

Ref: A05230

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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 the hour (my) feel is correct (he has not yet received a visit)?

Agreed  
ML  
10/7



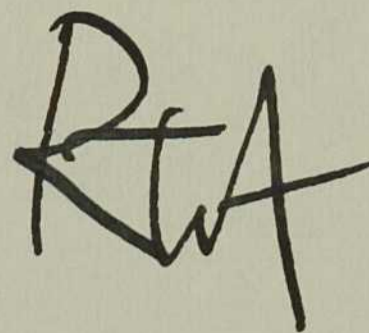
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(ii) In publicly endorsing continuation of the Joint Studies, Dr. Fitzgerald has said that he wishes to get away from their "excessive secrecy" (and also to involve Northern Irish politicians as soon as possible). So anything we hand over may become 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



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



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.



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.



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



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