Republic youth groups to visit Northern Ireland already exists, the suggestion has been put that specific grants for Northern Ireland (and, indeed, Great Britain) youth groups to visit the Republic should also be made available.

3. There is agreement that North-South contacts should be encouraged. However:

(a) A low-key approach would seem to be desirable. Undue emphasis on specifically cross-Border schemes could be counter-productive and could attract adverse publicity. This argues against a specific scheme which would highlight Republic involvement.

(b) Partly for this reason there is a preference for the continued use of the existing general schemes for support of group visits by youth clubs. This scheme can be used to support travel inside or outside Northern Ireland, but is very often used for visits to the Republic.

(c) The Republic side may tend to underestimate the extent of existing organised North-South youth visits. While - as with East-West exchanges - statistics are not kept, there is in fact extensive activity, much of it supported by youth services funds, of by the Children's Community Relations Holiday Scheme.

/4. Clearly,

4. Clearly, therefore, the scope for developing activity under this head needs to be explained in more detail between the two sides. But it seems right that the approach should be one of building constructively on the quite considerable foundations of existing activity rather than use of seeking to introduce a special new scheme. In this approach the London-based Central Bureau for Educational Visits and Exchanges, which receives substantial financial support from the Department of Education and Science in London, could well have a useful part to play; the Bureau now has a separate office in Belfast.

(iii) Special Interest Groups

The impression of British officials is that, particularly among the professions, there is already a wide range of contacts taking place spontaneously. There is however scope for increasing them. But the joint studies should concentrate on areas where official action would have direct impact.

(iv) Secondment of Officials

1. British officials see no serious difficulty, in principle, in setting up a formal scheme for the interchange of officials. The Civil Service Department are ready to explore the details of such a scheme with their opposite numbers in the Irish Civil Service. The objective would be to prepare an agreed draft in the form of a concise Memorandum of Understanding giving details of the operation of the scheme.

2. In the British view it would be highly desirable for such a scheme to include the following features:

(a) Officials taking part would be young, able administrators or specialists of high potential, at Principal or equivalent level, although other grades would not be excluded.

(b) Officials would undertake responsible work either in a specific post or on specific projects of value to the receiving department.

(c) A small number of exchanges are envisaged with a minimum period of secondment of six months; longer periods, if mutually convenient, would not be ruled out.

(d) Officials on secondment would continue to be paid their salaries and any foreign allowances by their own departments in each country. No reimbursement would be made between the receiving and borrowing departments.

(v) Culture

There is scope for increasing the number of exhibitions, tours etc in both directions. The UK side would welcome proposals.

The British Council undertake cultural activities overseas on our behalf. The UK side would need to bring them into our discussions at an early stage. Similarly the Inter-University Council, now part of the British Council, could advise on academic exchanges at all levels.

2 April 1981



Nicholas R Winterton Esq
 House of Commons
 Westminster
 LONDON
 SW1A 0AA

*Cc MODBA
 I Gow*

HIDDEN COPIES

- Chief Whip, Hon M Jopling MP
- PS/Prime Minister
- PS/SofS (B)
- PS/PUS (B)
- Mr Marshall
- Mr Blelloch
- Mr Moriarty
- Mr Wyatt
- Mr Chesterton
- Mr Burns
- Mr Gee

2
 PRIME MINISTER

id Office
 le
 T

to see
 ms
 2/4

March 1981

31.3.81 (3)

Dear Nicholas,

Thank you for your letter of 16 March. You can hardly be surprised that I - or any other member of the Government - should take exception to your accusing the Government in a speech in a House of Commons Committee room of lying through its teeth and governing by deceit.

There is a great deal else to which I could take objection in that speech, but, like the points upon which you interrogate me in your letter, these matters have been very fully explained time and again by me and other members of the Government. No purpose would be served by my giving you another lengthy answer now.

You must be well aware that it has never been the practice, for the best of reasons, for the Government to give details of security operations. That is as true of the response to the attack on Tynan Abbey as of any other such matter. As for Anglo-Irish relations, we have asserted time and again that the constitutional position of Northern Ireland is not at issue in our talks with the Irish. Whatever you may hear to the contrary from other quarters, you would do well, it seems to me, to believe what you are told by the Government of the United Kingdom. As you rightly point out, we are both Conservatives, and all of us, from the Prime Minister downwards, are committed to the maintenance of Northern Ireland's position in the Union so long as that is the wish of the people of Northern Ireland and of Parliament.

Yours

William P. ...

LRS 315
CONFIDENTIAL

IS TO PM

CONFIDENTIAL

*I fear there
should be
already out of hand
The work cannot in confidence
should not
have got
into the
hands.
Mr*

FM DUBLIN 311600Z MAR 1981

TO IMMEDIATE DESKBY F C O (010800Z)

TELEGRAM NUMBER 91 OF 31 MAR

ANGLO/IRISH JOINT STUDIES

1. I HAVE BEEN CONSIDERING ALEXANDER'S LETTER OF 19 MARCH TO WALDEN ABOUT PROGRESS IN THE JOINT STUDIES. I QUITE SEE THE DIFFICULTIES ON OUR SIDE IF THE PACE OF EVENTS SEEMS TOO SWIFT. BUT AS THE LETTER POINTS OUT IT IS IMPORTANT TO MAKE SUFFICIENT PROGRESS TO ENSURE THAT MR HAUGHEY DOES NOT FEEL FORCED TO BREAK OFF THE JOINT STUDIES.
2. I AM AFRAID THAT IF WE SUGGEST TO THE IRISH AT THE NEXT MEETING THAT REFERENCE TO A COUNCIL OR A CONFERENCE BE REPLACED BY REFERENCE TO A COMMITTEE, THIS COULD WELL BE TAKEN BY THEM AS A STEP BACKWARDS. THE STANDING COMMITTEE ON ANGLO-IRISH COOPERATION SOUNDS TOO MUCH LIKE THE ANGLO-IRISH COMMITTEE ON ECONOMIC COOPERATION WHICH WHILE ACCEPTABLE AT A WORKING LEVEL HAS NO IMPACT POLITICALLY.
3. IT COULD BE DANGEROUS FOR US TO MAKE THIS CHANGE OF EMPHASIS WITHOUT BEING SURE IN ADVANCE THAT IT WOULD NOT CAUSE TOO MUCH DAMAGE AT THIS EARLY STAGE. AT THE NEXT SET OF MEETINGS THE IRISH WILL EXPECT TO PURSUE THE DISCUSSIONS OF IDEAS ABOUT AN ANGLO-IRISH COUNCIL. IN THE LIGHT OF MR HAUGHEY'S PRESENT ECONOMIC AND POLITICAL DIFFICULTIES IT COULD MAKE LIFE VERY DIFFICULT FOR HIM IF HE HEARS THAT AN ANGLO-IRISH COUNCIL OR SOMETHING SIMILAR IS NOT A POSSIBILITY. IT IS WORTH RECALLING THAT HE SEES A CLEAR CONNEXION BETWEEN SECURITY COOPERATION WITH US AND POLITICAL ADVANCE.
4. RECENTLY THE THEME OF THE EXTRA FINANCIAL COST OF SECURITY MEASURES WHICH RELATE TO THE BORDER HAS RE-EMERGED IN THE PRESS. THESE COSTS REPRESENT 15% OF THE TOTAL PROJECTED IRISH BUDGET DEFICIT THIS YEAR WHICH MUST BE WORRYING FOR MR HAUGHEY ON PURELY ECONOMIC GROUNDS. IT IS LIKELY THAT THE ELECTIONS IN THE REPUBLIC WILL BE HELD IN MAY/JUNE AND IT SEEMS ESSENTIAL THAT WE KEEP THE MOMENTUM OF THE JOINT STUDIES GOING TILL AFTER

CONFIDENTIAL

/ THEN.

MR 02 09

CONFIDENTIAL

THEN. IF WE CANNOT AT THIS STAGE MATCH THE IRISH MINIMUM DEMAND ON INSTITUTIONS WE SHOULD TRY AND PLAY FOR TIME. REFERENCE TO APPREHENSIONS IN THE NORTH WOULD BE WELL UNDERSTOOD AS A REASON FOR TAKING THINGS MORE SLOWLY. WHAT WE MUST AVOID IS OFFERING SOMETHING THE IRISH CANNOT ACCEPT AND NOT BEING ABLE TO IMPROVE ON IT.

FIGG

NORTHERN IRELAND LIMITED
RID PS/MR HURD
NAD PS/MR RIDLEY
INFORMATION D PS/MR BLAKER
WED PS/PUS
MAED SIR A ACLAND
NEWS D CHIEF CLERK
SECURITY D MR ADAMS
PUSD MR BULLARD
PS MR FERGUSSON
PS/LPS LORD N G LENNOX
MR BRAITHEWAITE

ADDITIONAL DISTN.
NORTHERN IRELAND

2
CONFIDENTIAL

MR. GOW

ANGLO-IRISH JOINT STUDIES

The Northern Ireland Office see no difficulty about the supplementary from Mr. Powell along the lines described in your minute to the Prime Minister of 24 March. They suggest that if Mr. Powell catches the Speaker's eye, the Prime Minister should reply:-

"As both the Dublin Communique and my own Statements to the House have made clear, five subjects are being discussed - possible new institutional structures, citizenship rights, security matters, economic cooperation, and measures to encourage mutual understanding".

As you will see, this is essentially the same form of words as you yourself suggested for the Prime Minister's use.

M. O'D. B. ALEXANDER

31 March 1981

A

From: THE PRIVATE SECRETARY



CONFIDENTIAL

NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

Michael Alexander Esq
10 Downing Street
London SW1

30 March 1981

Dear Michael

ANGLO-IRISH JOINT STUDIES

Thank you for your letter of 25 March about a possible "supplementary" from Mr Enoch Powell.

We are content with the line proposed in your letter, subject to the suggestion that it might be better, in listing the five subjects, to follow the order adopted in the 8 December communiqué and in the Prime Minister's reply to Mr Peter Robinson's question, i e to put "possible new institutional structures" at the beginning.

I am sending a copy of this letter to Roderic Lyne (FCO) and David Wright (Cabinet Office).

Yours sincerely
Mike Stephens
M W HOPKINS

CONFIDENTIAL

20

From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

for [unclear]

27 March, 1981

(2)

Prime Minister

*In all the circumstances I think
Mr Haughey's speech is a pretty
good one.*

[Signature] - 27/3

Michael Alexander, Esq.,
No. 10 Downing Street,
LONDON SW1

Dear Michael

...

I attach an extract from today's Irish Times which the Prime Minister may be interested to see. It sets out - in full it would seem - Mr. Haughey's speech to his party executive yesterday about the Anglo-Irish talks and his policy towards Northern Ireland. If one reads it all, it is not too unhelpful but no doubt Dr. Paisley will use some of it out of context.

*Yours sincerely
Mike Hopkins*

[Signature]

M.W. HOPKINS

Haughey stresses need for North's consent to change

THE Taoiseach, Mr Haughey, moved to reduce tension in Northern Ireland over the implications of the British Irish studies yesterday when he drew attention to the fact that at the last London summit, he had agreed that changes in the constitutional status of Northern Ireland could only come about with the consent of a majority of the Northern people.

Mr Haughey told the National Executive of Fianna Fail, according to a supplied script.

"I doubt if there has ever been a political initiative or process in this country which has been the subject of so much constant sniping, so many attempts to put false constructions on things, so much effort to misrepresent or misinterpret what has been said. What is the basis of this criticism? On the one hand, it is suggested that we are doing secret deals or that we are abandoning traditional policies. On the other hand, we are accused by the same people or their close associates of following a policy of inferring things that are not in fact happening, of making unjustifiable claims as to the significance or content of the joint studies or otherwise of creating unreal expectations as to the outcome of the process.

ALLEGATIONS

"I have already dealt in the Dáil with the allegations and suspicions about secret deals. In doing so, I drew attention to the credibility gap attaching to the Opposition parties, arising from the basic and unresolved differences between them and indeed within the Fine Gael Party on questions of vital national importance relating to Ireland's place in the world. So far as the other type of accusation is concerned, I defy anyone to point to anything I have said in speeches in the Dáil or in the country, in radio or television interviews or in press conferences that could sustain such a suggestion. For example, in answer to a question at my press conference on December 8th, I said: 'I don't want to go too far ahead. Sufficient for the day is the achievement thereof. The procedures, what was brought forward today is the concept of special studies, joint studies — and I emphasise that they are joint studies — which will be considered specially at a meeting in London. I regard that as very considerable progress, historic progress'.

"Do the Opposition parties wish to quarrel with that? I certainly make no apologies for taking a view which has been very widely shared. Again, in reply to another question, I said that for my part I did not set any limits to what institutional arrangements might be conceived or brought forward as long as they are designed to contribute to the improvement of relationships and to bring about peace and reconciliation throughout this island.

"Again, it is suggested or implied that our motives in maintaining confidentiality in respect of the joint studies were questionable or designed to weave a web of mystery. It is in fact the Opposition parties who seek to create doubt and suspicion. There is every reason that the studies should be confidential at this stage. This is almost invariably the case when two governments seek to study issues of this type. If the officials were not permitted to

work together, to explore all relevant possibilities in an atmosphere of openness, within the framework of a joint agreement to maintain confidentiality, no worthwhile progress would be made. Demands to depart from confidentiality are not, I suggest, seriously thought through.

"It is now stated that there is a hiatus in what is described as a bi-partisan policy on Northern Ireland. I don't know what is meant by this. Both Opposition leaders have over the last fifteen months carried on a sustained campaign of criticism of every aspect of my policies. Since December last, instead of putting forward any constructive suggestions, they have stepped up this campaign.

"The Fine Gael Leader suggests that Northern Ireland should not be an election issue while in the same breath he intensifies his attack on my policies in respect of such matters as the joint studies and defence and foreign policy.

"It is the duty and responsibility of the Government to formulate and implement policy. The Opposition parties have a clear choice — either to support those policies or to oppose them.

"At the next election — whenever it comes — the policies of the Government on Northern Ireland and on every other area will be put before the people. The

attitude to be taken by the Opposition parties is entirely a matter for them. If they choose to support our policy on Northern Ireland we will be gratified. If they disagree with us it is open to them to put forward an alternative, though one must have the gravest doubts about the feasibility of their doing so.

"The policy of the leader of the Labour Party appears still to be determined by the attitude epitomised in the remarks of his erstwhile colleague who held special responsibility for information on the policies of the Coalition Government and who explicitly affirmed that he was not working actively for Irish unity. I fail to see how the Opposition parties could even establish or maintain a bi-partisan approach among themselves.

"For my part, I have no hesitation in reaffirming openly and proudly that I am working actively for Irish unity. I have said before and I repeat now that progress towards the unity of all our people is my top political priority. I will not be deflected from pursuing that noble goal sensibly and patiently.

"In statements on February 10th and 25th last the Secretary of State for Northern Ireland spelt out what the British Government mean by the constitutional status or position of Northern Ireland. He defined it as being that its position within the United Kingdom cannot be changed without the consent of a majority of the people of Northern Ireland and of the Westminster Parliament.

"Our position on this should be perfectly clear. As I have already brought out, the studies are part of a process initiated when I met Mrs Thatcher in London on May 21st last year.

PRACTICAL REALITIES

"Reference to the communiqué issued after that meeting will show that I agreed that change in the constitutional status, the present factual state of Northern Ireland, would only come about with the consent of a majority of the Northern people. In my Dáil speech on May 29th last I pointed out that this simply recognised the practical realities of the situation.

"That much being said, there remains a wide field for study and consideration in the five areas set out in the Dublin communiqué, directed to the needs on which we are agreed — peace, reconciliation, stability and in the light of recent statistics I might add economic reconstruction in Northern Ireland, as well as the improvement of relations between the two countries.

"I certainly do not conceal my hope that the process on which we have embarked will help in whatever timescale, whether short or long, to bring all the people of this country together in some new agreed political arrangements that will bring peace and reconciliation.

"The studies do not pose a threat to anybody. On the contrary, they are intended to explore the scope for, and possible lines of, developments that would be of benefit to all concerned, develop-

ments that would promote the security, welfare and prosperity of all the people of the two countries. They do not represent decisions but are work by officials to be submitted for consideration by the British Prime Minister and me at our next meeting. The matters which are the subject of the studies are clearly set out in a paragraph of the Dublin communiqué which I have repeated earlier in this speech. The studies are concerned with these matters. They are not concerned with anything else. They are proceeding satisfactorily.

NEGATIVE ATTITUDE

"Is it too much to hope that unhelpful speculation would now cease and that, instead, the officials can pursue their work in an atmosphere conducive to progress and success?

"Perhaps the critics here at home could look beyond their own narrow confines. If they did so they would see that in their negative attitude to the process that is under way they are isolated among persons and bodies who adopt a responsible and forward-looking approach. This process has received the full support of the SDLP, of the friends of Ireland in the United States, of leading newspapers in Britain, America and elsewhere. It is the subject of considerable satisfaction in the United States Administration and among our partners in Europe. Are all of these people out of step?

"I believe that our policy has the support of a majority of Irish people. I have no doubt that the attempts to sabotage and retard progress towards national interests of the first importance will rebound on those concerned. In any event, we intend to pursue our policy calmly and steadily, firmly convinced of its correctness", Mr Haughey said.



sh
held

10 DOWNING STREET

From the Private Secretary

25 March, 1981.

Dear Roy,

Anglo/Irish Joint Studies

As you are no doubt aware, Ian Gow wrote privately to your Secretary of State on 18 February about a... PQ which Mr. Enoch Powell had it in mind to put to the Prime Minister on the Anglo/Irish joint studies.

Mr. Powell has now returned to the charge. He is thinking of putting the following Question to the Prime Minister tomorrow:-

"Is the Prime Minister able to tell the House how many subjects have been authorised for discussion by the Anglo/Irish Study Groups, and what those subjects are?"

It is possible that Mr. Powell would be willing to delay his question a little if the Prime Minister thought that the proposed timing was not right.

My own feeling is that it would not be right to try to prevent Mr. Powell putting his Question, but ^{that} we should indicate that it would be very helpful if the Question were delayed until, say, Thursday, 2 April. If Mr. Powell does then catch the Speaker's eye, it might be helpful if the Prime Minister were able to reply along the following lines:-

"As both the Dublin Communique and my own statements to the House have made clear, five subjects are being discussed - citizenship rights, security matters, economic cooperation, measures to encourage mutual understanding, and possible new institutional structures."

I should be grateful for urgent advice.

I am sending copies of this letter to Roderic Lyne (Foreign and Commonwealth Office) and David Wright (Cabinet Office).

Yours sincerely
Richard Alexander

Roy Harrington, Esq.,
Northern Ireland Office.

A



10 DOWNING STREET

Michael Alexander

1. Mr. James Molyneaux.

Will the Prime Minister tell the House how many subjects have been authorised for consideration by the Anglo/Irish Study Groups, and what those subjects are?

2. Draft Prime Minister's Reply.

As I have made clear to the House already, five subjects are being discussed - namely citizenship rights, security matters, economic co-operation, measures to encourage mutual understanding and possible new institutional structures.

25th March, 1981

Ian Gow.

XX

1154/24

fomaa 006/24

oo maastricht (deskby 241100z)

grs 155

155

unclassified

fm dublin 240930z mar 1981

to immediate deskby 241100z maastricht

telegram number 01 of 24 mar

and to priority f c o and n i o (belfast)

irish media comment on maastricht summit
in the irish media this morning community discussions take second
place to reports of the bilateral meeting between mrs thatcher and
mr haughey.

2. british officials are reported as saying that the prime minister
complained that mr lenihan's recent remarks were damaging and
counter productive, while mr haughey is said to have refused
to comment on what took place at the meeting on the grounds
that such conversations were confidential, but to have told irish
journalists that he regarded mr atkins statement as a reiteration
of the british position on the constitutional position of the
north. he reiterated his adherence to irish unity as
the basis of his political philosophy.

3. the papers also carry reports of a further interview given
by mr lenihan to the b b c world service broadcast
on b b c northern ireland at 6 pm last night. mr lenihan is said
to have suggested that he expected some sort of united ireland
within ten years.

figg

M ALEXANDER

F RICHARDS

B INGHAM

W FENN

12

Top Copy on

Euro IR: Ac b: Maastricht EC Policy



10 DOWNING STREET

Prime Minister.

ANGLO/IRISH STUDY GROUPS

1. Herewith copy of my letter to Humphrey Atkins dated 18th February.
2. Enoch came to see me this afternoon.
3. He says that he fears that much of the success which you achieved ~~for~~ Belfast in dispelling Unionist fears of a sell-out has been damaged by the reported remarks of the Irish Foreign Minister.
4. Enoch (or possibly Jim Molyneaux) have in mind to ask you the following Question on Thursday:-

"Is the Prime Minister able to tell the House how many subjects have been authorised for discussion by the Anglo/Irish Study Groups, and what those subjects are?"

5. I have the impression that if you felt that the timing of such a question for 26th March was not right, then the question would be deferred. However, I do not think that the Official Unionists will agree to defer such a question for very long.
6. I have not seen the Northern Irish newspapers, but for my part I think that if you were able to answer this question as soon as possible and as specifically as possible that would be helpful in dispelling those further anxieties which have undoubtedly been aroused in Northern Ireland by the remarks of the Irish Foreign Minister.
7. I understand, of course, that you and Houghy have different "constituents" to bear in mind, and that any such reply would, in effect, have to be agreed in advance with Dublin.
8. This issue will not just fade away.

24th March, 1981

Ian Gow.

C.C. MICHAEL ALEXANDER.



10 DOWNING STREET

Private & Confidential.

18th February, 1981

I write to confirm our conversation last week.

Enoch Powell told me that if and when you judge the moment to be right, he would ask the Prime Minister an Oral Question along the following lines:-

"In connection with the discussions now taking place between the Governments of the United Kingdom and of the Irish Republic, is the Prime Minister able to say whether those discussions will include the delineation of the border in the two Loughs, and the extradition of citizens in the Republic charged with crimes committed in the United Kingdom?"

We cannot, of course prevent Enoch (or Jim Molyneaux) asking such a question at any time, and I think that it would be helpful to continue to have their co-operation, if possible, so far as time is concerned.

May I leave it to you, please to let me know if and when you think that the moment is ripe?

Ian Gow

The Rt. Hon. Humphrey Atkins, M.P.

CONFIDENTIAL



10 DOWNING STREET

From the Private Secretary

24 March 1981

ANGLO/IRISH JOINT STUDIES: MEETING WITH
MR. HAUGHEY

The Prime Minister had a brief meeting in Maastricht last night with the Taoiseach. The only subject discussed was the interview which the Irish Foreign Minister, Mr. Lenihan, gave to the Sunday Tribune on 22 March.

The Prime Minister told the Taoiseach that each of them had done everything to protect the other's position. The joint studies had, in all the circumstances, been going well. But Mr. Lenihan's interview might well have "undone" everything. (The Prime Minister pointed out to the Taoiseach some of the more damaging remarks). She did not know whether the situation could be pulled back. She had had to ask Mr. Atkins to issue a unilateral statement earlier in the afternoon: a joint statement in the present situation would not be helpful. If the Taoiseach himself felt able to issue a statement, that might be useful.

The Taoiseach did not respond to the Prime Minister's suggestion that he might make a statement. He agreed with the Prime Minister that the joint studies had been going well. Mr. Lenihan's interview had opened everything up. The Dublin initiative was now beginning to look "very tattered". The question which he and the Prime Minister faced was "how to pull things back". He thought the best thing to do would be to reflect on the situation overnight. The Prime Minister agreed. The two Heads of Government parted with expressions of mutual esteem and regret!

Neither the Taoiseach nor any member of his party in fact came up with new proposals this morning. I discussed the situation with Mr. Nally. We agreed that the only thing to do was to keep as low a profile as the circumstances permitted. I said that the Prime Minister's attitude in interviews and at Question time would be, in general terms, to express regret at what happened. However, she would, of course, have to make HMG's position clear if pressed. Mr. Nally took the point.

I am sending copies of this letter to Roy Harrington (Northern Ireland Office), John Halliday (Home Office) and David Wright (Cabinet Office).

M. O'D. B. ALEXANDER

R. M. J. Lyne, Esq.,
Foreign and Commonwealth Office.

CONFIDENTIAL

STATEMENT

held

"Remarks attributed at the weekend to the Foreign Minister of the Government of the Republic, Mr. Bryan Lenihan, may give rise to misunderstanding.

The joint studies commissioned by Mrs. Thatcher and Mr. Haughey are intended to examine matters of common interest between the UK and the Republic, and to improve relations between the two countries. The studies have nothing to do with, nor have touched on, nor will they touch on, the internal Government of Northern Ireland or its constitutional position. The Government and the Prime Minister have repeatedly made this clear."

23.3.81

"Remarks attributed at the weekend to the Foreign Minister of the Government of the Republic, Mr. Bryan Lenihan, ^{may} ~~have~~ given rise to ~~confusion~~. *misunderstanding*"

The joint studies commissioned by Mrs. Thatcher and Mr. Haughey are intended to examine matters of common interest between the UK and the Republic, and to improve relations between ^{two countries} them. The studies have nothing to do with, nor have touched on, nor will they touch on, the internal Government of Northern Ireland or its constitutional position. Both Governments and both Prime Ministers have made this clear on more than one occasion."

CW

~~MSWY~~ May we release this from No.10 this afternoon against the background I outlined to you?

As I mentioned to you, Mr. Atkins thinks the Prime Minister could usefully speak to Mr. Haughey about Mr. Lenihan.

MAP
23/3

CONFIDENTIAL

DUBLIN 231130Z MAR 1981

TO IMMEDIATE F C O DESKBY 231130Z

TELEGRAM NUMBER 76 OF 23 MAR

AND TO IMMEDIATE DESKBY 231230Z MAASTRICH (FOLLOWNG FOR P S)

AND TO ROUTINE INFO N I O BELFAST AND WASHINGTON

SUNDAY TRIBUNE INTERVIEW WITH MR LENIHAN

1. THE SUNDAY TRIBUNE OF 22 MARCH CARRIED A LONG INTERVIEW WHICH LENIHAN GAVE TO THEIR POLITICAL CORRESPONDENT GERALDINE KENNEDY (COPY BY BAG). THE ARTICLE COVERS THREE MAIN POINTS: THAT THE JOINT STUDY ON POSSIBLE INSTITUTIONAL MEASURES INVOLVED NEW STRUCTURES IN NORTHERN IRELAND BETWEEN THE TWO COMMUNITIES, THAT INSTITUTIONAL STRUCTURES HAVE CONSTITUTIONAL IMPLICATIONS " IF PEOPLE WANT TO GO INTO THE SEMANTICS OF THE MATTER" AND FINALLY, LATER IN THE ARTICLE , THAT THERE COULD BE A FEDERAL STRUCTURE AT SOME TIME IN THE FUTURE.
2. THIS ARTICLE SHOULD BE SEEN AGAINST THE REMARK MADE BY LENIHAN ON A TELEVISVON PROGRAMME ON TUESDAY NIGHT , 17 MARCH, THAT THERE WAD NO QUESTION OF THE NORTHERN IRELAND CONSTITUTION BEING DISCUSSED DURING THE PRESENT JOINT STUDIES. THIS HAS DONE A GOOD DEAL TO CLEAR THE AIR IN POLITICAL CIRCLES IN DUBLIN AND THE SUNDAY TRIBUNE ARTICLE WILL NOT DETRACT FROM IT BECAUSE IT COVERS NO NEW GROUND. THE REFERENCE TO " NEW STRUCTURES IN NORTHERN IRELAND BETWEEN THE TWO COMMUNITIES" SEEMS TO BE A WAY OF REVERSING THE IRISH GOVERNMENT'S CRITICISM OF MR ATKINS' ATTEMPTS LAST YEAR TO GET AGREEMENT ON POWER-SHARING. IN OTHER WORDS, THE IRISH GOVERNMENT WOULD NOW LIKE TO SEE SOME KIND OF DEVOLVED GOVERNMENT IN THE NORTH. IT ALSO REFLECTS HAUGHEY'S CONCEPT OF THE THREE DIMENSIONS. THE SUGGESTION THAT INSTITUTIONAL STRUCTURES HAVE CONSTITUTIONAL IMPLICATIONS APPEARS TO BE NO MORE THAN AN ATTEMPT TO WATER DOWN HIS CATEGORICAL STATEMENT LAST WEEK ABOUT THERE BEING NO QUESTION OF THE CONSTITUTIONAL POSITION OF NORTHERN IRELAND BEING DISCUSSED. THE REFERENCE TO A FEDERAL STRUCTURE COULD BE SEEN AS AN ATTEMPT TO TRY AND CATCH UP WITH FINE GAEL WHO PUBLISHED IN 1979 A FAIRLY COMPREHENSIVE PAPER ENTITLED " IRELAND - OUR FUTURE TOGETHER " WHICH INCIDENTALLY DISCUSSED POSSIBLE INSTITUTIONAL ARRANGEMENTS. SO FAR FIANNA FAIL HAVE NO SIMILAR POLICY PAPER ON NORTHERN IRELAND AND HAVE ONLY THE H JOINT STUDIES TO REFER TO .

Mr Whitmore (2)

Mr Ingham

No 10 Duty Clerk

Mr Richards (2)

Mr Fenn

CP Budd

23/3

SO FAR FIANNA FAIL HAVE NO SIMILAR POLICY PAPER ON NORTHERN IRELAND AND HAVE ONLY THE H JOINT STUDIES TO REFER TO .

3. TO SUM UP, I DO NOT THINK THERE IS ANYTHING IN THE SUNDAY TRIBUNE ARTICLE TO SUGGEST THAT THE IRISH GOVERNMENT INTEND TO DEPART FROM THE ^{LINE} ~~ONE~~ THEY ARE TAKING WITH US IN PRIVATE FOLLOWING THE DUBLIN SUMMIT AND IN OUR JOINT STUDIES.

FIGG

NNNN

RECD AT 23/1309Z DJH



Mr Patterson

*I enclose our draft
Statement with relevant
background material.*

WITH

THE COMPLIMENTS OF THE
PRIVATE SECRETARY

Julie Hopkins

NORTHERN IRELAND OFFICE

GREAT GEORGE STREET

LONDON SW1P 3AJ

F 23/3

C.R.

DRAFT STATEMENT

Remarks attributed at the weekend to the Foreign Minister of the Government of the Republic, Mr. Brian Lenihan have given rise to confusion.

2. The joint studies commissioned by Mrs. Thatcher and Mr. Haughey are intended to examine matters of common interest between the UK and the Republic and to improve relations between them. The studies have nothing to do with, nor have they touched on, nor will they touch on the internal government of Northern Ireland or its constitutional position. Both Governments and both Prime Ministers have made this clear on more than one occasion.

Sunday Tribune : 22.3.81

Basically, new institutional structures, of course, involve new structures in Northern Ireland between the two communities there in some sort of partnership government; structures ~~xxx~~ between North and South; and structures between Ireland and Britain. And, of course, these institutional structures do have Constitutional implications, if people want to go into the semantics of the matter. One important aspect that has to be remembered here is that the only Constitutional guarantee anybody has within the United Kingdom is the Parliament of Westminster and whatever the Parliament of Westminster passes is passed and that is that. They do not have within the UK any form of written Constitution such as we have in the Republic.

Are you now trying to say that institutional is the same as Constitutional for Britain because they do not have a written Constitution?

Well, indeed ~~if~~ that interpretation needs to be derived from it, yes. But, what I would like to say ~~is~~ more fundamentally is that what we are embarking on now is a process that may or may not lead to the sort of major Constitutional changes that are envisaged. At least the studies are now embarked upon and these studies will throw up various alternatives and options that can be used by the Heads of Government and by the two Sovereign Governments concerned and decisions taken.

Do you think that, in the future, Northern Ireland may be another Rhodesia situation for Lord Carrington?

I would hope so. I would hope that he would take a direct interest in it.

In the same way as Rhodesia?

Exactly. I have great admiration for his skill and ability.

Is it your impression from your presence at two Anglo-Irish summits as Minister for Foreign Affairs that Mrs. Thatcher would like to pull out of the North?

I do think that the British Government wants to make an accommodation. They would like to see it settled. It is obviously not in their interests to be spending over £1,200 million a year on security and all that sort of thing in the North of Ireland. It does not make sense from the British point of view to have two friendly peoples in these two islands spending enormous sums of money on security over a situation that should not be there. The North of Ireland is an artificial creation. It was set up under the Treaty of 1921 and basically it was an expediency and said to be so at the time. Most of the Unionist leaders of the time did not want it. It just happened. And it has proved to be one of the British expedients that just did not work. I think everybody knows it has not worked so we must try and work out something else.

Q Do you think that time and Mrs. Thatcher has brought the moment when Britian is considering pulling out?

Q Do you get that impression?

A Well, I get the impression that Mrs. Thatcher will, at least, try to tackle the problem. She has shown great capacity in that way in other areas and I believe she will try to tackle the problem and she has certainly pretty able people around her.

A It is interesting to note that it is only Tory Governments in Britain that have tried to tackle the matter. ~~Prime~~ Heath did make an effort with Sunningdale. I am more confident that Tory Governments can deal with the matter in a more effective manner than Labour Governments.

Q Is it your impression from being at the Summits that "dealing with this matter" means, the end, pulling out?

A Yes, but on a graduated basis. ^{You} ~~we~~ just can't pull out unilaterally in an irresponsible manner. I am certain that the British Government won't do that. It has to be an agreed phased, graduated approach.

Q Do you think that they would now welcome an agreed phased, graduated withdrawal if they could get an accommodation with the Unionists?

A Yes. If the accommodation that you mention could be reached, that is obviously the way forward.

Q And you think they would welcome it?

A Oh, I have no doubt about that.

E.R.

TEXT OF AN INTERVIEW BETWEEN MR. LENIHAN AND PHILIP WHITFIELD (B&C)

Interviewer

Are you playing with semantics on the Northern Ireland issue?

Mr. Lenihan

At this present time it does not arise but a course has been started which in due course will hopefully allow for the examination of that matter but at the present time it is not under discussion in the joint studies. The joint studies are concerned with the examination of possible institutional structures that will bring partnership between the two communities in the North of Ireland and closer association with the North of Ireland in Ireland and closer association with the island as a whole and Britain.

Interviewer

But you have not softened your approach at all in that in the long term you believe that the people of this island can come together in the new framework which would satisfy your aspiration for Irish unity.

Mr. Lenihan

Yes but in pursuing that legitimate objective I have taken into account the views of people who may not agree with me.

Interviewer

Would you accept the process that has been begun to be completed within the next 4 or 5 years?

Mr. Lenihan

Our objective is going on a timescale of that time certainly. But as I say it has to be done step by step. For this matter is long fingered too much. There is a very real danger that one could see established in the North of Ireland almost a permanent state of violence between the two extreme polls.

MR PASTISON

Statement to be issued by No. 10 in the next sometime to day,
when they will make it clear as necessary that the statement has the
full authority of No. 10.

Remarks attributed at the weekend to the Foreign Minister
of the Government of the Republic, Mr. Brian Lenihan, ~~have given~~ ^{may give}
rise to ~~confusion~~ ^{misunderstanding}.

The joint studies commissioned by Mrs. Thatcher and Mr. Haughey
are intended to examine matters of common interest between the
UK and the Republic and to improve relations between ~~them~~ ^{the two countries}. The
studies have nothing to do with, nor have touched on, nor will they
touch on, the internal government of Northern Ireland or its
constitutional position. ~~Both Governments~~ ^{The} and ~~both Prime Ministers~~ ^{we}
have made this clear, ^{repeatedly} ~~on more than one occasion~~.

Amended as confirmed by No. 10 BA from
Maastricht: 12.00 23/3.

CONFIDENTIAL

SUBJECT



ce master

file HS

Ireland

10 DOWNING STREET

From the Private Secretary

19 March 1981

Anglo/Irish Joint Studies

The Prime Minister held a meeting this evening to review progress in the Anglo/Irish Joint Studies. The Home Secretary, the Foreign and Commonwealth Secretary, the Northern Ireland Secretary, the Lord Privy Seal, Sir Robert Armstrong and Mr. Wade Gery were also present.

The Prime Minister said that Mr. Wade Gery's report on the latest round in the Anglo/Irish talks (attached to Sir Robert Armstrong's minute to me of 13 March) had caused her some concern. The talks were moving faster than she had originally contemplated. Some of the phraseology which had come up was particularly worrying. She did not like the idea of using the word "Council" to describe whatever institution might be established. It had also to be borne in mind that Mr. Haughey would certainly exaggerate the significance of whatever was achieved.

The Prime Minister said that what she was looking for was an institution which would reflect the particular nature of the relationship between the two countries. It should provide a framework for on-going talks. It would be important to make sufficient progress to ensure that Mr. Haughey did not feel forced to break off the joint studies. But equally we should not go too fast. We should aim to get the new institutional structure set up and to urge Mr. Haughey to rest content with that.

In the subsequent discussion about the title to be attached to any institution, it was agreed that any reference to a "council" or a "conference" should be avoided. A relatively anodyne word such as "committee" might be best. It was agreed that further consideration would be given to the possibility of describing the new institution as the "Standing Committee on Anglo/Irish Co-operation" (SCAIC).

As regards the activities for which the SCAIC might be responsible or which might take place under its aegis, the Prime Minister said that her objective was to break down the barriers between the two countries without giving offence to our people. The latter consideration meant that there should be no "sub-structure" exclusively devoted to North/South Irish relations. But the present

CONFIDENTIAL

/ North/South

rs

CONFIDENTIAL

- 2 -

North/South contacts should continue under the umbrella of the SCAIC.

The SCAIC itself could meet at every level i.e. Head of Government, Ministerial, Junior Ministerial, or official. It could sweep up other existing fora such as the AIEC. Consideration would have to be given as to whether other institutions e.g. an Anglo/Irish Ditchley, should be developed and if so what their relationship would be to the SCAIC. The object of an Anglo/Irish Ditchley, which might meet alternately in this country and in the Republic, would be to enable leading figures in each country to meet regularly and informally.

It was agreed that, for the present, Parliamentary contacts should be developed separately building on the existing Anglo/Irish Parliamentary Group. There was a need to improve the quality of the present participation in the Group.

It was agreed that considerable caution was required in pursuing the security discussions insofar as these touched on questions of international defence. It was noted that Mr. Haughey had been content with the line taken by the Prime Minister in Belfast. It was suggested that Irish willingness to discuss defence issues in the terms described in paragraph 5 of Mr. Wade-Gery's report could be seen as an encouraging development.

As regards the next steps, it was noted that any written comments to be sent to Dublin would have to be cleared with the Ministerial Committee chaired by the Lord Privy Seal. The next major milestone would be the summit between the Prime Minister and Mr. Haughey due to take place some time in the summer. The Irish would be hoping that the communique of that meeting would announce that it had been agreed in principle to establish the new institution. The communique might also refer to other conclusions of the joint studies. It was not envisaged that detailed reports on the various subjects covered by the joint studies would be made public.

I am sending copies of this letter to John Halliday (Home Office), Roy Harrington (Northern Ireland Office), Stephen Gomersall (Lord Privy Seal's Office) and David Wright (Cabinet Office).

M. O'D. B. ALEXANDER

G.G.H. Walden, Esq., C.M.G.,
Foreign and Commonwealth Office.

CONFIDENTIAL

FILE

R H

cc:- Mr Gow

1. MR ALEXANDER - to see
2. PRIME MINISTER

As the Chief Whip told you, Nicholas Winterton has written to Humphrey Atkins about Northern Ireland. Here is a copy of his letter. You will see that it is generally hostile.

Do you want to be consulted about Mr Atkin's reply?

N. J. SANDERS

18 March, 1981

R H

18 March, 1981

I am writing on behalf of the Prime Minister to thank you for sending us a copy of your letter of 16 March to the Secretary of State for Northern Ireland. I shall, of course, place your letter before the Prime Minister immediately.

N. J. SANDERS

Nicholas R Winterton, Esq, MP



Ref. A04499

PRIME MINISTER

Anglo-Irish Joint Studies

The Home Secretary, Foreign and Commonwealth Secretary, Lord Privy Seal and Secretary of State for Northern Ireland will be attending your meeting at 4.30 pm tomorrow, which will have before it my minutes to Mr Alexander of 20 February and 13 March (the latter attaching Mr Wade-Gery's minute of 12 March) and his replies of 23 February and 16 March. The meeting may wish to focus on the following points for decision.

2. A Ministerial Council. Are we content with what seems to be emerging as the main Irish aim at this stage? They want the chief feature of the communique of the next Anglo-Irish summit meeting (which the last communique said would be devoted to "special consideration of the totality of relationships within these islands") to be the announcement that a new "institutional structure" is to be established in the shape of a United Kingdom/Republic of Ireland Council. They see the Council as a Ministerial body, to be flexibly composed of different pairs or groups of Ministers on different occasions. It would be essentially an East-West ie London-Dublin structure. But they would also welcome a North-South substructure, which in present circumstances might on our side involve junior Northern Ireland Office Ministers. In itself such a Council would represent little more than dramatising and somewhat intensifying what happens already. The difficulty will come over the different ways it will be presented. We shall call it a natural development of good working relations with our nearest and only land neighbour, which in no way affects our guarantee to Northern Ireland or threatens the constitutional future of the Province. Mr Haughey could well be tempted to describe it as an important stage on the road to the ultimate goal of a federal or otherwise united Ireland; and Protestant suspicions in the Province would be quick to fasten on that.

3. We cannot stop Mr Haughey claiming that his policies are paying off in terms of his ultimate goal. Nothing will stop extreme Protestants being suspicious, unless we engineer the sort of open breach with Mr Haughey which



for security and other reasons we cannot afford. The question is whether the advantages of continuing to discuss a Ministerial Council (and the disadvantages of blocking the idea) are worth the price to be paid in terms of Northern Ireland suspicions. I think the answer should be that they are. In practical terms a Council should at worst be harmless and at best might contribute usefully not just to maintaining and increasing Dublin's vital co-operation on cross-border security but also to creating that "wider framework" for the gradual easing of the problems of Northern Ireland, via changing attitudes and emerging political stability, which was one of our basic policy objectives in embarking on what has now become the Joint Studies exercise (paragraphs 3-4 of Annex D to OD(80) 67).

4. Leaks. How confident can we be that the Irish will not leak part of the contents of the Joint Studies between now and the next summit? If they do, how fireproof are we? So far Dublin's track record has been good. They have emphasised the importance of confidentiality, parried all public questions skilfully and consulted us at tricky moments. They have also sympathised with our problems over Paisleyite suspicions of the Studies and have raised no objection to our repeated public statements that the Studies are not about the constitutional future of Northern Ireland. But Mr Haughey could if he wished claim that those statements constituted mild leakage on our side, necessitated by our political circumstances; and as he gets into his election campaign (probably mid-April to end-May) he may be tempted to plead similar political necessity for hinting that the Studies are proving useful to the ultimate cause of Irish unity. If he does, we have at any rate given ourselves the firmest possible basis for countering, by reiterating that the Studies do not touch the Northern Irish constitutional issue at any point and that Mr Haughey himself agreed in last May's communique that any change in the Province's constitutional status could only come about with the consent of a majority of its inhabitants.

5. "Constitutional" Issues. Against this background, the question is whether we need to refuse to discuss with the Irish any subject to which the adjective "constitutional" could conceivably be applied. Or is it enough to continue to make it very clear, to the Irish and in public, that we will not discuss the one subject which that word suggests to Northern opinion, ie the constitutional status of the Province? So far the Irish have accepted our No Entry sign on that



SECRET

subject with a good grace. They have not brought up for substantive discussion any other constitutional topic (although they have referred to the constitutional difficulty they claim to have over extradition; and they have also described their hopes that the enfranchisement of British residents of the Republic can be encompassed without changing the Republic's constitution). But they may yet want to raise with us the possible relationship between certain features of their constitution (e.g. the formal territorial claim to the whole island of Ireland) and the Study on "measures to encourage mutual understanding". If they do, and we try to put up other No Entry signs, we may risk diminishing the effectiveness of our main one; and we may also, if we seem unreasonable, risk losing their co-operation over maintaining confidentiality.

6. Points which I think need only be noted at this stage include the following:-

- (a) The Irish are also interested in some Parliamentary structure. But this is clearly a lower priority for them than a Ministerial Council; and they are well aware of the practical problems it would raise (e.g. how to ensure Northern Protestant participation).
- (b) The Irish seem to be trying to do their best over extradition. Although they clearly will not give way on the main point, it will be a helpful signal if they do re-arrest and subsequently sentence someone whom they have first refused to extradite.
- (c) Mr. Haughey is probably still hoping that the next summit can be before the summer break, e.g. in July. But if he does have his election in the early summer, as expected, he will not expect the summit date to be fixed until that is over.

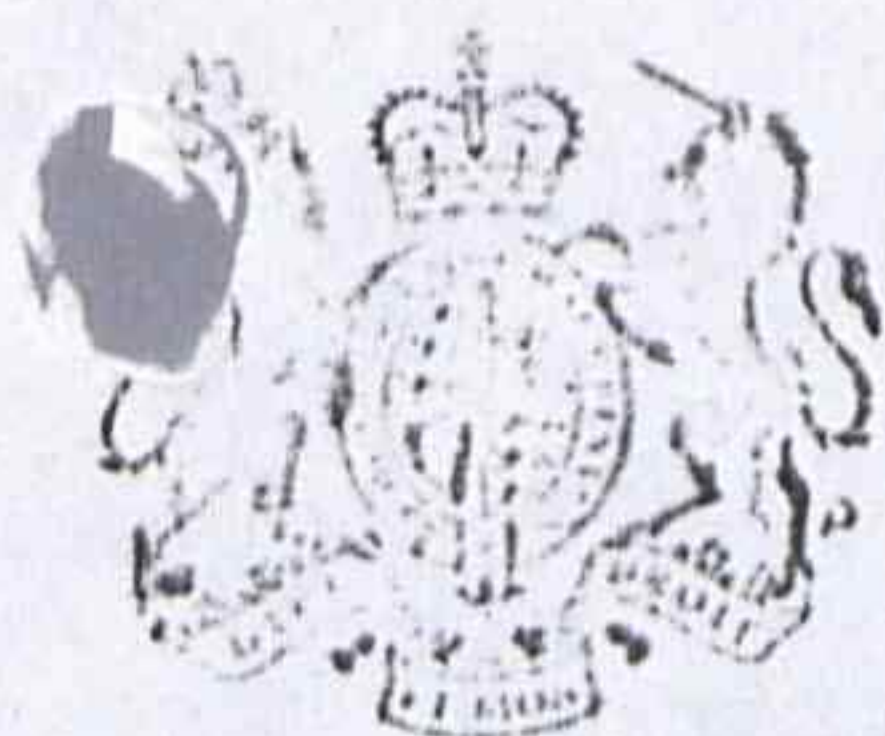
7. I am sending copies of this minute to the Ministers who will be attending your meeting.

(Robert Armstrong)

18th March 1981

CONFIDENTIAL

CABINET OFFICE
70 WHITEHALL
LONDON SW1A 2AS



Ireland
~~XXXXXXXXXX~~ 233 8378

17th March 1981

Ref: B06153

Dear John,

Anglo-Irish Joint Studies

The Home Secretary is attending a meeting of the Prime Ministers on this subject at 4.30 pm on 19th March, at which the Foreign and Commonwealth Secretary, Lord Privy Seal and Secretary of State for Northern Ireland will also be present. The background papers for this meeting are Robert Armstrong's minutes to Michael Alexander of 20th February and 13th March (the latter attaching my minute of 12th March) and Michael's replies of 23rd February and 16th March. With Michael's agreement, I am enclosing copies of all these herewith.

We shall be sending round tomorrow a short note suggesting the main issues for decision at the Prime Minister's meeting.

I am sending copies of this letter, without enclosures, to Michael Alexander, to George Walden (who will no doubt have had copies of the papers referred to above from Stephen Gomersall), to Stephen Gomersall and to Roy Harrington.

Yours ever

R. L. WADE-GERY

J F Halliday Esq.
Home Office.

CONFIDENTIAL

NO 15



10 DOWNING STREET

From the Private Secretary

16 March 1981

Anglo-Irish Joint Studies

The Prime Minister has seen and taken note of Sir Robert Armstrong's minute to me of 13 March, reference A04456, on this subject and of the attachment to it. She has commented that she wishes to discuss the problems before any written communication goes to the Irish or further talks take place with them. We shall be arranging an early meeting.

I am sending copies of this letter to Stephen Gomersall (FCO) and Roy Harrington (Northern Ireland Office).

M. O'D. B. ALEXANDER

D.J. Wright, Esq.,
Cabinet Office.

CONFIDENTIAL

NM



(2)

Prime Minister

Ref. A04456

MR ALEXANDER

Paul

Anglo-Irish Joint Studies

--- You will wish to be aware of the salient points which have emerged from the latest round of talks in the Anglo-Irish Joint Studies, as set out in Mr Wade-Gery's attached report. I agree with him that, so far as they go, these developments seem tolerable from our point of view. I do not imagine that we shall want the next summit communique to refer to a conference; so it is welcome news that the Irish have an alternative outcome in mind.

2. I am sending copies of this minute and the attachment to the Private Secretaries to the Lord Privy Seal and the Secretary of State for Northern Ireland.

*We must discuss
matter before
communication -
there
any further
or further letters
not.*

RA

ROBERT ARMSTRONG

13 March 1981

Ref: B06148

SIR ROBERT ARMSTRONGIreland: Joint Studies

UK-Irish?

As you know the Anglo-Irish Joint Study Group on Institutional Structures held its first meeting in Dublin yesterday. So did the Joint Study Group on Security; and first meetings of all five Groups will have been completed by the end of the week. But it was clear (see below) that the Structures Group was seen by the Irish as central to the whole exercise. What they principally want out of it is an Anglo-Irish Council to institutionalise Ministerial meetings. They envisage a flexible formula covering different groupings, eg Prime Ministers alone, Prime Ministers accompanied by colleagues, and non-summit meetings involving pairs or larger groups of departmental Ministers. The basic structure would be East-West, ie United Kingdom/Republic. But they also envisage, as did our own brief, a possible sub-structure of North-South meetings involving in present circumstances junior Northern Ireland Office Ministers on our side. They are not clear whether or not legislation would be necessary, or desirable, for the establishment of such a Council. But they do not contemplate a Treaty, at least at present. They do contemplate some kind of joint parliamentary forum, which they think might include members of the House of Lords, the Senate and the European Parliament as well as of the two Houses of Commons. But their approach to this is cautious and gradualist, and they are inclined to build at first on the existing Anglo-Irish Parliamentary Group. They are well aware of both the importance and the difficulty of inducing Northern Protestants to take part.

2. The atmosphere of the meeting was cordial, thoughtful and constructive. There were two occasions on which the Irish had to be firmly slapped down. But these were clearly try-ons, and their failure was accepted with good grace and without protest. The first occurred early. The Irish explained frankly that their eventual objective was a Federal Ireland, achieved on the basis of majority consent both in the Republic and in the North. I said that this was familiar ground. Last May's summit communique recorded the Dublin Government's wish for a united Ireland (as also their acceptance of the principle of no constitutional change in the North without majority consent). But I had to make clear that I could in no way discuss the subject. That was not what this

or any other Joint Study was about. Much later, the Irish tried suggesting that one function of the Council might be to enable us to consult them before taking certain decisions relating to Northern Ireland ("eg certain appointments" not specified). I had to say that I could not discuss, much less approve, any suggestion that the process of governing the Province should be put, even partially, into commission; but this would not of course rule out consideration of some reciprocal arrangement under which decisions relating to one side of the Border (land or sea) but having implications for the other might be the subject of intergovernmental consultation.

Confidential!

3. The Irish accepted our ideas on procedure. We are to exchange any written comments either side wishes to offer after reflecting on yesterday's meeting; those comments, plus any in-puts from other Studies, will form the basis of our next meeting, in London; that meeting should attempt to settle orally what our joint report (or interim joint report) to the Steering Group might say; ^{and} one side should then be deputed to draft the report, which might be cleared in correspondence or might require a third meeting. They pressed strongly for the second meeting to take place before Easter; and we have agreed to try and arrange the second meetings of all five Groups in a bunch on 13th-14th April. This will leave time in late April for any third meetings needed before the Steering Group meets again in early May.

4. It was noted that both sides continued to attach the highest importance to the confidentiality of the Studies; but that neither excluded the possibility of consulting the other, at some point in the future, about some agreed relaxation of that rule.

5. The Irish team was led by Mr Kirwan, who as you know is Mr Nally's deputy in the Taoiseach's office. He and (at his own request) Mr Nally dined informally with Mr Moriarty of the Northern Ireland Office and me before I caught a late plane home last night. This was a useful occasion for taking a broader look at the whole exercise. It was clear that they bore no grudge over our last-minute postponement of the meeting from 6th March. They were full of gratitude for the public line which the Prime Minister had taken in Belfast: for so firmly rebutting Dr Paisley's alarmism; for standing by the Joint Studies and insisting on the importance of United Kingdom/Republic relations; and for saying all the right things from Mr Haughey's point of view

about "defence". They saw no inconsistency between (i) saying that defence (in the pact or NATO sense) was not under discussion (and not a bilateral matter) and (ii) actually discussing in the "security" Study Group that morning what its Terms of Reference called the "scope for increased co-operation as fellow-members of the Western community over the arrangements made by each of the two countries to ensure their security internationally in modern circumstances". (Under this head, I gather, the Security Group had a useful first discussion of unglamorous things like air-sea rescue). The Dail debate on Irish neutrality was just ending as we met for dinner. They gave me a copy of Mr Haughey's speech and drew attention to the passage (annexed to this minute) on the Joint Studies, which they hoped was helpful; I agreed it was, despite the skilful suggestion-by-juxtaposition that from their point of view the Studies are designed to further the "aspiration of a united Ireland". There was no suggestion that the Dail debate made yesterday a bad day for Joint Study meetings, even one on "security".

6. Mr Nally and Mr Kirwan made quite clear that they regarded Structures as the key Study and an Anglo-Irish Council as the key structure. Everything else was "ancillary". They thought that Mr Haughey would be well content if the next summit communique either announced the conference for which they tried last December or recorded agreement in principle on the establishment of a Council ("agreement that the ship should be built, not that it had been"). This was all on the assumption that the next summit would be after the Dail elections. Mr Nally thought this order both probable and, if we were to avoid "deep trouble", essential. His own guess was that the election campaign would be launched at the postponed Fianna Fail party conference on 10th-11th April; and that polling day would be between mid-May and early June. If that was right, Mr Haughey would not expect the Prime Minister to suggest or agree to a date for the next summit until the Dail elections were over. Mr Nally's clear implication was that if the elections were unexpectedly delayed, we should stall on any suggestion that the summit should be fixed in the meantime. But he seemed to have no doubt that the Irish would want the Joint Studies to continue whoever won the elections. He did not, incidentally, think that the date of the Dail elections (or the date of the district council elections in Northern Ireland) need have any influence on the date of the Steering Group meeting envisaged for early May. Nor need electoral dates have any influence on the plan to hold the next batch of Study Group meetings in London on 13th-14th April.

CONFIDENTIAL

7. Neither Mr Nally nor Mr Kirwan volunteered any reference to the Maze hunger strike. When I referred to the fact that Mr Sands might well be nearing death on 13th-14th April and newly dead in early May, they said only that this need not in their view influence the choice of meeting dates.

8. Mr Hastie-Smith tells me that the other main event in the Security Group meeting was that we were able to get our wishes about extradition clearly on the record. The Irish did not of course agree with them. But they emphasised the possibility that a man who had just got off in extradition proceedings might be re-arrested and tried (in the Republic) for the same crime. This was new and welcome to the Northern Ireland Office. The implication seemed to be that, in order to discourage republican terrorism in either territory, the Irish Government might lean on their legal authorities to ensure that such a trial took place before long and ended in a conviction.

9. My general though still provisional conclusion from all this is that Irish ideas about the way the Studies exercise ought to go are not only becoming considerably clearer but also look like being broadly acceptable from our point of view.

12th March 1981

R L WADE-GERY

Extract from Taoiseach's Speech to the Dail on
Irish Neutrality on 11th March 1981

We have a clearly defined national policy on defence. Our position in international affairs is equally clear and leaves no room for ambiguity and doubt. So too is our stand in pursuit of the aspiration of a united Ireland. This Government will not be deflected from calmly and firmly pursuing the policies which we are convinced are the right policies for our country and for all her people. The studies on which the two Governments are embarked pose no threat to anybody. The subjects of those studies are set out in the Communique debated in this House on 11th December, 1980. The studies, which must for the present remain confidential if they are to be worthwhile and productive, do not represent decisions. They represent a process of exploration by experienced officials of the ground to be covered and when they are completed they will be submitted to the British Prime Minister and myself for whatever political decisions we may be in a position to take.

A way forward must be found. There is no section of the population on this island that can benefit from a perpetuation of the present situation. In our view progress can be made by the two sovereign Governments acting in concert and re-examining all aspects of their relationships. Let me give this final assurance. No matter what the circumstances nothing will ever be done by this Government that would jeopardise or prejudice the safety of our people, the security of the State, the independence and sovereignty of the nation, or the eventual unity of Ireland in peace and harmony.

1. MR. ALEXANDER
2. PRIME MINISTER

You should see the attached letter from Nicholas Winteron to Ian Paisley, seeking to set the record straight about Mr. Winteron's remarks on the Anglo/Irish consultations.

13 March 1981

head

ms

2

ms.

ms

ms



Ge Rb

10 DOWNING STREET

From the Private Secretary

13 March 1981

I am writing on behalf of the Prime Minister to thank you for sending us a copy of your letter to Dr. Ian Paisley of 11 March. I shall, of course, place it before the Prime Minister at once.

N. J. SANDERS

Nicholas R. Winterton, Esq., M.P.

WJ

NICHOLAS R. WINTERM M.P.



CCIG
13/3

HOUSE OF COMMONS
LONDON SW1A 0AA

R13

11th March 1981.

Dear Dr. Paisley,

It has been brought to my attention that you have purported to quote me as saying that the Prime Minister is "lying through her teeth" in respect of assurances which she has given (most recently, in Belfast) concerning the constitutional position of Northern Ireland within the United Kingdom.

I assume that you were making reference to remarks which I made during a speech in the Palace of Westminster on Thursday, 26th February which was subsequently reported in "The Guardian" and other newspapers. As there appears to have been some confusion on your part, I wish to make the following points absolutely clear.

Firstly you misquoted me. Secondly you took my remarks out of context and for your benefit I reproduce here the relevant passage from my speech :

" Much speculation has surrounded what Mrs Thatcher has refused to say (about the Dublin summit) and the reasons why she has refused to expatiate upon the communique, to explain for instance the implausibly wide divergence between the two Governments' interpretations of the summit's significance. However, from what was said about studies into "the totality of relationships within these islands" - rather than countries, you will note - it is clear from the very semantics of those words that Northern Ireland's constitutional position has been surreptitiously slipped onto the negotiating table while this Government lies through its teeth that the position of Northern Ireland's position is not in doubt. It is a worrying phenomenon when government through integrity is supplanted by government with deceit."

You will see from this that, however strong the remarks may be - and I do not retract them, the force of my comment was directed towards



HOUSE OF COMMONS
LONDON SW1A 0AA

the assertion that the Government has been less than wholly honest in declining to elaborate on the content and implications of the Dublin summit meeting with Mr. Haughey. I have no reason to doubt the personal honesty and integrity of the Prime Minister in her protestations of personal commitment to the spirit of and constitutional guarantee in the Northern Ireland Constitution Act 1973.

However, what I do fear is the influence exerted upon Government policy on Northern Ireland by departments such as the Foreign Office and the Northern Ireland Office itself and their respective Ministers. It is not inconceivable that their aims on Northern Ireland may be wholly different from those of the Prime Minister. Naturally I am particularly worried by the precedent of Rhodesia where Conservative Party policy in favour of the Internal Settlement, which was warmly and personally endorsed by Mrs. Thatcher both in Opposition and in Government, was skilfully twisted by the direct influence of Lord Carrington and the Foreign Office to the detriment of the Internal Settlement and in particular of the political credibility of Bishop Abel Muzorewa.

I hope that you can now appreciate the true thrust of my criticism which concerns Government policy and is not intended to impugn the personal honour/^{of the Prime Minister} for whom I have the highest regard. I regret that you have been led to believe otherwise.

In view of the fact that you have publicly misquoted me to my own embarrassment, I thought it fit to "set the record straight" by writing to you and by circulating copies of this letter to the Prime Minister and to the press.

Yours faithfully,

Nicholas R. Winter

PART 3 ends:-

Dubli Feb 60 5.3.81

PART 4 begins:-

N. Wintera to Dr Paisley
12/3