

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.

No

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 desirable 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.

No - if any document done as was indicated above were submitted - it would not be taken by Ireland. Years and years ago - to all further studies.

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.

What about - Our - for the...

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.

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.

*This is
main item*

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 field - 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.

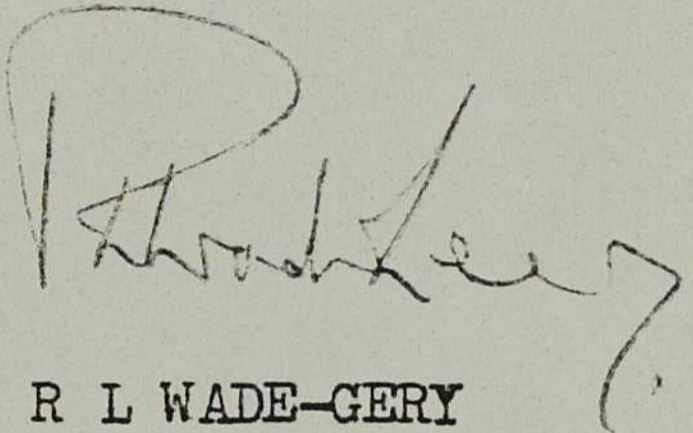
Economic Co-operation

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