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CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

ANGLO-IRISH JOINT STUDIES

Note by the Secretaries

At the Summit meeting between the Prime Minister and the then Taoiseach in Dublin on 8 December 1980 joint studies were commissioned on five topics: possible new institutional structures, citizenship rights, security matters, economic co-operation and measures to encourage mutual understanding. The completed studies were considered in October by the Committee's Sub-Committee on Anglo-Irish Relations and subsequently submitted to the Prime Minister and the present Taoiseach for their Summit meeting in London on 6 November. The two Heads of Government decided:

- i. to publish the four studies not concerned with security matters (which has since been done in Cmnd 8414)
- ii. to approve certain of the proposals contained in the studies, as indicated in the Summit communique (copy attached at Annex A).

The status of the remaining proposals in the five studies is that they have been jointly put forward by British and Irish officials but have not yet been formally approved (or rejected) by British and Irish Ministers.

2. We now attach at Annex B a list of all the proposals in the studies, which indicates those the Summit has already approved; and at Annex C, for ease of reference, the text of the unpublished study on security matters. Except in one case noted in paragraph 3 below, the Committee is invited to approve all the outstanding proposals. Officials will then establish that they are similarly approved by Irish Ministers; and will thereafter organise

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appropriate follow-up action on each, in concert with the Irish, on the basis that if further points of policy emerge in the process further Ministerial guidance will be sought.

3. One item on the list at Annex B was not a joint recommendation but merely an Irish request. This is item 2.2, on the possible removal of differences in the treatment of the Republic's citizens as between Great Britain and Northern Ireland. Ministers have already decided that this should not be pursued at the moment (correspondence resting with the Prime Minister's private secretary's letter of 2 November to the Secretary of State for Northern Ireland's). It will therefore be made clear to the Irish that this item has not been Ministerially approved on the British side.

4. As regards item 1.2, on the possible strengthening of parliamentary links, the Summit communique has already made clear that any follow-up action will be a matter for Parliaments. Unless and until further Ministerial decisions are taken in this area, therefore, officials will not do more than monitor any parliamentary discussions.

5. In the absence of any contrary indication to the secretariat by 27 November it will be assumed that members of the Committee are content with paragraph 2 above.

Signed ROBERT ARMSTRONG
R L WADE-GERY
R L L FACER

Cabinet Office
23 November 1981

MEETING BETWEEN THE PRIME MINISTER AND THE TAOISEACH, 6 NOVEMBER, 1981JOINT COMMUNIQUE

The Prime Minister, the Rt Hon Margaret Thatcher, MP, had discussions today, 6 November, at 10 Downing Street with the Taoiseach, Dr Garret FitzGerald, T.D. The Prime Minister was accompanied by the Rt Hon The Lord Carrington, Secretary of State for Foreign and Commonwealth Affairs, the Rt. Hon. James Prior, MP, Secretary of State for Northern Ireland and the Rt Hon Nigel Lawson, MP, Secretary of State for Energy. The Taoiseach was accompanied by the Tanaiste and Minister for Industry and Energy, Mr Michael O'Leary, T.D., and the Minister for Foreign Affairs, Senator James Dooge.

2. The meeting was the first between the Prime Minister and the Taoiseach since Dr. FitzGerald took office. They discussed a number of international questions and a range of issues arising in the European Community which are to be considered at the European Council in London on 26 and 27 November.
3. The Prime Minister and the Taoiseach affirmed the importance which their two Governments attached to the maintenance and development of close Anglo-Irish relations.
4. The Prime Minister and the Taoiseach agreed on the need for efforts to diminish the divisions between the two sections of the community in Northern Ireland and to reconcile the two major traditions that exist in the two parts of Ireland. Such a development could come about only on the basis of mutual respect

as between those traditions to the achievement of which the Taoiseach has made a public commitment.

5. The Taoiseach affirmed that it was the wish of the Irish Government and, he believed, of the great majority of the people of the island of Ireland, to secure the unity of Ireland by agreement and in peace. The Prime Minister affirmed, and the Taoiseach agreed, that any change in the constitutional status of Northern Ireland would require the consent of a majority of the people of Northern Ireland. The Prime Minister said that, if that consent were to be expressed as a result of a poll conducted in accordance with the Northern Ireland Constitution Act 1973, the British Government would of course accept their decision, and would support legislation in the British Parliament to give effect to it. The Prime Minister and the Taoiseach agreed that both Governments were ready to join in promoting arrangements which might help to reduce tensions between and to reconcile the peoples of the two parts of Ireland.

6. The Prime Minister and the Taoiseach reiterated their resolute opposition to violence, and commended the level of co-operation between the security forces of the two countries. They noted with approval the efforts now being made under the criminal law jurisdiction legislation to ensure that those who committed crimes in one country should not be able to escape prosecution and conviction by seeking refuge in the other, and invited the British and Irish Attorneys General to consider what further improvements to that end might be possible.

7. The Prime Minister and the Taoiseach received a joint report (annexed to this communique) on studies made by officials from both countries of possible new institutional structures, citizenship rights, economic co-operation and measures to encourage mutual understanding. The papers on which this report is based will be published next Wednesday. For security reasons the study on security matters will not be published.

8. Recognising the unique character of the relationship between the two countries, the Prime Minister and the Taoiseach have decided to establish an Anglo-Irish Intergovernmental Council through which institutional expression can be given to that relationship between the two Governments. This will involve regular meetings between the two Governments at Ministerial and official levels to discuss matters of common concern. The Prime Minister and the Taoiseach agreed that it would be for the Parliaments concerned to consider at an appropriate time whether there should be an Anglo-Irish body at parliamentary level comprising members to be drawn from the British and Irish Parliaments, the European Parliament and any elected assembly that may be established for Northern Ireland. They also agreed to work towards the establishment of an advisory committee associated with the Anglo-Irish Intergovernmental Council on economic, social and cultural co-operation, with a wide membership.

9. The Prime Minister and the Taoiseach noted that each country afforded the other's citizens most of the rights and privileges available to its own. The Taoiseach indicated that the arrangements for the grant of voting rights at parliamentary elections

to British citizens resident in the Republic were well advanced and that he hoped to have the necessary legislation introduced soon.

10. The Prime Minister and the Taoiseach agreed on the need to intensify economic co-operation between the two countries and between the two parts of Ireland. They expressed the hope that such co-operation would make a contribution towards the improvement of the economy throughout the two countries and that the practice of economic co-operation would, in itself, generate further co-operation. They gave special consideration to the question of co-operation on energy matters. They noted that assessments of the possibility of the supply of natural gas from the Kinsale field to Northern Ireland had suggested that such a project might be viable, and that discussions of the terms on which gas might be supplied were now in train. They agreed on the desirability of restoring electricity inter-connection between the two parts of Ireland. They also agreed that economic and technical studies should be pursued on the possibility of an electricity link across the Irish Sea.

11. The Prime Minister and the Taoiseach looked forward to holding their next meeting in the Spring of next year in Dublin in the framework of the new institutional arrangements agreed upon at this meeting.

1. 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, other than that on security matters, is 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 of contacts between the two countries. They confirmed that in many fields relations and co-operation 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 and mutually beneficial exchanges but 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.

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 Intergovernmental Council 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 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 intergovernmental 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.

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 decisions 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.

8. 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.

9. 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;
- 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.

10. 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

11. 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.

12. It was recognised that, as between Britain and the Republic, 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 North and South in Ireland 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.

13. 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 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;

Proposals to the Joint Working Party

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.

- 1.1 Anglo-Irish Executive Committee to be formed
- 1.2 Consideration to be given to creation of advisory Committee on economic, social and cultural contacts

2. RECOMMENDED PLANS

- 2.1 Result of Irish initiative to extend Irish franchise to resident UK citizens to be sought.
- 2.2 Irish request for further considerations to be given to possible removal of differences in treatment of citizens of the Republic as between Great Britain and Northern Ireland.

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- 3.1 Further cooperation in airfare reviews to take place
- 3.2 Further cooperation on hydrographic surveys 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 terrorism).
- 3.9 Scope for publicising Irish commitment to and cooperation in combating terrorism to be kept under review.
- 3.10 Attention to be given to improved evidence gathering and the operation of reciprocal extra-judicial legislation by means of

Proposals in the Joint Studies

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 Result of Irish decision to extend Irish franchise to resident UK citizens to be awaited.
- 2.2 Irish request for further consideration to be given to possible removal of differences in treatment of citizens of the Republic as between Great Britain and Northern Ireland

3 Security

- 3.1 Further cooperation in air/sea rescue to take place
- 3.2 Further cooperation on hydrographic surveys 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 terrorism).
- 3.9 Scope for publicising Irish commitment to and cooperation in combatting terrorism to be kept under review.
- 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 Implications of and potential for collaboration on direct broadcasting by satellite (DBS) to be discussed
- 4.5 The possibility of closer cooperation in the fields of animal and plant health to be considered
- 4.6 Examination to be given to possibility of settling boundaries in Lough Foyle and Carlingford Lough, extending to the limit of the territorial sea, or finding other ways of removing inhibitions to economic development in those areas.
- 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 study on the Erne Catchment area.
- 4.11 Officials to explore further scope for cooperation on industrial development
- 4.12 Continuing contact between Industrial Development Authority and Northern Ireland Department of Commerce in promoting small and craft industries in border area to be encouraged.
- 4.13 Discussions on joint trade promotion to be continued
- 4.14 SITPRO and IREPRO to introduce joint report on further scope for trade facilitation.

- 4.15 The bodies 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 Existing exchanges between schools inspectors to be encouraged and possibility of similar exchanges for teachers to be explored
- 5.5 Churches' existing collaborative work in educational field to be encouraged
- 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 the development of collaboration between (Irish) National Institute for Higher Education and (British) Open University
- 5.8 Agreement for exchanges of officials to be drawn up
- 5.9 Existing cooperation between the two countries' Arts Councils, and between other professional and academic bodies, to be encouraged.

* These five items were approved at the Summit meeting on 6 November 1981, as indicated in the communique. Implicit approval was given by the same communique to items 1.3 and 3.10 and to most if not all of the other items in group 4.

JOINT STUDY ON SECURITY MATTERSReport of Joint Study GroupBackground

1. Following discussions between the Prime Minister and the Taoiseach in Dublin on 8 December, 1980, the Study Group were given the following terms of reference:-

- a. To consider and make recommendations on 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.
- b. To review co-operation between the authorities of the United Kingdom and of the Republic of Ireland concerning the administration and working of the criminal law.

2. The Study Group has held two full meetings, in Dublin on 11 March and in London on 13 April. This report, agreed by the leaders of the British and Irish sides at a further meeting in Dublin on 19th August, 1981, sets out the main points raised in the Study Group's discussions.

Ambit of the Studies

3. It had been agreed by the Steering Group for the Joint Studies that existing cross border police co-operation would not be the subject of substantive discussion by the Study Group on Security Matters. With this in mind the Study Group exchanged notes on the following areas where there appeared to be possible opportunities for increasing co-operation:-

Part (a) of terms of reference

- I. Maritime Emergencies and Safety
- II. Movements of Aircraft
- III. Transmission of Information on Shipping and Aircraft
- IV. Civil Defence
- V. Military Matters

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Part (b) of terms of reference

- VI. Administration and Working of the Criminal Law
- VII. The Problem of Insufficient Public Understanding of the Present Level of Security Co-operation
- VIII. Methods of Ensuring that those who Commit Terrorist Offences are successfully brought to Justice.

Only the main points emerging in these notes are summarised in this report on the basis that each side has available the full supporting documentation.

General Observations

4. As will be seen from the later parts of this report a wide range of areas of activity has been identified in which for many years there has been routine co-operation of a practical kind between the relevant British and Irish authorities. The Study Group noted that such contacts and co-operation were valued, and agreed that there was scope in many of these areas for developing existing links. In most cases this could best be left to those directly concerned.

External Aspects of Security

5. Maritime Emergencies and Safety. Under this heading the following main points emerged:-

a. Air/Sea search and rescue. Each country's maritime search organisation includes a military element, in the Royal Navy, the Royal Air Force and the Irish Air Corps. British support for longer range search and rescue operations is valued by the Irish. Liaison visits by the units concerned recommenced in 1979, after a break of 11 years, and it is hoped to build on these links with a view to co-ordination of rescue activities and joint exercises. The Study Group considered that such further development of the existing co-operation would be of mutual benefit and should be encouraged.

b. Hydrographic Survey. There has been a significant measure of cooperation over many years in relation to hydrographic surveys and charting of waters off the Irish coast which has been of considerable mutual value. The principal activity has been by the British Hydrographer of the Navy which since the 1920's has carried out surveys of the Southern and Western Approaches to Ireland and, periodically some inshore surveys, by agreement with the Irish authorities. In this context a major survey of Irish harbours was undertaken in the period 1963-1971.

The Hydrographer's current programme includes surveys off the east and south coasts outside territorial limits, to between 6 and 10 miles from the Irish coast, for completion by 1983. Other surveys of Irish waters and harbours are undertaken on a limited scale, on behalf of harbour authorities and other interested bodies such as the Commissioners of Irish Lights and oil companies. Data from the various sources cited and from reports by merchant shipping and by the Irish Naval Service are pooled for the purposes of revision of charts. In both countries, the inadequacies of some charts and the shortage of resources for civil hydrographic surveys are acutely felt.

The British Hydrographer is currently undertaking a full modernisation of charts of Irish waters in close consultation with the Irish authorities.

The Irish Government have received a report from the Irish National Board for Science and Technology concerning the development of an Irish hydrographic survey programme and will give full consideration, inter alia, to the possibility of further co-operation with the British Hydrographer.

The Study Group considered that the agencies directly concerned should be encouraged to develop further the long-standing co-operation in this field.

c. Fishery Protection. Since the introduction on 1 January 1977 of British and Irish fishery limits extending to 200 miles or median lines, the fishery protection forces of the two countries have co-operated in the patrolling of over-lapping areas of the fishery zones. Arrangements are now being made under which each country will notify the other when a vessel spotted fishing illegally moves from the waters of the one to those of the other. The officials directly concerned have had useful discussions on enforcement and conservation, and see scope for expanding co-operation on these increasingly important matters. The Study Group agreed that this should be pursued by direct contacts between the authorities concerned.

6. Movements of Aircraft. The discussions under this heading focussed on the arrangements whereby RAF aircraft might divert to Irish airfields in an emergency, and on the procedures for obtaining diplomatic clearance for overflights of Irish territory by RAF aircraft unrelated to operational security co-operation.

a. Emergency Diversions. The RAF maintain a system under which 10 airfields in the United Kingdom are designated and equipped as Master Diversion airfields for use by diverted aircraft or in an emergency. Where adverse weather conditions or the nature of an emergency preclude the use of a designated airfield, U.K. military aircraft are able, if necessary, to request emergency diversions to Irish airfields through the appropriate air traffic control channels. They will continue to enjoy this facility. The question was raised as to whether the existing arrangements would need to be developed or improved. The British side indicated that they were not at present seeking such improvements and it was agreed that this possibility could be explored in future, as necessary.

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b. Diplomatic Clearance. Existing procedures work well for handling block bids and for obtaining clearance at short notice for an average of 25 overflights per month of Irish territory by RAF aircraft, mainly transport aircraft en route to the United States and the Caribbean. The Irish side indicated that under existing legislation it would not be possible to waive diplomatic clearance for such flights but that they could consider whether in cases where flights additional to those included in block bookings were required at short notice, it might be possible where appropriate to convey diplomatic clearance.

7. Transmission of Information

The Study Group took note of long-standing arrangements for the transmission of information about movements of certain fishing vessels, the exchange and control of meteorological information in time of war, and the control in wartime of radio transmissions and navigation lights. It was noted that these arrangements continued in operation. Certain possible extensions and improvements were identified under one heading. It was agreed that pursuit of these and other discreet contacts on all aspects of the various arrangements would be for the technical levels concerned.

8. Civil Defence

The Study Group noted that co-operation and contacts between the civil defence organisations of the two countries was longstanding and had embraced training activities, participation by observers in the respective national exercises related to warnings and monitoring of nuclear fallout, agreements on exchange of information and other contacts. It was also noted that the organisations concerned would welcome the further development of co-operation. The Study Group considered that this was desirable and could be pursued at technical level.

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British proposals to update a 1965 agreement on the exchange of information about nuclear attacks and their effects are under consideration by the competent Irish authorities. It is hoped to arrange a meeting later this year for detailed discussion of the procedures.

Each country plans to send observers to the other's warning and monitoring exercise in November, 1981. The possibility of conducting a joint exercise in 1982 is under consideration.

The Study Group agreed that there could be particular advantage in possible co-operation in respect of the civil defence function in both parts of Ireland and that the scope and nature of such co-operation could be explored in contacts between appropriate authorities.

9. Military Matters

In the context of arrangements for overseas training generally, members of all three arms of the Irish Defence Forces have attended training courses in the United Kingdom: in particular all deck officers of the Irish Naval Service have received their initial training at Dartmouth; and Irish Army personnel attended courses in 1980 connected with the purchase of the Scorpion Tank and 105mm gun. A substantial increase in attendance at courses in military and commercial establishments is expected in 1981.

10. Liaison in other fields is maintained as necessary by ad hoc visits. In view of the interest and involvement of British and Irish forces in United Nations forces, it was agreed that there was scope here for discussions.

11. The United Kingdom has always been a major supplier of equipment for the Irish Defence Forces and it is expected that this will continue to be the case in the future. The value of defence equipment involved is about £6 million a year and the range of equipment involved in 1980 was quite wide. A United

Kingdom Defence Sales Organisation team visited Dublin in March 1981 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. In deciding on the types of equipment to be purchased, the Irish authorities regard it as important to have freedom to choose the equipment which is regarded as the most suitable for the Defence Forces, taking all relevant factors into consideration. As a normal rule, however, British manufactured equipment would be fully considered in making such a choice. The Study Group considered that it would be mutually advantageous to continue the existing satisfactory liaison between the competent authorities in both countries.

12. Administration and Working of the Criminal Law

The criminal law was understood to comprise the creation of offences and penalties, the prosecution of offenders (including powers of investigation of offences), and the implementation of penalties.

The Study Group noted that the criminal law in both parts of Ireland shared an origin in the common law and in pre-1921 statutes and that there are close similarities in many facets of judicial practice. As well, there are certain similarities of population, social conditions, attitudes and numbers of offenders which may make some comparisons between North and South more useful than between either and a much larger or quite different jurisdiction e.g. England and Wales, or Scotland. The Group considered that, having regard to these similarities there would be mutual benefits from consultations between those concerned with these matters in the two parts of the island and that arrangements should be made for such exchanges of view. These exchanges would be concerned with the normal run of criminal law questions, leaving matters involving terrorism to be discussed separately.

The Study Group noted that certain aspects of criminal law and procedure were under active consideration in Dublin, and that a Royal Commission on Criminal Procedure had recently reported for England and Wales. It was agreed that there could be mutual advantage in discussions between those directly concerned with these matters in both countries.

Areas of common concern which could be valuable subjects for an exchange of views and information include the treatment of young offenders; cross border arrangements for the supervision of mentally-disordered offenders; police powers of search and arrest and problems associated with sexual offences and offences of indecency.

The Study Group envisaged that a channel of communication should be established between the Department of Justice and the Office of the Attorney General in Dublin and the Home Office, Northern Ireland Office, the Law Officers' Department in the United Kingdom, with the object of exchanging views on a continuing rather than a one-off or ad hoc basis.

13. The Problem of Insufficient Public Understanding of the Present Level of Security Co-operation.

The Study Group also considered the problem of insufficient understanding of the level of cross-border security co-operation. In the context of the totality of relationships which form the framework of the joint studies, it is important not only that there should be effective co-operation between the Garda Síochána 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 perceived by the public to be effective in preventing crime and in catching, prosecuting and punishing those responsible for crime in both jurisdictions. It was agreed that there has been a degree of deliberate misrepresentation of the sincerity of the Irish Government's commitment to deal with terrorism. However

it was accepted that many well-intentioned people in Northern Ireland may not have the same understanding of the true position as the British Government who fully accept the extent and effectiveness of the efforts being made by the Irish authorities in the fight against terrorism.

It was agreed that one of the reasons for this is that, for good reasons, details of operational co-operation between the police forces are not made public. The public is then unaware when security successes owe much to cross-border co-operation.

The Irish authorities have for some years past arranged for parties of journalists from Northern Ireland and Britain to be conducted on extensive tours of the border by members of the Garda Siochana and the Irish Army. The authorities are satisfied that these tours have contributed in some measure to convincing people in these islands of the Irish Government's wholehearted commitment to deal with violence. These tours will be continued. In addition, the Garda Siochana have been successful particularly in the past two years in uncovering caches of arms, ammunition, explosives etc, and these seizures have received very wide media coverage. The Gardai will ensure that publicity will continue to be afforded to such finds subject of course to security requirements.

The Study Group gave further careful consideration to this matter but have found it difficult to identify additional measures that might be adopted to deal effectively with the problem. Measures in the publicity field have to be very carefully judged to ensure that they do not endanger lives, that they do not affect the flow of information to either police force and that they are not otherwise counter-productive.

It was moreover accepted that a major arms find in the South or a successful prosecution for a serious offence committed in Northern Ireland of a person apprehended in the South would be likely to have greater impact on public opinion than a great deal of briefing.

The Study Group considered that it would be helpful to the interests of both Governments to keep this problem under close review.

14. Methods of ensuring that those who commit terrorist offences are successfully brought to justice.

The Study Group took note of the strongly felt desire on the part of the great majority of people within these islands that persons who committed crimes of violence should not be able to escape prosecution and conviction, whether because of inability to secure or have brought forward satisfactory evidence of their guilt, their exploitation of the border to evade arrest, a claim on their part to be acting for political motives or otherwise. The gathering of evidence and the apprehension of suspected persons are matters for operational co-operation which it has been agreed should be pursued through the normal channels and would not be considered by the Group. It was agreed that where suspected persons were apprehended, the principal obstacle in securing convictions, as distinct from obtaining extradition, was in securing evidence that was admissible and sufficient to discharge the necessary burden of proof.

The British side drew attention to the view widely held in the United Kingdom that the Irish authorities should change their stance on extradition for terrorist offences, under which a person could in effect secure immunity from extradition by claiming to belong to a terrorist organisation with political objectives. The Irish side pointed out that Irish law in relation to extradition for political offences is in line with the practice of States and with generally accepted principles of international law. It was the Irish view that the enactment of legislation to permit extradition for such offences would represent a departure from those principles and would consequently be repugnant to the Irish Constitution. An amendment of the Constitution would therefore be required which could only be effected by a favourable vote of a majority of the people voting in a referendum.

The Irish side concluded that, in current circumstances and taking all aspects of the matter into consideration, the balance of advantage - in terms of promoting peace, reconciliation and stability and improving the relations between the peoples of the two countries - is against the promotion of any such constitutional amendment. In view of the acknowledged desire within these islands that those committing crimes of violence should not escape conviction, both sides expressed the hope that more effective ways might be found of bringing such criminals to justice.

The Study Group agreed in any case on the importance of improving the gathering of evidence and other aspects of the operation of the reciprocal extra-territorial legislation which both sides wish to see used effectively. On this it was agreed that the police and the Law Officers' Department in both countries should hold early consultations to examine what scope exists for such improvements.

14 October 1981.