

Ireland

CONFIDENTIAL

du B



Q

10 DOWNING STREET

From the Private Secretary

28 January 1982

Anglo-Irish Relations

The Prime Minister has seen your letter of 26 January containing your Secretary of State's views on the question of the establishment of a Parliamentary tier in the Anglo-Irish institutional structures. Mrs Thatcher has noted Mr. Prior's comments.

I am sending copies of this letter to Brian Fall (Foreign and Commonwealth Office), John Halliday (Home Office), David Heyhoe (Lord President's Office), Michael Arthur (Lord Privy Seal's Office), Jim Nursaw (Law Officers' Department), Murdo Maclean (Chief Whip's Office) and David Wright (Cabinet Office).

A. J. COLES

M.W. Hopkins, Esq.,
Northern Ireland Office.

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②

Prime Minister



A.J.C. 25/1

Government Chief Whip
12 Downing Street, London SW1

ms

p.a.

M 28/1

27th January 1982

Dear John,

ANGLO-IRISH RELATIONS

The Chief Whip has seen a copy of Sir Robert Armstrong's minute of 22nd January.

Mr Jopling thinks it would be more appropriate for the Secretary of State for Northern Ireland to make a direct approach to the Shadow spokesman on this matter rather than to undertake consultations through the usual channels. If it would in any way help smooth the arrangements he would, of course, be more than willing to talk to the Opposition Chief Whip about this.

i.e. on Anglo-Irish parliamentary links A.J.C.

The Chief Whip has however also asked me to say that he shares the concern expressed by Mr Prior about early progress on the Parliamentary Tier. He believes that this would be a wholly inopportune time to have this question raised within the Conservative Parliamentary Party.

I am sending a copy of this letter to the recipients of Sir Robert Armstrong's minute of 22nd January.

Yours ever,

M. MacLean

(M. MacLEAN)

John Coles Esq,
10 Downing Street
SW1.



Government of the Republic of South Africa
Pretoria

28 JAN 1982



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NORTHERN IRELAND OFFICE
GREAT GEORGE STREET,
LONDON SW1P 3AJ

John Coles Esq
10 Downing Street
LONDON
SW1

Prime Minister

A.T.C. 27-1

26 January 1982

Dear John,

MS

ANGLO-IRISH RELATIONS

Sir Robert Armstrong's minute to you of 22 January invited those concerned to say whether or not they saw any objections to the Joint Memorandum on the Anglo-Irish Intergovernmental Council, which was agreed at official level in Dublin on 20 January. My Secretary of State has no points to raise on the Joint Memorandum.

Mr Prior has, however, noted with interest the renewed persistence of the Irish side on the question of an early move towards the setting up of a Parliamentary tier in the Anglo-Irish institutional structures. This is a matter which will no doubt be raised by Professor Dooge in the course of his discussions with my Secretary of State at the end of this week. Anglo-Irish relations overall are of course a matter primarily for the Foreign and Commonwealth Secretary; but Mr Prior will take the opportunity to make the point that, so far as Northern Ireland is concerned, excessive pressure to make early progress on the Parliamentary tier - and particularly any attempt now to tie such a move into the creation of a devolved Assembly in Northern Ireland - would be likely to produce an adverse reaction on the part of Unionists in Northern Ireland, and could seriously jeopardise the difficult and fragile discussions which the Secretary of State is having with the Northern Ireland political parties about a possible political initiative. Furthermore, it is not to be expected, if and when a devolved Assembly comes into existence, that the question of participation in such an Anglo-Irish Parliamentary tier would be a suitable topic for early discussion there. Such a move could only be divisive at a time when - in the wider interests of peace and stability in Ireland as a whole - it would be desirable to let the Assembly concentrate on less delicate issues.

I am sending copies of this letter to those who had copies of Sir Robert Armstrong's minute of 22 January.

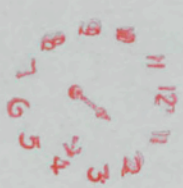
Yours sincerely
Julie Hopkins

M W HOPKINS

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26 JAN 1982



Content, subject to views of
Lord Carrington and Mr. Prior?

Ref. A07239

PRIME MINISTER

Should we hold up these
things in view of the Irish
election.
Anglo-Irish Encounter

A.S.C. 27.

mb

The Joint Report of the Anglo-Irish Studies (Cmnd 8414,
paragraph 3(iv)) proposed:

"the establishment as an interim measure, pending the creation of an
Advisory Committee, 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".

2. This agreed recommendation has now been formally accepted by both
Governments.

3. When I was in Dublin on 20th January, I had some discussion with
Mr. Nally about how to get this going. We agreed, subject to your approval and
that of the Taoiseach, to proceed as follows:

- (i) each side should identify and approach a national chairman;
- (ii) there should be a meeting between the two national chairmen, Mr. Nally
and me, with a view to agreeing the next steps;
- (iii) subject to their agreement, each side should find someone (who would
have to be paid at least expenses) to act as organising national
Secretary, and three or four other independent people to be members of
an Executive Board. It would be the responsibility of the national
chairman to approach these people;
- (iv) each Government would nominate one or two Government representatives
(perhaps Ministers from the Foreign and Commonwealth Office and the
Northern Ireland Office) to the Board.

4. It would then be up to the Board to decide what activities the Encounter
should undertake.

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5. Mr. Nally told me that the Irish Government were providing a small amount of money in their 1982 budget for a grant towards the expenses of the Encounter. I indicated that we hoped to raise the finance required for the British contribution from private sources.

6. Mr. Nally said that he had not yet discussed with the Taoiseach who the Irish chairman might be, but he was thinking of proposing Senator Kenneth Whitaker. Dr. Whitaker, who is 65, became a Senator in 1976. He was Secretary to the Department of Finance and Head of the Irish Civil Service from 1956 to 1969, and Governor of the Central Bank from 1969 to 1976. He has been Ireland's economic guru: he had a large share of the responsibility for the resurgence of the Irish economy in the 1960s and early 1970s (but not for its more recent troubles). He is well-regarded in this country, and he also has many contacts in Northern Ireland. He would be an admirable choice as Irish chairman.

7. I should like to propose that we should invite Sir David Orr, the retiring Chairman of Unilever, to be the British chairman of the Encounter. He is 59; and about to retire from the chairmanship of Unilever. He is Dublin-born, and was at Trinity College Dublin. He takes an active interest in Anglo-Irish relations; and he is known to be keen to take on public or semi-public work with an international dimension.

8. I am sending copies of this minute to the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland. I should be glad to know whether, subject to their views, you would be content for me to approach Sir David Orr with a view to persuading him to take on the British chairmanship of the Anglo-Irish Encounter.

REA

ROBERT ARMSTRONG

26th January, 1982

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Ref: B06388

Ireland
 1) Mr. Pattison to me
 2) f-a.
 A.F.C. - 26.

SIR ROBERT ARMSTRONG

cc Mr Coles, No. 10 ✓
 Mr Marshall, NIO
 Mr Eyers, FCO
 Mr Wenban-Smith

Anglo-Irish Intergovernmental Council

Mr Kirwan from the Taoiseach's office rang me at 12.30 pm today, with apologies for short notice, to say that the Taoiseach had to answer an oral Parliamentary Question this afternoon on whether there had been any developments arising out of the Anglo-Irish joint studies since his summit meeting with the Prime Minister last November. He was proposing to reply as follows.

"The Anglo-Irish Intergovernmental Council met for the first time at official level in Dublin recently. It is envisaged that the first meeting at Ministerial level, involving the Minister for Foreign Affairs and the Secretary of State for Northern Ireland, will take place in the near future. Other matters arising out of the Anglo-Irish joint studies are currently the subject of discussions with the British authorities."

This was based on the document agreed ad referendum by Mr Nally and yourself in Dublin last week. On the Irish side the position was that that document was at this moment in front of a Ministerial meeting which was expected to have approved it before the Taoiseach's Parliamentary Answer was given. What was the position on the British side?

2. I agreed that the proposed answer was correctly based on last week's document. We had submitted this to Ministers here and expected to be able to let the Irish know the outcome tomorrow. I personally had no reason to expect that the outcome would be other than approval. But unfortunately there was no way in which I could establish this in time for the Parliamentary Answer which I understood the Taoiseach would be giving at 2.30 pm today. In these circumstances I would not personally be surprised if the Taoiseach chose to go ahead and answer the PQ in the terms indicated. But Mr Kirwan must clearly understand that the document was not at this stage Ministerially approved on the British side; and that there was a finite, if fairly remote, chance, that British Ministers might raise some objection to it. Mr Kirwan accepted this.

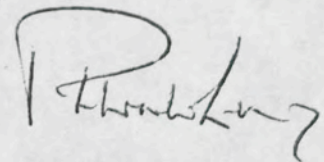
3. Although I did not say so, it has in fact already been informally established that neither the Prime Minister nor the Secretary of State for Northern Ireland have any objection to the latter's meeting with the Irish Foreign Minister on 29th January being regarded as the first meeting of the Council at Ministerial level.

4. I have since learnt that the Prime Minister is tomorrow answering a Written PQ from Mr Kilfedder in broadly the same area. The terms of the draft answer do not require any alteration in the light of the proposed Irish reply today. But it would be useful if Mr Wenban-Smith, in consultation with Mr Evers,

a. could ensure that the Embassy in Dublin telegraph the text of the Taoiseach's answer this afternoon, together with any supplementaries, so that it is available to the Prime Minister for tomorrow;

b. could telephone Mr Kirwan this afternoon, or failing that tomorrow morning, to give him the draft form of words which the Prime Minister is being advised to use tomorrow afternoon.

26th January 1982



R L WADE-GERY

Agreed - but as a final
check - could I or (how)
look at the Joint Memorandum
for sensitive points

mt.

Mr. Goss

Are you content?

A.J.C. $\frac{25}{1}$

discussed.

MR 26/1

h.c.

Prime Minister

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Ref. A07217

MR COLES

Are you content with para 2 (a), (b) and (c) and the joint memorandum attached to this minute, subject to the views of the other Ministers concerned?

The Prime Minister agreed subsequently.

Cabinet Office informed A.F.C. $\frac{26}{1}$

A.F.C. $\frac{22}{1}$

p.a.

Anglo-Irish Relations

At their meeting on 6th November 1981 the Prime Minister and the Taoiseach agreed to establish an Anglo-Irish Intergovernmental Council through which institutional expression could be given to the unique relationship between the two countries. The communique made clear that this would involve regular meetings between the two Governments at Ministerial and official level to discuss matters of common concern. Mr Nally (Secretary to the Irish Government) and I have kept in touch since then on the arrangements for implementing that decision; and accompanied by officials from the Cabinet Office, the Foreign and Commonwealth Office and Northern Ireland Office, I visited him in Dublin on 20th January we reached agreement on the attached document, ad referendum to Ministers on both sides.

- 2. On three associated matters we further agreed as follows.
 - (a) Subject to Ministerial concurrence the Council should be deemed to exist from the date of the document, i.e. 20th January; my meeting with Mr Nally should therefore constitute its first meeting at official level; and if neither side dissented the meeting in London on 29th January between the Irish Foreign Minister and the Secretary of State for Northern Ireland should constitute its first meeting at Ministerial level.
 - (b) Mr Nally and I should formally act as the two designated Secretaries of the Council (paragraph 8 of the document).
 - (c) The Co-ordinating Committee at official level (paragraph 7 of the document) will meet in London during February; the Foreign and Commonwealth Office are making the necessary arrangements.

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3. The document is based on a British draft which was entirely procedural. At the very last moment - just as we were due to arrive in Dublin - the Irish produced a redraft, into which they had inserted a number of unacceptable suggestions designed to give the Council a stronger "North-South" dimension and image. We got rid of all these insertions, save for a rhetorical flourish in paragraph 2 which talks about "the two countries" and now contains no North-South reference. It is no more than repetition of language ~~already~~ used in the November communique and the Joint Studies. The whole document is to remain confidential unless both Governments ever decide otherwise. The arrangements it sets out, and the associated arrangements at (a) and (b) of paragraph 2 above, can be drawn on by either side in answering factual questions about the Council's operation.

4. Officials in the Departments concerned regard the document in its present form as unexceptionable. I should like to let Mr Nally know, in advance of the meeting on 29th January, that British Ministers are content with the document and with (a)-(c) in paragraph 2 above. Unless you or other recipients of this minute indicate otherwise by 26th January, I will assume that I may do so on 27th January.

5. Mr Nally and I discussed a number of other points arising from the 6th November Summit.

- (i) I notified him that British Ministers had now formally endorsed all the agreed recommendations put forward by officials in the joint studies (see paragraphs 2 and 4 of OD(81)55). He will let me know when Irish Ministers have done the same (he expects them to do so very soon).
- (ii) Mr Nally asked me about the date of the next Summit. As authorised by your minute of 14th January, I said that there was nothing at all firm, but on the basis of the reference to "in the Spring" in the November communique May might be a possibility.
- (iii) Referring to the remit to the two Attorneys General to consider further the problem of extradition and related matters, I told Mr Nally privately of our concern that following a useful initial meeting between Sir Michael Havers and Mr Sutherland in November things seemed to have got stuck

on the Irish side. Perhaps more political input was required from Mr Sutherland's colleagues, and from the Taoiseach in particular. The matter was of course of critical importance if support for the Special London-Dublin relationship was to be widened and deepened not only among moderate Unionists in Northern Ireland but also as regards public opinion in Great Britain. Mr Nally took the point. He explained that the delay on the Irish side was due to intense Ministerial preoccupation with domestic economic issues, in preparation for a Budget which would be crucial for the Government's survival. The Attorney General was to make proposals to his colleagues shortly, and expected to be able to resume the dialogue shortly. They would like to be able to make more use of extradition. The possibility under consideration was that of finding ways, acceptable to their Supreme Court, of narrowing the definition of "political offences" which in the Supreme Court's eyes were non-extraditable under the terms of the Constitution. The Irish courts were sensitive to any suggestion that extradition was sought for the purposes of "interrogation", because of the overtones of this word. It would be important to use more neutral words, such as "questioning". If an extradition order was granted and the suspect was subsequently believed to have been subject to improper methods of interrogation, the courts could well invalidate the order.

6. The imminence of the meeting between Professor Dooge and Mr Prior made it comparatively easy for me to duck questions about our ideas on devolution in Northern Ireland. But Mr Nally predictably pressed me hard on the prospects for a Parliamentary tier in the new Anglo-Irish institutional relationship. There was no doubt that the Dail was strongly in favour of this, and Dr Fitzgerald had been much criticised for not carrying it further in November. I said that British Ministers remained clear that on our side this should be a matter for Parliament "to consider at an appropriate time" (in the words of the November communique), and that it would be much resented if the Government sought to give a lead. The British Government would not seek to resist the establishment of closer parliamentary links, but would not wish to countenance any development which gave the parliamentary body any formal status or responsibility in relation



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to the activities and decisions of the Intergovernmental Council. Mr Nally said that the Irish Government would regard the "appropriate time" as having been reached as soon as a devolved Assembly had been established in Northern Ireland; they therefore hoped that we would at least take steps, eg through "the usual channels", to find out before then what the British Parliament's view were and what were the prospects of the development of closer Parliamentary links.

7. I do not think Ministers need to decide now whether to start such enquiries via the Whips or in any other way, and if so when and in what terms; but the matter will have to be addressed before the next Summit, and the Prime Minister would no doubt be interested if the Lord President, the Secretary of State for Northern Ireland or the Chief Whip wished to offer any preliminary observations at this stage. We shall no doubt have to continue to discourage the Irish from trying to rush ahead too fast in this area. I warned Mr Nally that it would not be sensible to ask a newly-established and probably fragile Assembly in Northern Ireland to address itself at any early stage to the controversial question of whether and how its members should be represented in an Anglo-Irish Parliamentary forum.

8. I am copying this minute to the Private Secretaries to the Home Secretary, the Foreign and Commonwealth Secretary, the Lord President, the Secretary of State for Northern Ireland, the Lord Privy Seal, the Attorney General and the Chief Whip.

ROBERT ARMSTRONG

22nd January 1982

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Joint Memorandum on the Anglo-Irish
Intergovernmental Council

1. The joint communiqué of 6th November, 1981 recorded that "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".

2. It will be a basic purpose of the Council to contribute to the achievement of peace, reconciliation and stability and to the improvement of relations between the peoples of the two countries. Within the framework of the Council there will be the closest bilateral consultation at Ministerial or official level, as appropriate, on matters relating to these purposes and on matters of common interest or concern.

3. Meetings of the Council may take place at two levels: Ministerial and Official.

4. Meetings at Ministerial level may involve Heads of Government, accompanied by other Ministers or not so accompanied; or one or more other Ministers on either side.

5. Meetings at Ministerial level will constitute meetings of the Council, except where one side proposes that a given meeting should not be so regarded. It is accepted that

incidental meetings such as those between Ministers in the margins of meetings held in the European Community or other international organisations would not be Council meetings unless both sides agreed otherwise.

6. At Official level, the Council will comprise a Steering Committee and a Co-ordinating Committee. Meetings of these committees will constitute meetings of the Council; meetings of specialist working groups at official level would not normally do so but either side would be free to propose that a given meeting should be regarded as a Council meeting; and it would be so provided the other side agreed.

7. The Co-ordinating Committee will supervise and co-ordinate co-operation and stimulate and monitor new co-operation in all areas of common interest and concern, and, as necessary and appropriate, prepare meetings of Ministers. The membership of the Co-ordinating Committee may alter depending on the agenda for particular meetings and it may meet in an East-West, North-South or mixed configuration.

8. In accordance with the joint study proposal, each Government has designated an official to act as Secretary of the Council. These two officials will each be responsible for ensuring that there is an appropriate secretariat (of one or more persons) on each side for Council meetings. They will also be responsible for ensuring that in any case of doubt a joint decision is taken on whether a particular meeting is or is not a Council meeting.

9. The secretariats will be jointly responsible for preparing agreed records of Council meetings. These will be submitted to the two Secretaries of the Council, who will use them for preparing for each Head of Government meeting a report on the activities of the Council at other levels as envisaged in the Joint Study.

10. The agreed records of Council meetings need normally include only the following information: date and place of meeting; participants; subjects discussed; and decisions reached. From time to time, if necessary, the texts of documents exchanged and/or agreed can be annexed. The records within each series will be identified by their date. Thus AIIC (M) 21.12.82 and AIIC (O) 6.3.83 would be the agreed records of, respectively, a Ministerial meeting of the Council on 21st December, 1982 and an Official meeting on 6th March, 1983.

11. It is accepted that the contents of this Memorandum will be reviewed after an interval of not more than one year from the date below.

20 January, 1982.

GRS 160

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FM DUBLIN 211655Z JAN 1982

TO PRIORITY F C O

TELEGRAM NUMBER 15 OF 21 JANUARY

AND TO PRIORITY CABINET OFFICE AND N I O (BELFAST)

ANGLO-IRISH INTERGOVERNMENTAL COUNCIL: MINISTERIAL MEETINGS

1. WHEN SIR ROBERT ARMSTRONG DISCUSSED THIS TOPIC IN DUBLIN YESTERDAY, IT WAS AGREED THAT MEETINGS OF BRITISH AND IRISH MINISTERS WOULD CONSTITUTE MEETINGS OF THE INTERGOVERNMENTAL COUNCIL EXCEPT WHERE ONE SIDE PROPOSED OTHERWISE. "INCIDENTAL" MEETINGS IN THE MARGINS OF OTHER EVENTS WOULD NOT QUALIFY UNLESS BOTH SIDES AGREED OTHERWISE.

2. WE HAVE THREE MEETINGS BETWEEN BRITISH AND IRISH MINISTERS PLANNED AT PRESENT:

23 JANUARY: MR NICHOLAS SCOTT AND MR MICHAEL KEATING IN DUBLIN

29 JANUARY: PROFESSOR DOOGE AND MR PRIOR IN LONDON

10 FEBRUARY: MR ADAM BUTLER AND THE TANAISTE, MR O'LEARY, IN DUBLIN.

3. I CONSIDER THAT THE FIRST OF THESE FALLS INTO THE "INCIDENTAL" CATEGORY AND, FROM INFORMAL SOUNDINGS HERE, THIS APPEARS ALSO TO BE THE IRISH VIEW. I RECOMMEND THEREFORE THAT WE INFORM THE DEPARTMENT OF FOREIGN AFFAIRS THAT IN OUR VIEW THE SECOND AND THIRD MEETINGS WOULD QUALIFY BUT NOT THE FIRST.

FIGG

LIMITED

RID
KAD
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PS/LORD TREFGARNE

PS/PUS
MR WRIGHT
MR ADAMS
MR BULLARD
MR GOODISON
LORD N G LENNOX

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THIS TELEGRAM
WAS NOT
ADVANCED

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