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Ref. A04863

PRIME MINISTER

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

Paul

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 -

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- (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?

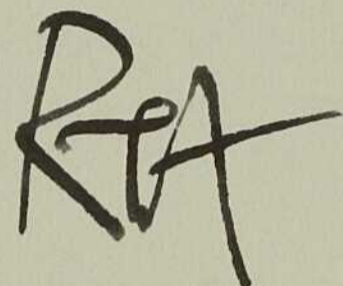
5. My recommendation would be that our representatives should be instructed to table this British draft (or something very like it), in order to establish that we are not prepared to be put in the defensive position of merely discussing amendments to an Irish draft, but that they should make, and be 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

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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

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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

(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 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 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

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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 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.

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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). (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.

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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.



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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.

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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



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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