

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.

Prime Minister

Mrs DFA
has seenDTS. Callaghan
(Duty clerk)

30/7/81.

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:
 - 11- is hoped that
 - a. disagreements are reduced to a minimum;
 - 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.
- 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