

~~Not to leave Private office~~

Sir Robert Armstrong

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Anglo - Irish Relations + Encounter Papers.

Meeting with M. Nally Monday 11 July 1983

396/2

CAB 164/1672

Anglo-Irish Relations

mtg with Mr Nally Monday 11 July 1983

1. Anglo Irish Intergovernmental Council

- Annex A - Joint memo on the Anglo-Irish Intergovernmental Council
- Annex B - List of Ministerial Meetings
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- Annex D - RTA - PM 8 July

2. Encounter

- Annex A - Paper by RTA on 20 January 1982
- Annex B - Irish response on 8 June 1982
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3. Security

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AIIC STEERING COMMITTEE: 11 JULY

ANGLO-IRISH INTERGOVERNMENTAL COUNCIL

POINTS TO MAKE

1. Events of 1982 have meant AIIC has had little chance to develop. A matter of regret that events went the way they did. Attach value to AIIC. Wish to see Anglo-Irish relations thicken up under its aegis.
2. Useful progress already made on some points arising from Joint Studies (eg. establishment of AIIC itself and in fields of civil defence and higher education). But much potentially useful work remains. Suggest this be taken forward by Official Co-ordinating Committee soon after summer break.
3. Heads of Government might wish to take stock in light of Co-ordinating Committee's conclusions when they meet later in year.

Memorandum

4. Joint Memorandum provides for review after one year. In the circumstances think it best to continue on basis of present text. Could then look at it again in a year or so's time.

Past meetings of AIIC

5. Twelve Ministerial meetings since last meeting of Steering Committee. Arrangements for meetings working well, though some tidying up needed of agreed records. Probably best handled by Dublin Embassy and DFA.

Foreign and Commonwealth Office

7 July 1983

BACKGROUND

AIIC Machinery

1. With the decline in Anglo-Irish relations last year the AIIC has had little chance to develop. The Steering Committee's only previous meeting was in January 1982 - when the Joint Memorandum on the Anglo-Irish Intergovernmental Council was agreed (copy attached).^{Annex A} The Official Co-ordinating Committee, which was intended to co-ordinate and stimulate work by officials, has never met.

Review of Joint Memorandum

2. Paragraph 11 of the Joint Memorandum provides that it should be reviewed after an interval of not more than one year from 20 January 1982. There seems no reason to seek to alter its terms yet - we have had too little experience of its operation.

Past Meetings

3. In addition to the meeting of the Steering Committee on 20 January 1982, there have been 12 meetings at Ministerial level. A list of these meetings is attached.^{Annex B} Most of the Ministerial meetings would have taken place without the formal structure of the AIIC (eg. the four concerning the Kinsale Gas pipeline). But the existence of the Council has simplified the job of keeping an overview of Anglo-Irish contacts in the last 18 months, and it should be of value in regulating the pace of contacts as relations improve.

4. The arrangements for meetings of the Council have in general worked well. But we are still waiting for the Irish to produce a record in the agreed format for the 30 March 1982 meeting between Mr Wyn Roberts and Mr Padraig Flynn; and we await confirmation

/that

that the draft records of six other Council meetings are acceptable to the Irish. There is some advantage in marking our interest in AIIC by reminding the Irish that some tidying up needs to be done.

Checklist

5. The checklist of recommendations for post-Summit follow-up action on the Joint Studies (copy attached) ^{Annex C} was prepared by the Cabinet Office at the time of the November 1981 Anglo-Irish Summit. A copy was given to the Irish. All the recommendations - with the exception of 2.2 - have been approved by British Ministers and we understand - though the Irish have never formally told us so - that Irish Ministers approved them in March 1982. The Northern Ireland Secretary was shown a list of points for action arising from the Joint Studies during his visit to Dublin on 5 May; and the Irish can be expected to raise this with us before too long.
6. Some significant progress has been made on certain of the recommendations, particularly the establishment of the AIIC (Recommendation 1.1); the extension of the Irish franchise to British citizens resident in the Republic (2.1), where a Bill has now been introduced in the Dail; Civil Defence (3.6) where UK and NIO officials have had useful discussions with their Irish counterparts; and Higher Education (5.6) where the Irish authorities have increased grant levels to enable more of their students to attend University in Northern Ireland. On others, such as exchanges of officials (5.8), the ball is in the Irish court (they have yet to respond to our proposed Memorandum of Understanding). Encounter (1.3) is to be discussed at the present meeting of the Steering Committee, but a good deal of work remains to be done on other recommendations.
7. Further discussion of the points for action should lead to

/some

work of use to both countries, and at the same time would provide the best way of fleshing out the AIIC as foreshadowed in Sir R Armstrong's minute of 8 July ^{Annex D} to the Prime Minister. Detailed discussion of the recommendations could properly take place in the Official Co-ordinating Committee of the Council (in its Security, Economic or Cultural configurations), which has not yet met, and would give the AIIC's work some real substance. Although we can expect to come under pressure from the Irish on a number of the recommendations, eg. Parliamentary links (1.2) and Energy matters (4.2), where the proposal for a Wales/Ireland electricity interconnector could present problems, none of these difficulties should be insurmountable. There are, however, a number of recommendations where further discussion would be of particular advantage to the UK. The most important are:

- (i) improving the operation of the reciprocal extra-territorial legislation and the working of the criminal law (other than terrorism) (3.8 and 3.10);
- (ii) increased cooperation in public purchasing (4.17);
- (iii) further coordination on matters of transport and road safety (4.7).

Foreign and Commonwealth Office

7 July 1983

ANNEX AJoint 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.

ANGLO-IRISH INTERGOVERNMENTAL COUNCIL: MEETINGS TO DATE

<u>Date</u>	<u>Participants</u>	<u>Business</u>	<u>Location</u>	<u>Record</u>
20 January 1982	Sir R Armstrong and Mr Nally	AIIC Official Steering Committee	Dublin	Agreed
29 January 1982	Mr Prior, Mr Atkins and Senator Dooge	First AIIC Ministerial meeting	London	Agreed
30 March 1982	Mr Wyn Roberts and Mr Padraig Flynn	Welsh Office/Gaeltacht	Dublin	No formal record produced
31 March 1982	Mr Prior and Mr Collins	NIO/DFA	London	Put to Irish
17 May 1982	Mr Mitchell and Mr Burke	DOE(NI)/DOE(RoI)	Belfast	Agreed
18 May 1982	Mr Butler and Mr Reynolds	Kinsale Gas	Dublin	Agreed
28 May 1982	Mr Butler and Mr Reynolds	Kinsale Gas	Belfast	Agreed
16 August 1982	Mr Butler and Mr Daly	Agriculture/fisheries	Londonderry	Agreed
3 November 1982	Mr Hurd and Mr Collins	EC business	Dublin	Amended version put to Irish

<u>Date</u>	<u>Participants</u>	<u>Business</u>	<u>Location</u>	<u>Record</u>
1 February 1983	Mr Prior and Mr Barry	NIO/DFA	NIO(L)	Put to Irish
3 February 1983	Mr Butler and Mr Bruton	Kinsale Gas	Dublin	Amended version put to Irish
10 February 1983	Mr Butler and Mr Bruton	Kinsale Gas	London	Put to Irish
12-14 April 1983	Mr Roberts and Mr O'Toole	Welsh Office/Gaeltacht	Wales	To be put to Irish shortly

FOREIGN AND COMMONWEALTH OFFICE

6 July 1983

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POSSIBLE ACTION POINTS RAISED IN THE JOINT STUDIES

(Those marked * are referred to in the summary for publication)

1 Structures

- * 1.1 Intergovernmental body to be created
- * 1.2 Consideration to be given to ways of strengthening parliamentary links
- * 1.3 Anglo/Irish Encounter organisation to be formed.
- * 1.4 Consideration to be given to creation of Advisory Committee on economic, social and cultural matters.

2 Citizenship rights

- 2.1 Result of Irish decision to extend Irish franchise to resident UK citizens to be awaited.
- * 2.2 Irish request for further consideration to be given to possible removal of differences in treatment of citizens of the Republic as between Great Britain and Northern Ireland

3 Security

- * 3.1 Further cooperation in air/sea rescue to take place
- * 3.2 Further cooperation on hydrographic surveys to take place
- 3.3 Increased cooperation on fishery protection to be undertaken
- 3.4 Further cooperation on aircraft movements to be undertaken
- 3.5 Arrangements for the transmission of information about certain fishing vessels and other sensitive matters to be pursued with continuing discretion.
- 3.6 Scope for cooperation on civil defence to be explored
- 3.7 Discussions to take place about United Nations peace-keeping forces.
- * 3.8 Experts to consult about the administration and working of the criminal law (other than terrorism).
- 3.9 Scope for publicising Irish commitment to and cooperation in combatting terrorism to be kept under review.
- * 3.10 Attention to be given to improved evidence gathering and the operation of reciprocal extra-territorial legislation by means of

consultations between the two countries' police and law officers departments.

4 Economic Cooperation

- * 4.1 Joint grouping of senior officials to oversee agreed measures for enhancing economic cooperation
- * 4.2 Further bilateral exchanges to take place on energy matters
- * 4.3 Further bilateral exchanges to take place on questions of marine pollution and counter measures.
- * 4.4 Implications of and potential for collaboration on direct broadcasting by satellite (DBS) to be discussed
- * 4.5 The possibility of closer cooperation in the fields of animal and plant health to be considered
- * 4.6 Examination to be given to possibility of settling boundaries in Lough Foyle and Carlingford Lough, extending to the limit of the territorial sea, or finding other ways of removing inhibitions to economic development in those areas.
- 4.7 Further coordination to be undertaken in matters of transport and road safety.
- * 4.8 Efforts to be made to stimulate cooperation in scientific and technological fields.
- 4.9 Irish Department of Agriculture and UK Agriculture Departments to consult periodically
- * 4.10 Officials to examine ways of increasing coordination in economic development of border areas, and Ministers to be involved in monitoring progress of cross border study on the Erne Catchment area.
- * 4.11 Officials to explore further scope for cooperation on industrial development
- * 4.12 Continuing contact between Industrial Development Authority and Northern Ireland Department of Commerce in promoting small and craft industries in border area to be encouraged.
- * 4.13 Discussions on joint trade promotion to be continued
- 4.14 SITPRO and IREFRO to introduce joint report on further scope for trade facilitation.

- * 4.15 The bodies responsible for industrial training to compare notes
- * 4.16 Cooperation between tourist promotion bodies to be encouraged
- 4.17 Officials to discuss scope for cooperation in public purchasing.

5 Measures to encourage mutual understanding

- * 5.1 Encouragement to be given to further meetings between Ministers and agencies responsible for youth and sport including possibility of Irish-British exchange scheme for young people
- * 5.2 The work of the voluntary agencies in community relations field to be welcomed
- * 5.3 North/South cooperation between the two countries' UNESCO National Commissions on exchanges between schools and teacher training institutions to be encouraged
- * 5.4 Existing exchanges between schools inspectors to be encouraged and possibility of similar exchanges for teachers to be explored
- 5.5 Churches' existing collaborative work in educational field to be encouraged
- * 5.6 Examination to be made of scope for better matching resources and requirements for university places in Northern Ireland and the Republic
- * 5.7 Encouragement to be given to the development of collaboration between (Irish) National Institute for Higher Education and (British) Open University
- * 5.8 Agreement for exchanges of officials to be drawn up
- * 5.9 Existing cooperation between the two countries' Arts Councils, and between other professional and academic bodies, to be encouraged.

AIIC STEERING COMMITTEE: 11 JULY

ENCOUNTER

POINTS TO MAKE

1. Aim at this meeting should be to provide agreed guidance to the two Chairmen - perhaps in form of a paper to be drafted by officials in light of our discussion. We and the Chairmen might then meet to take matters forward.

A
B
2. Some differences between UK paper of January 1982 and Note delivered by your Embassy on 8 June. Main points on which we need to reach agreement are:

Type of conferences (para 4 of UK paper)

3. Undesirable to follow Koenigswinter model too closely. Encounter's exact modus operandi for Executive Board to decide. Smaller seminar-style meetings will often be more appropriate to subjects to be discussed, though understandable if Executive Board decided to start with a conference. Should not wish to tie ourselves to a date or place for first meeting. Autumn in Northern Ireland as suggested in Irish Note leaves too little time for preparation, and to start in Northern Ireland might get Encounter off on wrong foot. Agree Report of Joint Study on Measures to Encourage Mutual Understanding is suitable subject matter.

Funding (para 7 of UK paper)

4. Accept the need for government funding but size of UK contribution not yet decided. Had thought of Stg£20,000 but experience with Franco-British Conferences suggests this may not be enough. Need to discuss this with the Chairmen but must

/emphasise

emphasise need for Encounter to look also to private sector for funds, now and in future.

Executive Board (para 9 of UK paper)

5. Can agree to an Executive Board of 10-12 members. Unhappy about suggestion of separate representation for Northern Ireland. This might increase chances of a boycott by sections of the community in Northern Ireland. Prefer more or less equal balance between UK and Republic, but 2-3 of UK side would be from Northern Ireland. Each government would nominate a representative - in our case, probably Patrick Eyers. Choice of other members for Chairmen in first instance, though they would no doubt consult governments.

British-Irish Association

6. Important not to tread on BIA's toes and to recognise the implications that a successful Encounter organisation could have for its future. Should suggest Chairmen nominate 1 or 2 BIA members to Board. Important to emphasise that Encounter has different function: promoting wider contacts between economic, social and cultural circles rather than concentrating on constitutional or political problems like BIA.

UK Chairman

7. Not yet decided who is to be UK Chairman, although hopeful that Sir David Orr may be ready to take it on. Understand he will be talking to Dr Whitaker before deciding.

Secretariat

8. Important for Chairman to have support staff to take main burden of running Encounter. Looking into possibilities of finding a suitable retired civil servant for UK side. (Single administrator for both sides impracticable.)

/Status of Encounter

Status of Encounter (para 7 of UK paper) [only if raised]

9. See advantage in Encounter maintaining a certain distance from government. Its conclusions should certainly be submitted to governments but it should be independent of them in order to maintain its credibility. But Encounter must not become a vehicle for promotion of ideas which are unacceptable to either or both governments.

Foreign and Commonwealth Office

7 July 1983

BACKGROUND

1. Although the two Heads of Government agreed at their meeting in Stuttgart to the establishment of Encounter, a number of points of difference remain on which agreement will need to be reached before matters can be taken much further. Sir R Armstrong told Sir D Orr on 22 June that the next step might be for the two Chairmen to have a meeting with himself and Mr Nally to discuss the way forward. It would naturally be helpful for the Chairmen to have agreed guidance from the two governments in advance of that meeting: the aim of the discussion on 11 July might be to reconcile the main points of difference which still exist so that an agreed paper for the two Chairmen can be drafted subsequently by officials.

A 2. The UK position rests with the paper Sir R Armstrong handed
 B Mr Nally on 20 January 1982. The Irish response is in the form
 of a Note handed to us by the Irish Embassy on 8 June. The Note
 does not directly refer to the UK paper; and makes several
 suggestions which are out of line with our thinking. Paragraphs
 3 to 6 of the Points to Make are designed to centre the discussion
 around the proposals made in our paper and to highlight and
 reconcile the differences of approach between us and the Irish.
 The main points of difference are discussed below.

Type of conferences

3. Paragraph 4 of the UK paper pointed out the dangers of modelling Encounter too closely on the Anglo-German Society's Koenigswinter Conferences (which are large, high-level meetings usually attended by at least one Minister from each country and

/concentrating

concentrating on political themes). The Irish Note of 8 June envisages 'high-level conferences on the Koenigswinter model'. It would be a mistake to try to be too precise about this at this stage. Experience with the Franco-British Council suggests that less ambitious seminar-style meetings will often be more appropriate to the issues of practical cooperation which it is intended that Encounter shall discuss. More exact details could be left to the two Chairmen and the Executive Board.

Funding and Administration

4. According to the 8 June Note, the Irish expect HMG to provide the equivalent of IR£30,000 (approximately Stg£25,500) as initial funds for Encounter. Hitherto we have in our discussions with them said only that we envisage Encounter needing some governmental support. The FCO had initially thought in terms of £20,000. They could probably find this from their existing allocations this year but it may not be enough adequately to support the organisation especially as it will almost certainly be necessary for the Chairmen to have some administrative support (the FCO are looking into the possibility of recruiting a suitably qualified retired DS officer for this). The Points to Make therefore emphasise the need for Encounter to obtain funding from the private sector.

Executive Board

5. Paragraph 9 of the UK paper suggested a proto-Executive Board of the two Chairmen plus 7 to 10 other members. The Irish Note suggests an initial Executive Board of the Chairmen plus 12 others, of whom 4 were to be from the Republic, 4 from Great Britain and 4 from Northern Ireland. This attempt to give the organisation a 'tripartite' dimension should be resisted. Separate Northern
/Ireland

Ireland representation could lead to Encounter being boycotted by certain sections of Unionist and Nationalist opinion, and it is in our interest to emphasise the 'East/West' character of the organisation. The size of the Board is less important and the Points to Make accordingly agree to a slightly larger Board than we originally envisaged, but with the Northern Ireland representatives counted in the UK total.

British-Irish Association (BIA)

6. When Sir R Armstrong met Sir D Orr on 22 June the latter expressed the fear that there would be ill-feeling if it was felt that Encounter had supplanted or upstaged the BIA. This is likely to be one of the most difficult problems to deal with in establishing the organisation. Including one or two BIA members (apart from the Chairmen) on the Executive Board would help to avoid misunderstanding about Encounter's role vis-à-vis the BIA. It will also be important to emphasise that Encounter has a function different from that of existing bodies like the BIA.

Date and content of first meeting

7. The Irish Note suggests that the first Encounter Conference should be held in Northern Ireland this autumn. This timing seems unrealistic and we should resist the idea of an inaugural meeting in Northern Ireland. It seems best to leave a decision on the type, content and venue of the first meeting to the Executive Board, but the report of the Joint Study on Measures to Encourage Mutual Understanding mentions youth and sport exchanges and educational links as specific areas in which cooperation could be improved with the aim of furthering North/South

/and

and East-West understanding. These would seem to be suitable subjects for a first meeting of Encounter, as the Irish Note suggests. In present circumstances, the proposal contained in paragraph 9(b) of the UK paper, that the first conference should also consider how to move to the proposed Advisory Committee, seems premature.

UK Chairman

8. Sir D Orr told Sir R Armstrong on 22 June that he was not at present definitely committing himself to accept the job of UK Chairman. He intended to discuss it with the Irish Nominee, Dr T K Whitaker, on 6 July but the signs are that he is likely to accept if he can be adequately reassured about the purpose of the organisation and the two governments' attitude towards it.

Status of Encounter

9. The Irish Note does not take up the question of the status of Encounter vis-à-vis the two governments and the AIIC. The balance of advantage to the UK lies in its being independent of government and purely advisory in character. The Irish are inclined to attach greater weight and importance to the organisation and see it as more closely linked to the formal machinery of the Anglo-Irish Intergovernmental Council. A defensive talking point on this subject has therefore been included.

Foreign and Commonwealth Office

7 July 1983

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14 January 1982

ANGLO-IRISH ENCOUNTER ORGANISATIONIntroduction

1. The report of the Anglo-Irish Joint Study Group on Institutional Structures recorded agreement to work towards the creation of an Advisory Committee on economic, social and cultural cooperation, and suggested 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, social and cultural circles'. The Group therefore proposed that an 'Anglo-Irish Encounter' organisation should be established.

2. This paper considers what the aims and purposes of the interim Encounter organisation should be, how these might be achieved and how the organisation might be created. At this stage it is too early to take any firm decisions. This paper therefore limits itself to drawing attention to matters on which decisions will need to be taken and to suggesting how they might be dealt with. Attached as Annexes A - C are descriptions of three existing organisations - Koenigswinter, the Franco-British Council and the Nordic Council - which offer precedents.

Aims and Purposes

3. The ultimate purpose of the 'Encounter organisation' would be to contribute to the improvement of relations between the peoples of the two countries and thereby to the achievement of peace, reconciliation and stability. More immediately, the aims and purposes of the Encounter

/organisation

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organisation were suggested by the Joint Study Group on Institutional Structures. The Group thought that:-

'the proposed body, rather than concentrating on constitutional or political problems within these islands, as some existing bodies have tended to do, should seek, in its activities, to comprehend different aspects of the totality of relationships. Its major function should be to organise a high-level annual conference on the Koenigswinter 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. There could be a changing participation or involvement appropriate to the subject.'

The Study Group also proposed that the ideas generated at such conferences or seminars might usefully be considered by the two Governments at appropriate meetings of the Intergovernmental Council.

4. The composition and mode of operation envisaged for the Anglo-Irish Encounter organisation suggest that there should be a strong emphasis on practical issues, for example those discussed in the Joint Study on Measures to Encourage Mutual Understanding. In this respect it may not be desirable to

follow too closely the Koenigswinter model, with its heavy accent on political participation and discussion of major political issues. The totality of relationships clearly includes the two countries' common interest in the development of Western Society in its widest sense; this will be a useful area for discussion.

5. It is clearly consistent with the overall objectives that the Encounter organisation should attempt to attract the sceptics and those who for historical and political reasons are not well disposed to cooperation between the two countries. This will not be easy. The experience of other organisations has shown that the sceptics and the antagonistic are frightened off if meetings merely become the fora for discussion of Northern Ireland and related political issues. This underlines the need for the organisation to concentrate on practical issues and for it to be able to show, at an early stage, that it can bring about practical benefits. Three appropriate areas have already been identified in the Report on Measures to Encourage Mutual Understanding:-

- (a) the work of voluntary agencies in the community relations field;
- (b) the encouragement of the Churches' existing collaborative work in the educational field;
- (c) the encouragement of existing cooperation between the Arts Councils of the two countries and between other professional bodies.

/Apart

Apart from these considerations, those participating in meetings should reflect the wide range of possible subjects. As well as those referred to in the Joint Study (and quoted in paragraph 3 above), people concerned with social matters will need to be drawn in. Environmental bodies, housing associations, those concerned in youth exchanges, sport and cultural matters tend to have many problems in common.

Form of Meetings

6. The Joint Study on Institutional Structures suggested an annual conference and possibly smaller periodic seminars on specialised themes. Such smaller seminars would be valuable. They would be able to do the preparatory work which would be essential if an annual conference were to tackle a particular subject thoroughly enough for the ideas that it produced to be of value to the two Governments. Allied to this question is that of the number of participants that should attend a conference or seminar and the way in which the conferences and seminars should be run. Should they attempt to make recommendations to the Governments which have a broad consensus, which might lead to blandness, or should the stimulation of fresh ideas have precedence? The latter would probably be preferable since it would offer the Governments a range of ideas to consider with the result that they would not be under pressure to accept any particular proposal. The precise relationship between the Encounter organisation and the AIIC would have implications for this point. There seems to be no reason for it formally to have any more than a right to communicate the conclusions of its conference to the two

/Governments

Governments for consideration at the periodic summit meetings. If this were done, it would give the organisation visible influence on the Governments and help attract a high calibre of participants. If a parliamentary tier of the AIIC is established, the Encounter organisation's relationship with that will also need to be clarified.

Status of the Encounter Organisation

7. The relationship between the two Governments on the one hand and the Encounter organisation on the other will need to be carefully considered. One of the reasons for the success of the Koenigswinter conferences is that although they include governmental representatives and are partly financed by government, they are seen to be independent. The Encounter organisation is to have an advisory role. It will make it all the more important that it should be independent, in order to maintain its credibility; but it will also be important that its independence should not be of such a nature that it will become a vehicle for the systematic promotion of ideas which are unacceptable to either or both Governments. The Governments will in any case have a role to play in providing the organisation with a measure of financial and administrative support. The Joint Study on Institutional Structures envisaged that the organisation should 'be financed, at least in part, by the two Governments'. HMG provide 40% of the financing for a Koenigswinter conference held in the United Kingdom, while the Franco-British Council is

/entirely

entirely funded by a grant-in-aid. To help retain its independence, it might be advisable for the Encounter organisation to look as much as possible to the private sector.

Other Organisations

8. Various bodies already exist in the field in which the Encounter organisation would operate. Two particular bodies which have held useful conferences or seminars on different aspects of relations between the two countries are the British-Irish Association and Cooperation North. It will be important to avoid any appearance of encroaching on their activities, or attempting to supplant them, when they have been effective. The Encounter organisation as envisaged would have rather different functions, and aim at a broader range of participants. But to ensure that this is understood by existing bodies, and to enable the Encounter organisation to draw on the experience of the existing bodies, it would seem wise to seek to associate leading members of these bodies with the Encounter organisation from the earliest possible stage.

Establishment of the Encounter Organisation

9. The Joint Study envisaged that the Encounter organisation would be established under the direction of an Executive Board 'composed of independent public figures of repute and ability, and Government representatives'. If the Encounter organisation is to follow the high standard set by the Koenigswinter Conferences, and its independence be apparent from the start, the Executive Board will have

to be carefully chosen. It should no doubt include prominent figures from a wide range of vocations and balanced representation from Northern Ireland. It will be for consideration how the Board will operate, how large it should be and how the Chairmanship would be decided. It would be difficult to try to establish a full Executive Board at once. It might therefore be sensible to establish as a first step a committee; as it were a proto-Executive Board. This might consist of one or two officials from each country plus five or six members from public life; including representatives of the British-Irish Association and Cooperation North. The two Governments would invite the proto-Board to advise them on the establishment of the organisation and thereafter to organise a first conference and co-opt further members to create a balanced Board. The first conference should be invited to consider:-

- (a) the Joint Study on 'Measures for the Encouragement of Mutual Understanding', and how to follow it up;
and,
- (b) how to move in due course to the proposed Advisory Committee.

Summary of Conclusions

- 10. (a) The Encounter organisation should be established soon and it should aim to hold its first conference at an early date.

- (b) As a first step a proto-Executive Board should be established in order to involve non-official people in consideration of the role, functioning and financing of the organisation.
- (c) The organisation should be independent of Government.
- (d) It should concentrate on discussing practical issues and on giving advice on them to the two Governments.
- (e) It should aim to produce a range of fresh ideas rather than be required to arrive at a consensual view.
- (f) The first conference should consider the Measures to Encourage Mutual Understanding Report and how to move to the proposed Advisory Committee.

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ANGLO-GERMAN SOCIETY: KOENIGSWINTER CONFERENCES

1. The Deutsch-Englische Gesellschaft was founded in 1949 in Düsseldorf by a group of Germans wanting to restore Anglo-German relations after the Second World War. Specifically, the Society aimed firstly to create an organisational framework for regular lectures by British public figures in the Federal Republic and secondly to found a forum where a frank and regular exchange of views on important issues of the day could take place between leading politicians and prominent personalities from the world of commerce and the arts in Germany and the United Kingdom.

2. The first Anglo-German Society meeting was held in the spring of 1950 at Koenigswinter, and the original meeting was so successful that it became an annual event. The Conference concentrated on political themes from the start. The idea was that the conferences should act as a catalyst for political ideas and opinions whose topicality was determined by the prevailing political situation in both countries. Thus the actual course of political events has provided the various topics chosen for the Koenigswinter Conferences, and subjects have been wide-ranging. Recent ones have included: 'The Decline of the West - Illusion or Reality?', 'The European Predicament' and 'Europe without Energy'.

3. The conferences are strictly non-official, although both the German and British Governments patronise and subsidise them. They are held alternately in the United Kingdom and the Federal Republic of Germany. These conferences have always attracted a high level of participation on both sides, and are usually attended by at least one British and one German Minister as well as representatives of political parties, the Armed Forces, the Civil Service, journalism and industry. Generally,

/around

around 150 people of a high level attend . A list of the 74 British participants for the 1981 conference is attached. The careful selection of these participants has been an important factor in the success of the Koenigswinter conferences. It has never been the aim of Koenigswinter to make decisions or to pass resolutions. The meetings and value of the meetings has lain in the open expression of comments and thoughts on the pressing problems of the time.

4. Organisationally, the Society is headed by a Joint Steering Committee; the Chairman of the British Section of this is Sir Frank Roberts, formerly H M Ambassador in Bonn. In Germany, the Society is established on a regional basis: there are branches in Essen, Frankfurt, Hanover, Stuttgart, Hamburg, Bonn, Berlin, Kiel and Bremen, among others. All offices held are honorary ones. Liaison between the individual regional study groups is co-ordinated from headquarters, which also organise lectures by visiting English speakers. The regional groups also organise their own programmes. There are talks on literary and cultural subjects, conversation groups, and performances by British theatre companies. In Berlin there are regular meetings of a younger group; and the Landesgruppe in Berlin of the Anglo-German Society, in co-operation with the German-British Youth Exchange, organises the German-British Youth Conference ('Young Koenigswinter').

5. As to funding, the FCO provide financial support for the conferences held in the United Kingdom, amounting to 40% of the total budget for each conference, within fixed ceilings. The Federal German Government provides the same level of financial support for the conferences held in the FRG. For a United Kingdom conference, the financing would be:

40%	FCO
20%	Anglo-German Foundation
40%	Private sources (banks , industry, media, etc.).

The total cost for the 1982 Koenigswinter will be about £40,000.

The FCO contribution will be £16,000.- The money is allocated under an FCO information sub-head.

6. Although these conferences vary in quality from year to year, Koenigswinter as such has established itself as a major event in the Anglo-German calendar. There is no doubt that it has over the years made a considerable contribution to better understanding between the FRG and the United Kingdom and has helped to create more informed reporting on each country in the media of the other.

THE FRANCO-BRITISH COUNCIL

1. The Council was established in 1972/3 by the French and British Governments after H.M. The Queen's State Visit to France in May 1972.
2. Its broad mandate was to bring about contacts at the highest level between the two countries in the political, cultural and scientific fields. To this end the British and French sections of the Council have organised weekend seminars, held alternately in Britain and France over the past seven years, to discuss a broad spectrum of political, economic, social and cultural issues. Topics have included the similarities and differences between the two countries' political and economic spheres; French and British views on agricultural support and regional assistance within the EC; the Energy Crisis, the Status of Women; the Architectural Heritage; the Problems of the Press in France and Britain; and the Franco-British Wine Trade. The Council has also sponsored varied all-over cultural, environmental and business activities to increase contacts between the two countries.
3. The size of the British Section of the Franco-British Council in June 1981 was:

1.	President
1.	Chairman
1.	Director
21	Members.

Finance and Administration

4. The finance and administration of the Franco-British Council is on a more modest basis than for the Koenigswinter conferences and is perhaps therefore especially instructive for the Anglo-Irish Encounter Organisation. The budget on the Council established in 1972/3 was £20,000, which was completely supplied by a grant in aid from the FCO. The Council started off with just a Chairman and an Hon. Secretary, /who ...

who was paid expenses only. The Hon Secretary also appointed an Assistant Hon. Secretary who worked on special projects for an agreed fee and also kept the books and accounts on a fee basis. The British Section of the Council was then made into a limited liability company, and is subject therefore to an annual audit and presentation of accounts. The Hon. Secretary is now working full-time three days a week and drawing £1,000 per month in fees and expenses. There are plans to appoint a full-time bilingual secretary, who will cost about £7,000 per annum.

Operational Philosophy

5. With an initial budget of only £20,000 per annum it was clear in 1972 that an ambitious programme of meetings for the Council was unrealisable. The concept of two specialised seminars per year (one in Great Britain and one in France) was therefore accepted. Additional ad hoc activities were undertaken from time to time. The budget of £20,000 proved more than adequate for this programme in the early years.
6. There were increasing doubts as to whether the two seminars per annum programme was really adequate to fulfil the Council's terms of reference, and pressure therefore grew for a series of top-level Franco-British conferences (with the Anglo-German Koenigswinter conferences adduced as examples) but it was clear that without further funds the Council had neither the finance nor the personnel resources available. Following the 'Anglo-French Summit in November 1977, the Council was charged with the organisation of a series of Koenigswinter-type conferences, the first of which took place in Bordeaux in September 1980. Both the British and French Governments voted supplementary funds for the purpose.
7. In the meantime, a more regular pattern of Council meetings and a wider range of activities had been developed.

This increase of activity, allied with inflation, have made the original £20,000 per annum budget inadequate. At present, in addition to the follow-up activity to the Bordeaux Conference plans are being laid for a second top-level conference in Edinburgh in May 1982, for which an additional budget has been requested.

8. The future may point towards the continuance of top-level conferences of the Koenigswinter-type, although at a less prestigious level with smaller participation than the first two meetings in Bordeaux and Edinburgh. Such conferences might be held every two years alternatively in Britain and France.

NORDIC COUNCIL

1. The Nordic Council, which was set up in 1952 and expanded in 1962, is an elaborate organisation consisting of 78 delegates elected annually from the Parliaments of the Member States, plus non-voting government representatives. It is thus a predominantly parliamentary body, but is of interest for its organisational structure.

2. The Council meets for a week once a year, in one of the national capitals. Its work is carried on by an elected Presidium of politicians, by five national Council secretariats and by five specialist Standing Committees which cover economic, social, cultural, environmental and communications policy. These Committees consider proposals put forward both by Governments and by groups of parliamentarians; the Council's actual sessions, which are attended by Ministers, are what attract interest from the press and public. The Council has no formal authority and can only make a series of non-binding recommendations to Governments. But the Council sessions, though often long-winded, serve a vital purpose as a clearing house and discussion-centre, and many of its recommendations are implemented by Governments.

USA
DUBLIN, LONDAIN.

IRISH EMBASSY, LONDON.

17, GROSVENOR PLACE
SW1X 7HR

The Irish Government consider that the establishment of the Encounter Group might usefully be confirmed when the Taoiseach and the Prime Minister meet at Stuttgart although the announcement of agreement might be made later. The function of the Encounter Group should comprise the organisation of high-level conferences on the Koenigswinter model by an Executive Board composed of independent public figures of repute and ability as well as Government figures.

The Irish Government will appoint Dr T K Whitaker as Irish Chairman of the Executive Board. It is understood that the British Government also have a nominee in mind. It is suggested that the initial Executive Board might have fourteen members, four each from Dublin, London and Belfast to be suggested by the Chairmen. The membership of the Board should comprise one official each from Dublin, London and Belfast as well as others drawn from public life as envisaged in paragraph 20 of the Institutions Joint Study.

The location and nature of a possible secretariat would be matters for the Chairmen.

The Irish Government has set aside Irish £30,000 as initial funding for the organisation and understand that the British Government will contribute a similar sum. Future financing should be on the basis of a continuing commitment by the two Governments, supplemented by private funding.

The organisation should aim to hold its first major conference in Autumn 1983. It is proposed that this should take place in Northern Ireland and that the theme might include the Report of the Joint Study Group on Measures to Encourage Mutual Understanding.

In order to get the organisation off the ground the two Chairmen and appropriate officials should meet as soon as possible after the announcement of the establishment of Encounter with a view to completing the nomination of the other members of the Executive Board and preparing the first Encounter conference.

London 8th June 1983

Annex C

File

CABINET OFFICE
 A
 Ref. A083/1785
 FILING INSTRUCTIONS
 MR GOODALL

Encounter

I saw Sir David Orr this afternoon. He asked some searching and relevant questions.

2. First, he asked whether the Prime Minister and the Taoiseach were really keen about Encounter, or just saw it as a kind of sop, or harmless indication that relations were getting better. I said that I thought that both the Prime Minister and the Taoiseach were positively in favour of Encounter, and thought that it could be useful, as Königswinter had been, in bridging the gaps between Britain and Ireland and diminishing the ancient enmities. But no doubt both were also interested in it for its "signal" effect.

3. Sir David Orr was concerned about what Encounter would do. He pointed out that the British/Irish Association already existed and held annual conferences, to which high level people came both from Britain and from Ireland. Both he and Doctor Whitaker were involved in that, and there would no doubt be ill feeling if it was felt that Encounter had supplanted or up-staged the British/Irish Association. That association was holding its next conference at Balliol College, Oxford, on 16-18 September 1983. I said that we had deliberately not formed too precise an idea of what Encounter should do since, that would be very much for the British and Irish Chairmen and Executive Boards to work out; but we saw it as sponsorship both of high level conferences and ^{of} lower level exchanges of various kinds and small seminars.

4. Sir David Orr asked about the representation of Northern Ireland on the Executive Board. I said that, unlike the Irish, we did not envisage separate representation for Northern Ireland; but no doubt the British side of the Executive Board should choose some members from Northern Ireland. Sir David Orr was clearly afraid that Encounter might be boycotted by extreme Republicans and extreme Loyalists.

5. I said that, if he were prepared to take it on, I was sure that it would be important for him to have some kind of administrative director to take the main burden of running the work of Encounter.

6. Sir David Orr made it clear that he was not at this stage definitely committing himself to accept; though he was clearly feeling that, if he could get reasonable answers to his questions, he should go ahead. He said that he was due to see Doctor Whitaker on 6 July in another context, and would have a word with him about it then. I said that I was due to discuss Encounter with Mr Nally on 11 July. I had it in mind that, subject to the outcome of that meeting, and subject to Sir David Orr's acceptance of the invitation to him, the next stage after that might be for him, Doctor Whitaker, Mr Nally and me to meet to take the matter further. Sir David Orr thought that this would be a sensible way to proceed.

7. I showed Sir David Orr the note enclosed with the Irish Ambassador's letter of 8 June. Sir David agreed that this note demonstrated a certain lack of reality, particularly on questions of timetable.

RA

ROBERT ARMSTRONG

22 June 1983

CABINET OFFICE
Ref. A083/2019
A
PRIME MINISTER
FILING INSTRUCTIONS
FILE No. _____

cc- ~~Mr. G. Dall~~
~~Mr. Colvin~~

Anglo-Irish Relations

When you met Dr FitzGerald in Stuttgart on 19 June, you agreed to look at possible dates for an Anglo-Irish Summit in the autumn, before the Forum for a New Ireland reports at the end of the year. We need therefore to consider how to manage Anglo-Irish relations between now and the Summit, and the position which you would like to have reached by the time it takes place. As I think you know, I am due to meet the Irish Government Secretary, Mr Dermot Nally, in London next Monday, 11 July. He and I have agreed that the purpose of our meeting should be to discuss plans for future meetings in the context of the Anglo-Irish Intergovernmental Council (AIIC) at various levels, including meetings at the Summit, and to carry further our discussions of the proposed Encounter organisation. You have authorised me to propose the date of 7 November for the next Summit.

2. What follows has been agreed with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland.

3. With the British General Election over, Anglo-Irish relations have entered a new phase, and some intensification of the contacts between the two Governments is both necessary and desirable. For the first time for years neither the Irish nor the British Government faces the prospect of an early election; and the Government in Dublin is committed to seeking a closer relationship with London both as an end in itself and as a means of easing tension and making progress on the Northern Ireland question. On the British side, no major initiative or change of direction is contemplated in our Northern Ireland policy, the latest authoritative statement of which was the Secretary of State for Northern Ireland's speech of 28 June to the Northern Ireland Assembly. On the Irish side, interest in the Northern question is focussed for the moment on the Forum for a New Ireland, which is due to report at the end of the year; but the Irish Government is anxious to be able to demonstrate in the meantime that

relations with London are developing positively. This is also the United Kingdom's interest: the Forum's report, when it emerges, may well be unwelcome to us and could have an unsettling effect in the North. It will help to give it a lower profile if there is already an established dialogue between Dublin and London on other, less contentious, subjects we also need to bear American sensitivities in mind: a closer and developing relationship between Dublin and London will make it easier for the United States Administration to stick to its policy of non-involvement - particularly important in a pre-election period.

4. Given that neither side, at least for the moment, has substantive proposals to make, it would seem that the right course now would be to agree with the Irish on a measured resumption of business within the framework of the AIIC on the basis of the Joint Memorandum (attached) which was agreed on 20 January 1982 but which, because of the subsequent deterioration in relations, was in effect put into cold storage. Although there have since then been bilateral meetings of Ministers which have been treated as being within the AIIC framework, there has been no Summit, and none of the meetings of officials foreseen in the Memorandum has taken place: neither the Steering Committee nor the Co-ordinating Committee has met.

5. My meeting with Mr Nally on 11 July will constitute the first meeting of the Steering Committee since January 1982. It would, I think, be logical for it to be followed fairly soon by an initial meeting of the Co-ordinating Committee. This is the group of officials which, within the AIIC structure, has the task of supervising and co-ordinating co-operation in all areas of common interest and concern and also with preparing meetings of Ministers as necessary. Although the Irish wanted this to be, formally speaking, a single body, they deferred to our wish that it should meet under three different aspects to deal with economic, cultural and security matters and that each side could field a different team depending on the subject matter under discussion. Mr Nally and I could perhaps agree that this Committee should meet as appropriate between now and November to take stock of our bilateral relations under each of these

headings and measure progress against the possibilities for practical co-operation identified in the Joint Studies Report; and that it should be mandated to report its findings to the two Heads of Government for consideration at the Summit. You and Dr FitzGerald could then formally authorise whatever further work - possibly including meetings of one or two specialist working parties - the Co-ordinating Committee might have recommended.

6. The other item I shall be discussing with Mr Nally is the setting up of Encounter. This has already been agreed in principle: but it remains to work out the details. There are several difficult issues here including finance, administration and the relationship of the new organisation to the British Irish Association, and I am not certain that Mr Nally and I will be able to reach agreement on all these points on 11 July. But we should certainly be able to demonstrate sufficient seriousness of intent to satisfy the Irish desire for progress.

7. All this should, I believe, be enough to enable both sides to demonstrate that mutual confidence has been restored between Dublin and London and that momentum is returning to the development of bilateral relations, without unjustified fears or expectations being raised on either side. It should at the same time provide a reasonable slice of bilateral business for you and Dr FitzGerald to discuss at the Summit, without carrying any constitutional implications or committing us to any departure from our current policies.

8. If you are content that we should proceed on this basis I will be guided accordingly in my talks with Mr Nally.

9. I am sending copies of this minute to the Foreign and Commonwealth Secretary and to the Secretaries of State for Northern Ireland and for Defence.

ROBERT ARMSTRONG

ROBERT ARMSTRONG

8 July 1983

Joint Memorandum on the Anglo-Irish

Intergovernmental Council

1. The joint communiqué of 6 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 21 December, 1982 and an Official meeting on 6 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



Anglo-Irish Joint Studies

Joint Report and Studies

*Presented to Parliament by the Prime Minister
by Command of Her Majesty
November 1981*

LONDON

HER MAJESTY'S STATIONERY OFFICE

£3.05 net



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Officials noted that the unique relationship to which the two countries of May and Ireland 1980 related was the result of geography, history and population movements. The joint studies brought out the variety of contacts between the two countries. They confirmed that in many fields relations and co-operation were close and more extensive than between other countries in Europe while a particularly close relationship had been given specific institutional expression. Officials agreed that over a very wide range these relations involved common interests and mutually beneficial co-operation but recalled that the commitment of 8 December 1980 had provided a framework for the full development of the links between the two countries and their people had been but under strain by division and

Officials considered how the development of the unique relationship between the two countries might be enhanced by giving it more comprehensive institutional expression, without incurring the many informal links, and in this context examined the following possibilities—

- (i) the establishment of an Anglo-Irish Intergovernmental Council to provide the overall framework for intergovernmental consultation at level of Government, Ministerial and official levels, on all matters of common interest and concern, with particular reference to the achievement of peace, reconciliation and stability and the improvement of relations between the two countries and their people; and what might be the component elements of the structure, its functions and certain aspects of its operation;
- (ii) how the parliamentary links between the two countries might be appropriately developed as the natural and desirable complement to the establishment of a new intergovernmental body;
- (iii) the establishment as an adjunct to the proposed intergovernmental Council of an Advisory Committee on economic, social and cultural co-operation, with a wide trans-party selection of representatives;
- (iv) the establishment as an interim measure, pending the creation of an Advisory Committee as at (iii) of an "Anglo-Irish Encounter" organisation, under the direction of an Executive Board composed of

ANGLO-IRISH JOINT STUDIES

Report of the Joint Steering Group

1. At their meeting in Dublin on 8 December 1980, the Prime Minister and the then Taoiseach commissioned joint studies covering possible new institutional structures, citizenship rights, security matters, economic co-operation and measures to encourage mutual understanding, in order to assist them in their special consideration of the totality of relationships within these islands. These joint studies were undertaken by senior officials of the two governments. In carrying out their task officials bore in mind the already close relations between the two countries and their common membership of the European Community. The outcome of the studies, other than that on security matters, is as follows.

Possible New Institutional Structures

2. Officials noted that the unique relationship to which the two joint communiqués of May and December 1980 referred was the result of geography, history and population movements. The joint studies brought out the variety of contacts between the two countries. They confirmed that in many fields relations and co-operation were closer and more extensive than between other countries in Europe where a particularly close relationship had been given specific institutional expression. Officials agreed that, over a very wide range, these relations involved common interests and mutually beneficial exchanges but 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.

3. Officials considered how the development of the unique relationship between the two countries might appropriately be enhanced by giving it more comprehensive institutional expression, without impeding the many informal links; and in this context examined the following possibilities—

- (i) the establishment of an Anglo-Irish Intergovernmental Council to provide the overall framework for intergovernmental consultation, at Head of Government, Ministerial and official levels, on all matters of common interest and concern, with particular reference to the achievement of peace, reconciliation and stability and the improvement of relations between the two countries and their peoples; and what might be the component elements of the structure, its functions and certain aspects of its operation;
- (ii) how the parliamentary links between the two countries might most appropriately be developed as the natural and desirable complement to the establishment of a new intergovernmental body;
- (iii) the establishment, as an adjunct to the proposed intergovernmental Council, of an Advisory Committee on economic, social and cultural co-operation, with a wide membership reflecting vocational interests;
- (iv) the establishment as an interim measure, pending the creation of an Advisory Committee as at (iii) 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.

Citizenship Rights

4. Officials reviewed the rights and privileges on the one hand, and the obligations and duties on the other, of citizens of each country residing in the jurisdiction of the other. The areas looked at were eligibility to vote and to stand for elective offices; employment in the civil and armed services; legal rights and obligations (including jury service); social rights; consular protection; and freedom of movement.

5. It was noted that, in the absence of a written Constitution on the British side, the various rights and obligations are defined by specific Acts of Parliament, which Parliament being sovereign can later amend. The role of the Courts in this context is to interpret legislation. On the Irish side, by contrast, there is both specific legislation covering a similar range of subject matter and a written Constitution guaranteeing fundamental human rights. Proposals to alter the Constitution must be approved not only by Parliament but also through a referendum. The Courts have power to strike down legislative Acts held by them to be inconsistent with the Constitution.

6. It was further noted that each of the two countries maintained provisions which ante-dated the requirements of their common European Community membership and afforded in different ways privileged treatment to the citizens of the other. Indeed, each accorded the other's citizens virtually all the rights and privileges available to its own. At the same time a number of differences were identified, notably in respect of the two countries' practices in relation to the control of movement of non-citizens; and in respect of the qualifications for local elections in Northern Ireland as compared with Great Britain.

7. Officials noted the decision of the Irish authorities to extend voting rights in national elections to resident British citizens. Officials also reviewed possibilities for dealing with other differences; but made no agreed proposals for doing so.

Economic Co-operation

8. Officials considered a wide range of existing and potential areas of economic and technical co-operation, both bilateral and in the context of the two countries' common membership of the European Community, and made recommendations as to how these might be encouraged and developed. They agreed that the machinery of Anglo-Irish Economic Co-operation (AIEC) had proved effective within its terms of reference in fostering the development of economic and technical matters of mutual interest. If a new inter-governmental institution were established as envisaged in their work on institutional structures, the Steering Group on AIEC (and its subordinate groups) or a comparable official level body might appropriately be placed under the aegis of that new institution.

9. Among the subjects considered were

- future co-operation on energy, in particular the possibilities for electricity interconnection (both across the land border and across the Irish Sea) and for the supply of gas from the Kinsale field to Northern Ireland and the exploitation of new energy technologies;
- the exchange of information on pollution of the Irish Sea and co-ordination of responses to pollution emergencies;
- broadcasting of television and radio programmes direct to the home from a satellite;
- co-operation in the field of animal and plant health;
- the facilitation of economic development in Lough Foyle, Carlingford Lough and the nearby offshore areas;
- industrial development, particularly of small and craft industries;
- trade promotion;
- industrial training;
- tourism;
- continuing co-operation in the economic development of border areas;
- science and technology.

10. Officials believed that further work in this field would make a contribution towards the improvement of the economies of these islands and that the practice of economic co-operation would in itself generate further co-operation.

Measures to Encourage Mutual Understanding

11. Officials analysed the reasons for misconceptions in each country over attitudes and Government policies in the other, and considered measures that the two Governments might appropriately take, jointly or separately, to remove such misconceptions and improve mutual understanding.

12. It was recognised that, as between Britain and the Republic, the problem appeared to be more one of lack of knowledge than of misconception. This might be remedied by efforts aimed at a more intensive exchange of information. As between North and South in Ireland the problem went deeper. In this context the issues which were relevant were the constitutional "claim" and the "guarantee"; and Church/State relationships. Action to reduce misunderstanding of these matters would clearly be needed. Institutional arrangements were also required, deliberately framed to reduce suspicion and distrust, together with measures to make more effective the prosecution of offenders who seek to evade justice by crossing from one side of the border to the other. Moreover, greatly increased contacts and joint endeavours in appropriate fields, as well as intensified information exchanges, might all offer some hope of progress.

13. Officials noted that there existed already a welcome multiplicity of contacts and that it was desirable that these should continue and be developed. In this context they considered a range of possibilities including

- increased contacts between officials concerned with youth and sport activity and the scope for increased co-operation between sporting organisations in both parts of Ireland;
- the development of the already considerable contacts between vocational and community relations groups in both parts of Ireland;
- in the field of education, increased exchanges between teachers and inspectors as well as between pupils and students; particularly the potential for more use by students from the South of tertiary education facilities in Northern Ireland;
- the active pursuit of co-operation between the Open University and the proposed Distant Study Unit of the National Institute for Higher Education in Dublin;
- the establishment of a formal scheme for interchange of officials;
- the encouragement and expansion of close co-operation and contacts between the Arts Councils, North and South, in Ireland; and between both of these Councils and the Arts Councils in Great Britain.

2 November 1981

The above report was based on the following papers.

POSSIBLE NEW INSTITUTIONAL STRUCTURES

Report of the Joint Study Group

Terms of Reference and Meetings

1. 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 communiqués issued following those meetings 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 Group 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 communiqués 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 Study Group noted that the unique relationship to which the Joint Communiqués of 1980 referred was the result of geography, history and population movements within these islands. In many fields relations and co-operation between the two countries are closer and more extensive than exist between other countries in Europe where a particularly close relationship has been given specific institutional expression. At the same time, 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.

4. The Group have seen it as the purpose of their work to put forward proposals on possible new institutional structures that would correspond adequately to the complexity of the Anglo-Irish relationship and would be calculated to enhance the elements of concord and reduce the elements of discord in the relationship. They should be flexible and resilient, should have a reasonable chance of proving to be durable, and should have the capacity to evolve. They should 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.

Ambit of Study

5. It was agreed that the present studies took place, and that the work of any new institutional structures should similarly take place, within a constitutional framework in which the factual 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 agreement of Parliament at Westminster; and that any constitutional change could therefore only come about on the basis of such consent and agreement. Subject to this it was agreed that no structure should be excluded which, in the view of either side, could contribute, over whatever timescale, to the objectives agreed by the Heads of Government. The Irish side reaffirmed the wish to secure the unity of Ireland by agreement and in peace.

6. 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, 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 and there is to be another in November 1981.)

7. The Group examined a number of other models of political co-operation particularly in Europe. These included various aspects of the European Community, the Benelux arrangements, the Council of Europe, the Nordic Council, the Franco-German Co-operation Treaty, arrangements between the United Kingdom and France and the Federal Republic of Germany, including the Anglo-French Council and the Koenigswinter Conference, and certain institutional arrangements between Australia and New Zealand and between the United States, on the one hand, and Canada and Mexico, on the other hand. While acknowledging that there were useful elements in some of these models, the Study Group concluded that no one such model provided a basis for what was likely to be required in the unique Anglo-Irish context.

A new Anglo-Irish Institutional Structure

8. It was agreed, having regard to the considerations set out above, that initially attention should focus on the possibility of establishing a new Anglo-Irish institutional structure. Its specific functions would require consideration in the light of progress in other areas of joint study and would be subject to agreement between the two Governments, but a basic

purpose would be to contribute to the achievement of peace, reconciliation and stability, and to the improvement of relations between the peoples of the two countries.

Inter-Governmental Structure

9. It was agreed that the initial step might be the establishment of a joint inter-governmental structure. This might appropriately be called the Anglo-Irish Inter-governmental Council. It 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-institutional basis should of course continue wherever appropriate. The body would meet at Head of Government, Ministerial or official level. Meetings at Head of Government level, at which Heads of Government would 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 groups, with each such meeting constituting a meeting of the Council 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 two parts of Ireland. As in the past there would continue to be regular meetings between the Secretary of State for Northern Ireland and the Minister for Foreign Affairs, accompanied as appropriate by other Departmental Ministers concerned, to review North-South matters. A senior Official Committee of Ministers' Deputies might meet in a North-South or East-West configuration, as appropriate, to prepare the work of the Ministers, or as otherwise necessary.

10. Other aspects of the character and functions of the Council will require further consideration to take account of the results of other studies. Within the framework of the Council there should be the closest bilateral consultation on matters relating to the achievement of peace, reconciliation and stability or the improvement of relations between the peoples of the two countries. Provision could also be made for emergency meetings to consider current problems of an urgent nature of concern to both Governments. There might also be provision for the establishment by the Council, subject to any necessary process of law, of ancillary bodies including corporate bodies, in particular areas of economic co-operation or areas concerned with the promotion of mutual understanding, where joint activity might be agreed to be desirable.

Legal Basis

11. It would be possible to establish some form of Anglo-Irish Ministerial Council without legislation in either country, for example on the basis of statements in the respective Parliaments. 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 Dáil, and it would be normal to take similar action with the United Kingdom Parliament.

Secretariat

12. The nature and extent of the Secretariat of an Anglo-Irish Institution would clearly be related to the nature and scope of its functions and activities. Initially, however, each 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 the activities of the Council.

Finance

13. The Council 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.

Inter-Parliamentary Relations

14. It was agreed that it would be a natural and desirable development for the establishment of a new inter-governmental body to be complemented at an appropriate moment by the development of an inter-parliamentary body.

15. In the British view, this should be further considered in the light of experience and of 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.

16. The Irish side considered that it would be helpful if the report of the Group dealt with the manner in which the parliamentary structure should be developed and with its composition, ambit and purposes. In their view, the parliamentary element could initially be constituted through an Anglo-Irish parliamentary committee as a natural development of the existing, rather loosely structured Anglo-Irish Parliamentary Group. The objectives would be to widen the composition of the existing Group, to provide a more regular and systematic pattern of inter-parliamentary exchanges and to deepen and broaden the activities undertaken by focusing them on a more structured agenda, related to the work of the inter-governmental body. The proceedings could be conducted in public or in private. The aim would be to promote constructive discussion which would subsequently facilitate the transforming of the consultative committee into a constituent part of the Anglo-Irish Institution.

17. The Irish side thought it useful to give preliminary consideration to the appropriate composition of the parliamentary group under the new circumstances created by the establishment of an inter-governmental body and in the light of the objectives cited in paragraph 16. They considered that the guiding principle should be equitable representation of the various political interests and traditions within these islands. Members of the

Committee could be drawn, not only from Dáil Eireann and the House of Commons but also from other representative bodies, including the European Parliament, the House of Lords and Seanad Eireann. Apart from the obvious benefits of parliamentary exchanges, the Irish side saw the committee as providing a forum for the participation of representatives from Northern Ireland in the new institutional structures. They considered that, in view of the special circumstances within these islands and in order to permit the adequate representation of both sections of the community there, the Northern Ireland membership should be composed in proportion to the size of the different parts of the community there and should be a significant component of the committee. In the absence of an elected Assembly in Northern Ireland representatives could be chosen on the basis of appointment by the Secretary of State on the nomination of, or after consultation with, leaders of political parties. More generally the Irish side recognised that consultation with political interests and with the appropriate parliamentary authorities should be undertaken immediately following a decision to establish an intergovernmental body with the objective of having the group working in its new format as soon as possible.

18. The Irish side saw the ambit and purposes of the committee as corresponding to those of the inter-governmental body. Its functions would essentially be consultative, advisory and review in nature. It could discuss the activities of the inter-governmental body and review the work of ancillary bodies, on the basis—but not exclusively so—of an annual report on co-operation from the inter-governmental body. Members might receive an allowance in respect of attendance.

Structures for Exchanges on a Wider Basis

19. It was agreed that it would be advantageous to provide a forum for contact between 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 Council. 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. 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 vocational interests. 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 Council 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.

20. 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. They 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, social and cultural circles. An "Anglo-Irish Encounter" organisation should be established and financed, at least in part, by the two Governments, under the direction of an Executive Board composed of independent public figures of repute and ability and Government representatives. The Group thought that the proposed body, rather than concentrating on constitutional or political problems within these islands, as some existing bodies have tended to do, should seek, in its activities, to comprehend different aspects of the totality of relationships. Its major function should be to organise a high-level annual conference on the Koenigswinter 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. There could be a changing participation or involvement appropriate to the subject.

21. Ideas generated at such conferences (or seminars) might usefully be considered by the two Governments at appropriate meetings of the Council.

2 November 1981

CITIZENSHIP RIGHTS

Report of the Joint Study Group

I. INTRODUCTION

1. Following the agreement contained in the Communiqué issued after the Dublin meeting between Heads of Government in December 1980, the following general terms of reference were given: "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 communiqués 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 the special consideration of the totality of relationships within these islands". The specific terms of reference of this Group were—

"(1). To review the rights and privileges accorded to citizens of each country while residing within the jurisdiction of the other, including those relating to voting, social security, employment and consular protection; to compare these with the rights and privileges enjoyed by citizens of the host country; and to consider whether the rights and privileges could be further assured, harmonised and extended on a mutual basis.

(2). To review the obligations and duties of citizens of each country residing within the jurisdiction of the other, including those in respect of taxation and jury service; and to compare these with the obligations and duties of citizens of the host country.

(3). To consider any anomalies revealed by these reviews and whether they might usefully be rectified."

II. BASIS ON WHICH RIGHTS ARE CONFERRED

2. The Group noted, at the outset of their work, that the constitutional arrangements to describe and protect the rights and privileges of citizens are fundamentally different in the two countries. On the Irish side there is a written constitution, capable of being amended only by referendum of the people. On the United Kingdom side the doctrine of parliamentary supremacy means that no specific provisions are entrenched; while, in addition, in certain matters, different provisions obtain in Northern Ireland, as compared with Great Britain, under the terms of earlier delegated legislative authority.

3. This basic difference of approach is reflected, for example, in defining the persons whom each country regards as being entitled to its citizenship, or, more immediately relevant for the purpose of this study, as being citizens of the other. Irish citizenship is held by all persons born in Ireland, North and South, (with a very few exceptions in the case of people born in the North) and their descendants born abroad (subject to a registration condition

at the third generation stage). Citizenship of the United Kingdom and Colonies ("United Kingdom citizenship") may be acquired by birth, descent, registration or naturalisation. All United Kingdom citizens are also British subjects, a term which also includes citizens of other countries within the Commonwealth. United Kingdom citizenship is under review and is to be replaced by three new categories of citizenship, one of which is British citizenship. Because of the high incidence of dual nationality and the ease of movement in the Common Travel Area it is difficult to produce accurate figures for the numbers of citizens of one country resident in the other. Estimates derived from the 1979 Labour Force Survey indicated that there may be 500,000 Irish citizens resident in Great Britain.

4. The Group noted, incidentally, that both countries are party to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Both have accepted the optional Articles of that Convention relating to the right of individual petition and the jurisdiction of the Court of Human Rights, so that an individual who feels that a human right protected by the Convention has been violated has the possibility of obtaining a binding judgement against the responsible Government.

Irish Arrangements

5. The Irish Constitution (1937) guarantees certain fundamental rights and entitlements, provides for the practical exercise by the people of their sovereignty expressed in Dáil and Presidential elections and referendums, and establishes the jurisdiction of the Courts, which extends to Constitutional issues. The list of fundamental rights set out in the Constitution is not exhaustive, and all of these rights will be protected by the Courts, to the extent that incompatible legislation and administrative acts will be struck down. In common with the United States Constitution, which it resembles in some respects, it is designed to protect the rights of citizens and, as such, does not explicitly protect the position or rights of British subjects.

6. In practice, however, the fundamental rights protected by the Constitution are not regarded as being reserved for citizens. Although some of the relevant Articles of the Constitution refer to "citizens" and others use such terms as "persons", an examination of the factual position and case-law* illustrates firstly, that no non-citizen who has raised a Constitutional issue before the Courts has failed to get a full hearing and reasoned decision or, to put it another way, that no non-citizen has had such a case dismissed because of absence of locus standi; secondly, that in practice, non-citizens avail themselves of Constitutional remedies, sometimes with and sometimes without success; thirdly, that it is the exception rather than the rule for the issue of citizenship to be adverted to by the Court.

7. In addition to the protection of fundamental rights afforded by the Constitution, ordinary legislation and the common law cover the complete

*Examples are—

In the matter of Paul Singer (97 ILTR).

Nicalaou v. An Bord Uchtala (1966 IR).

Littlejohn v. Minister for Justice (Judgements of 24.1.74 and 18.3.76 unreported).

Somjee v. The Minister for Justice and the Attorney General (Judgement of 20.12.79, unreported).

Shaw v. DPP (Judgement of 17.12.80, unreported).

range of rights and obligations of persons (citizens or otherwise) present in the State, as is the case with those countries which have no written Constitution. Persons born in Britain visiting or resident in Ireland are in a special position in that they are completely exempt from the orders controlling aliens made by the Minister for Justice under the Aliens Act 1935.

United Kingdom Arrangements

8. In the United Kingdom rights and privileges are provided under specific legislative authority which may be interpreted by the Courts but which can be changed only by Parliament.

9. Irish citizens in the United Kingdom enjoy also the protection provided to all persons by the anti-discrimination laws. In *Great Britain* all persons, including Irish citizens, are subject to, and protected by, the provisions of the Race Relations Act 1976. That Act makes discrimination on racial grounds unlawful in the fields of employment, education and the provision of goods, facilities, services and premises (for the purpose of the Act "racial grounds" means any of the following: colour, race, nationality or ethnic or national origins). In *Northern Ireland* the Northern Ireland Constitution Act 1973 makes it unlawful for public bodies to discriminate against any person on the grounds of religious belief or political opinion, and renders discriminatory legislation void; and the Fair Employment (Northern Ireland) Act 1976 makes it unlawful for an employer to discriminate in relation to employment on those grounds.

10. In addition, the Race Relations Act 1976 amended the Public Order Act 1936 to make it a criminal offence in *Great Britain* to publish or distribute written matter, or use in any public place or at any public meeting, language which is threatening, abusive or insulting and likely, having regard to all the circumstances, to stir up racial hatred against any racial group in *Great Britain*. In *Northern Ireland*, to which the Race Relations Act does not extend, the Prevention of Incitement to Hatred Act (Northern Ireland) 1970 makes it an offence to stir up hatred against, or arouse fear of, any section of the public on grounds of religious belief, colour, race or ethnic or national origin.

11. Section 2 of the Ireland Act 1949 which was passed at the time when Ireland ceased to be a member of the Commonwealth and severed its last formal links with the British Crown, provides that Ireland is not to be treated as a foreign country and that its citizens resident in the United Kingdom, while they could no longer be regarded as Commonwealth citizens, are not to be regarded as aliens.

Observations

12. The Group noted that these provisions reflected an intention on the part of each country to accord special treatment to each other's nationals. At the same time the Group recognised that the two approaches result in certain differences which are commented upon in greater detail in later paragraphs of this report.

III. SPECIFIC RIGHTS AND PRIVILEGES

(a) Voting Rights

IRELAND

(1) National Elections

13. At present, only resident Irish citizens may vote at elections to the Dáil, at presidential elections and at any referendum to amend the Constitution (the results of which are binding).

14. All resident citizens of the European Community may register to vote at the election of Irish representatives to the European Parliament.

15. At their meeting in December 1980, the then Taoiseach told the Prime Minister that, following examination of the constitutional, legal and other aspects of the matter, he was prepared to present proposals to effect an extension of the Irish franchise to permit United Kingdom citizens to vote at elections to the Dáil. The Irish side said that it was the intention of the present Irish Government to introduce legislation to this effect. The British side welcomed this intention which would, if fulfilled, result in greater reciprocity in voting rights at national elections.

(2) Local Elections

16. All qualified persons regardless of nationality may register to vote in Irish local elections.

UNITED KINGDOM

(1) National Elections

17. The voting rights of Irish citizens resident in the United Kingdom are identical to those enjoyed by British subjects, including Commonwealth citizens, as far as the franchise used at national elections in the United Kingdom is concerned *i.e.* elections to the Westminster Parliament, the election of United Kingdom representatives to the European Parliament, and at such referendums as have been held. There are certain statutory disqualifications which are common to British subjects and Irish citizens, and only those citizens entered on an electoral register are entitled to vote. Residence is a necessary qualification for electoral registration. This is not defined as far as the electoral law in *Great Britain* is concerned, but the courts have indicated that "overnight" residence on the qualifying date (10 October) is not sufficient and a degree of "constructive" residence is required.

18. The residence requirement for electoral registration in *Northern Ireland* is specified in legislation as being 3 months continuous residence preceding the qualifying date. This definition of residence applies equally to people coming from *Great Britain* as to people originating in other countries.

(2) Local Elections

19. As far as local elections are concerned, the franchise in *Great Britain* is, with the exception of Peers of the Realm who cannot vote at Parliamentary elections, identical to that in use in national elections and, in practical terms, only one register is prepared. The British Government has

reserved its position with regard to the proposal to extend the franchise at local elections to all resident Community citizens as suggested by the EEC Heads of Government in 1974, so Irish citizens resident in Great Britain remain in a special position compared to other non-British subjects.

20. In *Northern Ireland*, the franchise for local and Assembly elections is confined to persons born in Northern Ireland or who have been continuously resident in the United Kingdom for the previous 7 years, provided that they are British subjects or were on the Northern Ireland Register of Electors in 1962 and have resided in Northern Ireland for the 3 months preceding the qualifying date. In effect, this excludes a number of Irish citizens and British subjects resident in Northern Ireland from voting at local and Assembly elections and comparison between the different registers in use in Northern Ireland suggests that about 5,000/6,000 people may be affected in this way.

(b) Qualification to stand for Election

(1) Legislature (Lower House)

IRELAND

21. All resident and qualified non-citizens may stand at local elections. Only citizens may stand for election to the *Dáil*, but any extension of the right to vote at elections for the *Dáil* would not automatically apply to the right to stand at such elections. In the case of European Parliament elections, all resident EC citizens may vote but only persons entitled to be elected to the *Dáil* may be eligible for election.

UNITED KINGDOM

22. In *Great Britain*, any British subject (including Commonwealth citizens) or Irish citizens of 21 years or over and not otherwise disqualified may, irrespective of residence, be nominated for election to the Westminster Parliament or the European Parliament. There are certain residential requirements, however, for election to, and service on, local authorities. Essentially these require either residence in (or, in the case of the lowest tier of local government in England and Wales, residence adjacent to) the electoral area, or employment in (or, as before, adjacent to) the area. In *Northern Ireland* the qualifications for candidature at Westminster and European elections are the same as those which apply in Great Britain. So far as local and Assembly elections are concerned, much the same residential qualifications apply as in Great Britain; but candidates must also be British subjects or have been on the Northern Ireland Register of Electors in 1962.

(2) Legislature (Upper House)

23. As far as membership of the Upper House of the legislature is concerned, only Irish citizens may sit in the Seanad. An Irish citizen may sit and vote in the House of Lords provided that, like a member of the House of Commons, he takes an oath (or affirmation) of allegiance to the British Sovereign. There is no requirement that members of the *Dáil* and Seanad should take an oath of allegiance of any kind.

(c) Qualification for Public Service Positions

24. As for the opportunities which citizens of each country resident in the other have to serve in the public services of their host country, the position is as follows—

(1) Civil Service

25. There is no statutory barrier to the employment of non-citizens in the Irish Civil Service. However the Irish Civil Service Commissioners are empowered to insert in the regulations for any competition held by them a nationality clause, limiting the competition to Irish citizens. Such a clause is normally inserted in the case of open competition examinations. It is not normally inserted in the case of competitions for professional and technical posts.

26. In the United Kingdom, Irish citizens have exactly the same rights of access to all positions in the Home Civil Service as do British subjects. Irish citizens may also join the Diplomatic Service provided they have a close connection with the United Kingdom and undertake to become United Kingdom citizens as soon as possible after appointment if not already such.

27. Entry to the Northern Ireland Civil Service is not statutorily limited to British subjects. However the Northern Ireland Civil Service Commission makes rules restricting entry to British subjects except when exemption is justified in the public interest (usually when professional or technical skills are required).

(2) Local Government Service

28. Under the Irish system which is centralised and operates on the basis of regulations made by the Minister for the Environment, no nationality requirement is imposed either in the competitions held by the Local Appointments Commission (relating to local authority professional and technical posts, Chief Executive posts—such as County and City Managers, Town Clerks—and certain other statutory provisions) or in those held by the local authorities themselves for clerical/administrative posts.

29. In the United Kingdom appointment to local government posts is the responsibility of the local authority concerned.

(3) Armed and Defence Forces

30. There is in general no legislative bar to an alien enlisting in the Irish Defence Forces but it would be expected that a candidate should ordinarily reside in Ireland. On the recruitment of officers, the Defence Act 1954 (section 41) states:

“Each of the following persons shall be eligible to be appointed to be an officer of the Permanent Defence Force or the Reserve Defence Force, that is to say—

(a) Irish citizens

(b) Any other persons specially approved by the Minister.”

The Irish side stated that the approval referred to at (b) would normally be given in the case of officer recruitment where specialised technical knowledge is required.

31. In the United Kingdom, there are residence requirements which apply equally to British subjects and to Irish citizens. Recruits who are Irish citizens are, however, required to apply for registration as United Kingdom citizens in order to enable them to obtain a British passport. This is a practical requirement which facilitates overseas travelling arrangements and does not prejudice recruits' status as Irish citizens.

32. There is no provision in either United Kingdom or Irish law for compulsory service in the armed forces. It was noted, however, that when conscription had been in force in the United Kingdom it was applied to Irish citizens resident in Great Britain in the same way as citizens of the United Kingdom. The Irish side noted that this had been a sensitive issue in the past and would be so again if conscription were ever reintroduced within the United Kingdom in future.

(4) Police

33. There is no restriction on the recruitment of non-Irish citizens to serve in the Garda Siochana.

34. There are no nationality restrictions which would prevent the recruitment of Irish citizens into the police forces of the United Kingdom, provided that they are otherwise suitable and make a declaration of allegiance.

(d) The Legal System

(1) Jury Service

35. In Ireland eligibility to serve on a jury is confined to citizens between 18 and 70 who are registered as Dáil electors. United Kingdom citizens are not therefore eligible at present. The Irish side saw no difficulty in granting eligibility for jury service to United Kingdom citizens by changing the law—a change which would not create any difficulty under the Constitution.

36. In the United Kingdom, lists of jurors are prepared from the local government electoral register and in Great Britain Irish citizens on the register qualify on an equal basis with British subjects.

37. The obligation to serve on a jury in Northern Ireland is restricted to those who are eligible to vote at local elections there.

(2) The Legal Profession

38. The Irish and United Kingdom Bars have agreed reciprocal arrangements for those already qualified; there are no nationality restrictions on those seeking qualification. There are no similar reciprocal arrangements as far as qualified solicitors are concerned, but in neither country is access to the profession confined on nationality grounds.

(3) Judicial Appointments

39. There are no nationality qualifications for prospective appointees to the Bench and judiciary in either country. No person may hold judicial office in the United Kingdom, however, without taking the Oath (or affirmation) of allegiance to the Sovereign.

(e) Social Rights

40. The Group considered the arrangements which exist in both countries to provide for the basic social needs of the resident population, including education, social service, housing and employment.

41. Neither country imposes any citizenship qualifications for the provision of *education*, save that ex-patriate citizens of both countries are favoured with other EC countries in fees for tertiary studies.

42. Neither country imposes citizenship qualifications on eligibility for local authority *housing*. Local authorities in both countries sometimes impose residence qualifications for public housing and give preference to applicants from the immediate locality, but these rules do not involve considerations of citizenship.

43. As for *social security*, EC regulations in force in both countries provide equal access to contributory and non-contributory benefits. Certain non-contributory benefits do require proof of residence but do not relate to citizenship.

44. The Irish scheme of last resort is the supplementary *welfare allowance*. Every person whose means are insufficient to meet his needs and those of his dependants is entitled to this benefit. In Great Britain, the supplementary benefit scheme is available on an equal basis to newly arrived Irish citizens as to all British subjects. In Northern Ireland a person arriving from the South or anywhere else outside the United Kingdom does not qualify for supplementary benefit until he has been resident in Northern Ireland for a period of 5 years immediately preceding the date of claim. The British side stated that this requirement did not prevent people in urgent need who were newly arrived in Northern Ireland from receiving assistance, because regulations allow for urgent case payments for those who have no statutory entitlement to benefit.

45. Equal access to *employment rights* is guaranteed under the provisions of various EC Directives. Citizens of either country working in the other have rights equal to those of indigenous workers under the legislation relating to trade unions, employment protection, sex discrimination and equal pay.

46. The Group noted that a Double Taxation Convention expressly forbids any differentiation in the field of *taxation* between Irish citizens and United Kingdom citizens. It was noted also that a British subject resident in Ireland receives preferential treatment over other aliens in that section 153 of the Income Tax Act 1967 (whereby Irish citizens living abroad may claim certain relief on income arising in Ireland) applies also to British subjects.

47. In both countries, the obligation to pay *local rates* depends entirely on occupation of property. The obligation under Irish law to pay rates on private dwellings was abolished in 1977/78.

(f) Consular Protection

48. The Irish side placed on record their appreciation of the consular protection given to Irish citizens by British missions in third countries. They

stated that they had been helped considerably by British Diplomatic and Consular Missions in a number of third countries where there is no resident Irish representative and also in countries where there is resident Irish representation but where distance or difficulty of communication may hinder the mission in dealing with an emergency situation involving an Irish citizen. In all cases the Irish authorities tried to restrict requests for assistance to emergency situations only in recognition of the fact that British Missions should not be expected to deal with routine consular matters on their behalf. Both sides hoped that the same level of assistance and co-operation would be forthcoming in the future. The British side confirmed the intention of continuing to offer, within staffing resources, the same degree of co-operation, and the Irish side welcomed this.

(g) *Freedom of Movement*

49. Ireland and the United Kingdom constitute a Common Travel Area. In Ireland United Kingdom citizens born in the United Kingdom do not have to register under the Irish Aliens Act no matter how long they intend to stay in Ireland; they do not require permission to work or engage in business; they may not be refused leave to land, even if coming from a third country, and they cannot be deported. Certain Irish citizens may be deported from or refused entry to the United Kingdom but many are completely exempt from immigration control and none has to register as an alien nor seek permission to work no matter how long he intends to stay.

IV. SUMMARY AND CONCLUSIONS

50. As is evident from the detailed material in this report, and apart from the differences summarised in the following paragraph, citizens of the United Kingdom resident in Ireland and Irish citizens resident in the United Kingdom enjoy virtually all the rights and privileges of citizens of the host country, reflecting the unique relationship between the two countries.

51. The main differences can therefore be summarised as follows—

- (a) In the United Kingdom, Irish citizens are treated differently from United Kingdom citizens in respect of the following matters—
- (i) Northern Ireland only: voting at local and Assembly elections (paragraph 20);
 - (ii) Northern Ireland only: right to stand for election to local authorities (paragraph 22);
 - (iii) Northern Ireland only: public service positions (paragraph 27);
 - (iv) Northern Ireland only: the right/obligation to serve on juries (paragraph 37);
 - (v) Northern Ireland only: statutory entitlement to supplementary benefit, paragraph 44);
 - (vi) United Kingdom: deportation and refusal of entry (paragraph 49).

(b) In Ireland, United Kingdom citizens are treated differently from Irish citizens in respect of the following matters—

- (i) the right to vote at Dáil elections, presidential elections and referendums (paragraphs 13-15);
- (ii) the right to stand for election to the Dáil (paragraph 21);
- (iii) public service positions (paragraph 25);
- (iv) the right/obligation to serve on juries (paragraph 35);
- (v) treatment under the Aliens Act (paragraph 49).

2 November 1981

ECONOMIC CO-OPERATION

Report of the Joint Study Group

Introduction

1. As well as the general terms of reference for the Joint Studies, agreed at the meeting of the Joint Steering Group on 30 January 1981, the Study Group had the following specific terms of reference, agreed at the same meeting:—

“To examine the scope for still closer economic and technical co-operation, both bilaterally and in the context of membership of the European Community, including the possibilities for:—

- (i) resolving differences, and removing obstacles which may inhibit economic or social development;
- (ii) reducing the impact of the land and sea frontiers on the everyday lives of the peoples of both countries;
- (iii) further facilitating trade and communications;
- (iv) mutually beneficial collaboration in respect of industrial and regional development and energy;
- (v) harmonising and/or co-ordinating the position of the two countries in multilateral economic and technical organisations.”

2. This report on the results of the Group's deliberations to date is in two parts. Part I describes the general scope and conclusions of the Group's work. Part II lists the particular subjects studied, and the conclusions arrived at on them.

PART I. GENERAL

Existing Co-operation

3. A substantial amount of economic and technical co-operation already exists between the two countries. Many subjects are co-ordinated multilaterally under EC programmes or by international agencies such as the International Energy Agency. But the Group were glad to note the large amount of bilateral work between public, semi-state and private bodies. Indeed, in many instances the effectiveness of existing bilateral contacts is a notable manifestation of the unique relationship. They agreed that in areas in which co-operation was already satisfactory there would in general be no advantage in disturbing existing working arrangements.

4. In fact, substantial progress was made during the period of the Joint Studies by two working parties, namely the Interconnection Working Party (Electricity) and the Communications Group (transport, tourism and related matters). These groups had been set up and were operating under the Steering Group on Anglo-Irish Economic Co-operation, a committee of senior officials set up following agreement between the then Prime Minister and the then Taoiseach in September 1977. The Group foresaw the need for the continuance of a senior official body, having a similar role within the framework to be proposed by the Study Group on Possible

New Institutional Structures. The existing official level Steering Group or a comparable body might become a sub-group of an institutional structure at Ministerial level and would pursue the matters of economic co-operation which would be of interest to that institution.

5. Closer co-operation could open the way to greater and mutually advantageous rationalisation and harmonisation of effort in a range of development fields notably between North and South. In particular co-ordinated or joint efforts could be of advantage to deprived border areas. This matter could be examined at an appropriate stage in the future.

Multilateral Co-operation

6. In accordance with their mandate, the Group also made an examination of the scope for harmonising and/or co-ordinating the position of the two countries in multilateral economic and technical organisations.

7. In many cases a degree of harmonisation already takes place through the regular contacts between member States of the Community arranged on the occasion of meetings of virtually all international economic and technical organisations.

8. Given the frequency of such co-ordination *à dix*, it was not considered desirable to consider rigidly systematic meetings between British and Irish delegations to international fora. It was not felt that bilateral harmonisation should take place for its own sake. Its desirability should be objectively and pragmatically assessed on each side and agreed upon when found advantageous.

9. In such cases it was the Group's view that it should normally be the case that harmonisation and/or co-ordination should take place between Irish and United Kingdom delegations to the international organisation in question, without excluding the possibility that the gravity of the issues arising might lead both sides to agree to meet at another level for the same purpose.

Range of Subjects Studied

10. The Group agreed that in examining the scope for still closer economic and technical co-operation it would be artificial to group subjects solely according to the five headings of the terms of reference and that it would be more appropriate to group related areas together, using the terms of reference as a broad guideline. It soon became clear that, given the almost limitless range of potential subjects, we would have to restrict the range of our deliberations. The Group therefore agreed to limit their study of specific subjects to those in which one side—or both sides—had a particular interest or particularly wished to see closer co-operation. Given the technical nature of most of the subjects, it was also clear that a forum as general as the Group was not suitable for detailed discussion of them. The Group therefore concluded that they should concentrate on suggesting how best substantial co-operation on these subjects might be carried forward, and discussed them only to the extent necessary for this.

11. Among the subjects to which the Group had thus limited their study there was a wide variation in importance. In some the potential benefits were slight and it was agreed that there would be little advantage in their

being considered by Ministers. In others, there was agreement that existing co-operation was sufficient and that the topics were being extensively pursued by appropriate bodies. Within both of these groups it was possible to identify problems which had arisen, but the Group were satisfied that they could be handled at working level and so agreed to leave them for resolution to the appropriate officials.

12. This process led to the Group's singling out and discussing at more length a number of topics to which they thought an impetus could be given in the context of the Joint Studies. It was therefore decided to recommend to the Steering Group a short list of subjects to which the attention of the Prime Minister and the Taoiseach should particularly be drawn—

- Energy Matters;
- Oil Spillage and Marine Pollution;
- Direct Broadcasting by Satellite;
- Animal and Plant Health;
- Lough Foyle and the Territorial Sea.

PART II. SPECIFIC SUBJECTS STUDIED

(A) **The Group's findings on the topics listed in the previous paragraph are as follows:—**

i. *Energy*

13. The Group agreed that collaboration on energy questions would be to the mutual advantage of both countries.

14. The economic and technical factors which have to be taken into account in assessing the possible benefit of electricity interconnection between the two countries have been examined by the Interconnection Working Party (IWP) which was set up with Ministerial approval in April 1980. The Group agreed that in considering the conclusions of the IWP the two Governments would also wish to take wider considerations into account.

15. The IWP in its report concluded:—

“(i) North/South Interconnection. Restoration as a matter of priority was highly desirable; it would provide the cheapest and quickest way of bringing benefits to both North and South. Questions of security were outside the terms of reference of the Working Party.

(ii) Other interconnections between North and South. There appeared to be no case for proceeding either with a multi-link scheme at 110 KV or with a submarine interconnection.

(iii) Central Electricity Generating Board (CEGB)—Electricity Supply Board (ESB) link. On the assumptions used, and on the basis that oil prices rise by a factor of 2-3 in real terms by the year 2000, a link would be economic. It would chiefly benefit the Electricity Supply Board. However, assumptions on both capital costs and fossil fuel prices were subject to a number of uncertainties. Final judgement would depend on the discount rate used by the utilities; and Governments would have regard for public expenditure considerations.

(vi) Northern Ireland Electricity Service (NIES)—South of Scotland Electricity Board (SSEB) link. Considerable further work was needed before any final decision could be taken.”

16. The discovery and exploitation of natural gas off Kinsale has introduced the possibility of cross-border gas as well as electricity interconnection. The economics of a pipeline to Belfast are being examined by the Department of Commerce (Belfast) using information made available by the Department of Industry and Energy (Dublin). The authorities in Belfast have employed consultants who have completed a preliminary engineering study and are in the course of completing a market evaluation. Contact on development is being maintained between the two Departments.

17. A relevant factor in relation to electricity and gas interconnection is the possible availability of EC assistance.

18. Both countries are devoting resources to the development of energy technologies which would reduce dependence on imported oil. This is an objective to which both countries are committed along with their partners in the European Community and the International Energy Agency. It may therefore be appropriate to work together, in the first instance, through multinational co-operative programmes. The interests of the two countries are, however, particularly close together in the exploitation of certain renewable resources e.g. wind energy and biomass and on fluidised bed combustion for coal. Exchanges on these topics will continue between the appropriate governmental and non-governmental bodies.

ii. *Oil Spillages and other Marine Pollution*

19. The Group agreed that, in view of the substantial common interest in preventing pollution of the Irish Sea, questions of oil spillages and any other marine pollution should be included as a priority subject in the joint study on economic co-operation. Both sides would welcome continuation of the contacts already established, with a view to the exchange of information and the co-ordination of response to marine pollution emergencies. Besides oil counter-pollution measures, discussion might also extend, if desired, to any questions of legitimate concern about discharges from the land on either side into the Irish Sea.

iii. *Direct Broadcasting by Satellite*

20. The Group agreed that the broadcasting of television and radio programmes direct to the home from a satellite (direct broadcasting by satellite or DBS) is a subject that is likely to assume importance in the future. It is currently a subject of interest to many countries. Some, including France and Germany, have announced plans to establish DBS services from about 1984 onwards.

21. In the United Kingdom the Home Office has recently published a study of the implications of establishing a United Kingdom direct broadcasting satellite by about 1985, which would be the earliest practicable date, or by about 1990. The study covers the technical, financial and resource implications of such a service, the implications for broadcasting in the United Kingdom, the possible industrial benefits, and likely developments in

Europe. The study aims to provide a factual summary of the various options and their implications on which decisions about a United Kingdom DBS service can be based.

22. One of the issues that the report addresses is the possibility of co-operation between the United Kingdom and other countries in the construction and/or operation of direct broadcasting satellites. The United Kingdom indicated that it would welcome any views which the Irish Government might have on it, and indeed discussions about the issues which DBS raises for both countries. The Irish side agreed that discussions should take place on whatever possibilities there might be in this area.

iv. *Animal and Plant Health*

23. For geographic reasons there are obviously many common interests between the two countries on matters concerning animal and (to a lesser degree) plant health. Because of the geographical separation of the island of Ireland there are also common interests within it, e.g. in safeguarding against the introduction of exotic diseases, in the monitoring of animal health on both sides of the land frontier, in controlling animal movement across it.

24. In so far as existing co-operation is concerned, consultation and co-operation between the two countries both formal and informal are exceptionally good. Meetings between officials of the Ministry of Agriculture, Fisheries and Food, the Department of Agriculture for Northern Ireland and the Department of Agriculture in Dublin take place frequently at various levels. They cover such topics as the arrangements for trade between the countries in the light of variations in animal and plant health, the approach to EC proposals and consultation on eradication and control of endemic diseases and on methods of preventing importation of major epizootic diseases.

25. It was agreed that animal and plant health is an important subject and that it is clearly essential that the departments concerned should continually strive to maintain the highest possible standards, particularly for certain animal diseases. These matters often require rapid action by the departments concerned and the consultation arrangements between them should have the flexibility necessary to meet this requirement. The Group thought that the existing arrangements, which are informal but close, were effective, and that the relevant Departments should continue to keep closely in touch and assess continually whether or not the arrangements could be improved. The Irish side suggested that the possibility of establishing formal institutions in the field of animal and plant health to operate on an all-Ireland basis could be the subject of further study.

v. *Lough Foyle and the Territorial Sea*

26. The Group agreed that the absence of an agreed delimitation of these waters might inhibit economic development, particularly oil exploration. The United Kingdom side proposed that the ideal solution would be to fix boundaries in Lough Foyle and Carlingford Lough extending out to the limit of the territorial sea. However the Irish side pointed out that

this subject had considerable constitutional and policy implications and, referring to the existing Foyle Fisheries Commission, said that they would favour joint administration of the seabed. It was agreed that this was an important subject which should be further studied by the relevant experts.

(B) **Other Subjects Considered :**

i. *Communications*

27. The AIEC Communications Sub-Group has met at six-monthly intervals since 1978 and has done a lot of useful work on subjects such as road-haulage, air and shipping services, tourism, bus services, transport infrastructure (in an EC context) and the effects of privatisation of Sealink on Irish Sea ferry services.

28. The Group agreed that it would be valuable to examine in the near future matters connected with roads and vehicles, specifically co-ordination of speed limits; regulations concerning vehicle construction, equipment and use; the EC directive on mutual recognition of driving licences; and road safety.

29. On Inland Transport questions, the two countries frequently hold similar views. It was therefore agreed that opportunities for more closely linked action in this field in the EC and in other multilateral bodies should be taken up as they arise.

30. The Group considered it desirable that co-operation in these areas should be actively pursued whether in the forum of the Communications Sub-Group of the AIEC or within the framework of whatever new institutional arrangements may be agreed.

ii. *Science and Technology*

31. The Group exchanged views on the possibilities for co-operation on a range of scientific and technological matters of mutual interest to both countries.

32. The Irish side favoured the development of some formal bilateral arrangements in specific areas. Given the present ways in which science and technology were co-ordinated in the United Kingdom, the United Kingdom side thought that the prospects for *formal* bilateral arrangements were limited. It was noted, however, that many matters were already being pursued multilaterally, particularly under the auspices of the International Energy Agency and various EC programmes; and that there were numerous contacts between institutions and individuals engaged in similar areas of research in our two countries. The Group therefore concluded that these existing contacts generally offered the best initial channel for new proposals for closer bilateral co-operation. In reaching this conclusion, the Group were conscious that the AIEC and its sub-groups would continue to offer an opportunity for officials of either country to raise any specific proposal if they were not satisfied with the degree of co-operation at the technical level.

33. The Group noted that both countries had an interest in the development of techniques for the handling, the transport and combustion of coal

as well as in the exploitation of offshore hydrocarbon resources and that these areas may provide opportunities for fruitful bilateral collaboration between appropriate government agencies and commercial undertakings in the two countries.

34. The Group were glad to note the high level of interchange between universities and other research institutions in each country.

35. The Group considered certain fields of modern technology such as biotechnology, electro-optics and computer-aided design. As research and development in fields such as these tends to be industry-led in the United Kingdom, the Group concluded that co-operation should be pursued by stimulating contacts between commercial companies, with direct governmental collaboration in any area where this would be appropriate.

iii. *European Community Matters*

36. The Group recognised that it would be desirable for senior officials to consider and consult on a number of Community policies, particularly ones in the formative stage, in which the two countries have common or similar interests which closer co-operation might enable them to promote more effectively within the Community. Among the areas considered suitable for consideration in this context were proposals in connection with an action programme on the environment and the creation of a transport infrastructure fund together with topics such as air transport, regional matters and information technology. It was envisaged that further topics might arise which could be considered if it were mutually agreed that this would help to promote common interests. Consideration of these issues could take place in the context of whatever new structure emerges in the institutions group. (See also paragraph 37 below.)

iv. *Consultation on Measures for Improvement of Agricultural Structures*

37. The structural conditions that exist in the farming sectors on both sides of the border are broadly similar. Because of this, the Group recognised that periodic consultation between the United Kingdom Agriculture Departments and the Irish Department of Agriculture in relation to measures for the improvement of agricultural structures, and particularly, measures proposed by the European Community in this field would be of mutual benefit.

v. *Continuing Co-operation in the Border areas*

38. It was agreed that steps should be taken at official level with a view to ensuring a harmonious and co-ordinated approach to economic development in the border areas with specific reference to the question of special EC measures.

39. In relation to the most recent of the cross-border studies (Erne Catchment Area) it was agreed that there would be advantage in a degree of Ministerial involvement in monitoring progress on the implementation of the recommendations in the study, although the nature of this Ministerial involvement would to some extent depend on the outcome of the joint studies

on institutional structures. Both Governments have studied the recommendations in the Erne Catchment report and action is being taken to follow them up as considered appropriate and as resources permit.

vi. *Industrial Development*

40. To the extent that industrial development is dependent on the attraction of overseas investment, the Group recognised that the scope for co-operation in Ireland between North and South on the one hand, and the Republic and the United Kingdom on the other hand, is limited, since it has to be recognised that all areas are, in fact, competitors in the search for and the attraction of internationally mobile industrial investment. However the possibilities in this regard might be further explored particularly in the context of closer co-operation.

41. The Group agreed that there is scope for co-operation in Ireland between North and South in the encouragement of small industries and craft industries in border areas. To this end, informal discussions have taken place and are continuing between the Industrial Development Authority (IDA) and the Northern Ireland Department of Commerce. It was agreed that discussions of this topic in any other forum would only duplicate the contacts already made to which the IDA and the Northern Ireland Department of Commerce are committed.

vii. *Trade Promotion*

42. The Irish side proposed an examination of the possibility of agreeing on a limited programme of joint activities on a North/South basis, mentioning specifically market research, trade missions, seminars and participation in trade fairs and store promotions. The United Kingdom side observed that trade promotion in Northern Ireland, though grounded essentially upon the services available in the United Kingdom as a whole, is supplemented by a recently introduced programme of Department of Commerce (Belfast) initiatives. The Group agreed that discussions should continue between the Department of Commerce and the Department of Trade, Commerce and Tourism (Dublin) to consider, with the necessary regard to all financial and other constraints, a possible limited programme of joint promotion activities, although without prejudice to Northern Ireland's continuing fundamental reliance upon United Kingdom export promotion.

viii. *Trade Facilitation*

43. The Group agreed that further co-operation was desirable between the British quasi-governmental organisation, the Simplification of International Trade Procedures Board (SITPRO), and its newly formed Irish counterpart (IREPRO). Contacts between the two bodies have already been established. In particular SITPRO and IREPRO should be able to assist with studies of documentary and other problems affecting roll-on, roll-off ports in the two countries. The Group suggest that SITPRO and IREPRO should be asked to submit a joint progress report, in due course, to the Anglo-Irish Economic Co-operation Steering Committee, or to whatever suitable framework evolves in the institutional area.

ix. Industrial Training

44. Many of the problems of industrial training (including management training) are similar in the North and South of Ireland and officials of AnCO (An Chomhairle Oiliuna—the industrial training authority in the South) and the Department of Manpower Services already meet to exchange views at senior management level from time to time. Bearing in mind the possible value to both countries of avoiding unnecessary duplication of facilities and of co-operating in providing additional facilities in particular areas of activity or particular geographical areas, it was agreed to invite the senior management of both organisations to report on the position and scope for development, including the relevance where appropriate of European Social Fund assistance.

x. Tourism

45. It is agreed that there may be scope for further co-operation between the British Tourist Authority and Bord Fáilte in the promotion of tourism into these islands from third countries. The Northern Ireland Tourist Board should also be involved.

46. There is a certain amount of co-operation at present between these three bodies in a tripartite committee which meets irregularly and on an informal basis. Matters relating to tourism have also been discussed and considered in the context of an AIEC sub-committee. There was agreement that examination was needed *inter alia* of the ways in which more visitors, especially from distant countries, might be encouraged to come to these islands. The United Kingdom side considered that it would be sufficient for the existing tripartite committee to be asked to do this work. The Irish side felt that the existing tripartite arrangement was inadequate due to the limited authority of the Irish Tourist Board and the consequent necessity for the involvement and participation of officials from the government department responsible for tourism. The Irish side therefore suggested that the improved co-operation envisaged could best be achieved by the establishment of a committee from the Government Departments responsible for tourism together with representatives from the tourist boards; and that this committee, to be called the Tourism Co-operation Committee, would report in the above context to whatever new structures emerged in the Institutions Group.

xi. Common Public Sector Purchasing

47. The Group agreed to recommend that the relevant officials should discuss whether there is scope for co-operation in purchasing which would be mutually beneficial to both Governments.

Conclusion

48. The Group hoped that these measures would make a contribution towards the improvement of the economy of these islands and that the practice of economic co-operation will in itself generate further co-operation.

MEASURES TO ENCOURAGE MUTUAL UNDERSTANDING

Report of the Joint Study Group

Introduction

1. 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 communiqués 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. As well as the general terms of reference the Study Group had the following specific terms of reference, agreed at the same meeting:—

“1. To analyse the reasons for misconceptions in each country over attitudes and Government policies in the other.

2. To consider measures which the two Governments might take, jointly or separately, to remove such misconceptions and improve mutual understanding; including measures in the fields of youth and other exchanges, secondment of officials, and co-operation over educational, scientific and cultural matters.

3. To consider measures which might be taken in co-operation with non-governmental organisations.”

3. The Group's report on the results of their discussions is in two parts. Part I is an analysis of the reasons for misconceptions in each country. Part II lists the particular subjects studied and the conclusions arrived at.

PART I. ANALYSIS OF REASONS FOR MUTUAL MISCONCEPTIONS

4. The terms of reference of the joint study call for an analysis of misconceptions in each country over attitudes and government policies in the other.

5. The subject is potentially a very large one, and within the confines of this report it is not practicable to do more than identify briefly some salient themes.

6. A distinction worth making at the outset is between misconceptions which consist essentially of beliefs without any contemporary factual basis and those that are more in the nature of perceptions which, though they may be distorted or exaggerated, rest on some foundation of fact.

7. A second preliminary point is that as between the Republic and Great Britain, though misconceptions exist on both sides, the picture is not a balanced one. The presence in Great Britain of large numbers of people of Irish descent, many with relations in Ireland, is one feature of this. Another is the considerable penetration of the Republic by the media—in particular television and the press of Great Britain, to which there is little reciprocal counterpart; moreover, coverage of British news in Irish newspapers is much fuller than that of Irish news in British papers. More generally, therefore, Great Britain looms larger in Irish consciousness—political, economic and cultural—than does the Republic in Great Britain's, and it is hardly an exaggeration to say that many people in Britain exhibit a lack of conception about the Republic rather than misconception. As between the South and North of Ireland, the picture is quite a different one: the degree of knowledge of one another—and the scope of mutual misconception—is much greater.

8. Culturally, the many similarities within the two countries obscure important differences. There is a common language, legal systems with a common foundation, and many similar institutions. But Irish politics, education, pastimes, wide areas of culture and many areas of State organisation all differ greatly from their United Kingdom counterpart. These differences—and the cultural and political significance of the Irish language for many Irishmen—are not fully appreciated in the United Kingdom.

9. The shared history of the two countries is paradoxically the cause of a good deal of mutual misconception. Most people in Britain have little appreciation of how past history colours contemporary Irish attitudes to Britain and of the continuing sense of grievance flowing from the non-fulfilment of the aspiration to the political unification of the island of Ireland. For their part, many people in Ireland seem reluctant to accept that the United Kingdom in the 1980s includes Northern Ireland primarily because of the continuing wish of a majority of the people in the political unit created sixty years ago as the consequence of arrangements which themselves recognised the difficulty of reconciling opposing allegiances within a single political entity.

10. Mutual misconceptions within the island arise essentially between Unionists (mainly Protestants) and Nationalists (mainly Catholics) rather than between the inhabitants of Northern Ireland and the South. Those misconceptions inevitably centre round "the national question". The majority of people in Northern Ireland see the Nationalists' aspiration to national unity, motivated as it is by the belief that the division of Ireland did not resolve the Irish question, as an unfriendly or threatening attitude: disinterest in, or opposition to, that aspiration is not totally confined to the Protestant community. Its expression as an overt claim to the territory of the Northern counties is a particular grievance and hindrance to mutual understanding.

11. Hence the statutory provision that Northern Ireland will not cease to be part of the United Kingdom without the consent of the majority of its people—commonly referred to as the "guarantee"—is regarded by Northern Unionists as an important assurance. In fact it simply records a constitutional reality which would exist whether or not it was expressed in

statutory language. The view that a simple repeal, real or threatened, of the statutory provision of the "guarantee" would bring about more tolerant attitudes among Northern Unionists is a misconception: rather, the reverse would apply. In the Republic, while the guarantee itself is not challenged and is regarded as a statement of fact, the constant repetition of the guarantee formula by the British Government to political groups which sometimes appear to be actively opposing its policies is not understood. This use of the guarantee is seen as having a negative effect and it is felt that the formula should be accompanied by a compensating call for reconciliation in the island of Ireland and compromise which the divided society of Northern Ireland requires.

12. Linked with this perception is a general belief in the South that Northern Unionists have failed to appreciate sufficiently the aspirations and grievances of the minority community, and that measures to prevent them from suffering discrimination have not been adequate. The Irish Roman Catholic believes that denominational prejudice partly underlies the discrimination formerly practised against and attitudes still prevailing towards the minority community in Northern Ireland. This is an area where it is difficult to unravel fact, myth, and the influence of social and economic forces devoid of discriminatory intent. There may be inadequate appreciation in the South of the institutional and administrative changes of recent years and the steps taken to develop counter-discriminatory measures.

13. Unionist antipathy to the idea of unification is undoubtedly reinforced by fears that it would threaten the survival of the Protestant community. Falling Protestant numbers in the South since independence are cited as evidence. Northern Protestants believe that the influence of the Roman Catholic church in the South is excessive and oppressive, and cite as examples the attitudes to inter-faith marriage, divorce and contraception. The view in the South is that these are perceptions that are fast becoming out-dated. It is no longer possible to speak of a society uniformly dominated by Roman Catholic attitudes. Certain values of social and religious behaviour in the South have been changing rapidly in the past decade. The impact of rising living standards, urban living and a growing and younger population is not generally perceived or understood in Britain and Northern Ireland. Irish Roman Catholics for their part cite the active involvement of Protestant ministers of religion in Northern Ireland politics as evidence of a prevailing denominational influence there. The prominent part played by religious influences in shaping social and cultural attitudes is thus a feature that North and South share, in marked distinction to most parts of Great Britain.

14. A further hindrance to mutual understanding that needs to be mentioned is the widespread belief among Northern Unionists that people in the South are pre-occupied with the grievances of the Nationalist minority in the North and have little concern or understanding for the position of the Unionists. It is particularly difficult for Unionists to accept that terrorists who have committed crimes in Northern Ireland should be able to avoid extradition from the South by pleading that their crimes are "political", although the Irish position is that this results from the application under the Irish Constitution of the practice of States and the generally accepted principles of international law in relation to extradition.

15. To sum up the general picture is one of a variety of misconceptions relating both to public attitudes and to government policies. As between Britain and the Republic the problem appears to be largely one of lack of conception and might be answered by efforts aimed at a more intensive exchange of information e.g. through closer co-operation between the broadcasting authorities. As between Northern Ireland and the South, the problem went deeper. In this context the issues which were relevant were the constitutional "claim" and the "guarantee" and Church/State relationships. Action to reduce misunderstanding of these matters would clearly be needed. Institutional arrangements are also required, deliberately framed to reduce suspicion and distrust, and measures to make more effective the prosecution of offenders who seek to evade justice by crossing from one side of the border to the other. Moreover, greatly increased contacts and joint endeavours in appropriate fields, as well as intensified information exchanges may all offer some hope of progress.

PART II. SPECIFIC SUBJECTS DISCUSSED

a. Youth and Sport

i. Exchanges

16. The Group noted that there was already considerable North/South contact at various levels.

17. Ministers of State with responsibility for Youth and Sport have met in the North and the South on three occasions since 1976. Officials with responsibility for these areas have met in the North and the South on five occasions since 1976. Two formal meetings between the National Sports Councils have taken place since the Irish Sports Council—COSPOIR—was founded in 1978, one in Newcastle, Co Down and one in Dublin. Northern Ireland is represented on COSPOIR by two members. An officer of the Northern Ireland Sports Council staff is a member of the Long Distance Walking Routes Committee of the Irish Department of Education and the South had representatives on both the Northern Ireland Training Board and the Northern Ireland Mountain Rescue Co-ordinating Committee. A number of other contacts at official level take place on an *ad hoc* basis on matters of mutual concern. Both sides agree that exchanges of these kinds are of considerable value and that they should be encouraged and, where possible, expanded.

18. Regarding exchanges between youth and sport groups in North and South, a specific grant scheme was initiated in the South in 1980 to enable such groups to visit Northern Ireland, and to foster greater understanding between young people on both sides of the border. On the Northern side there are general schemes for the support of group visits by youth clubs.

19. The Irish Department of Education intends to discuss with Irish youth organisations and the relevant authorities in Britain and Northern Ireland the possibility of establishing an Irish-British exchange scheme for young people. There already exists the recently formed British and Irish Federation of Youth Clubs which has the aim of promoting contact between young people in a youth activity context.

20. On the British side, the Group noted that the Central Bureau for Educational Visits and Exchanges, which now has an office in Belfast, would have a useful part to play in youth group exchanges.

21. Both sides agreed that there was scope for developing activity in the Youth and Sport area and that additional contacts should be encouraged. Both sides considered that the approach should be one of building constructively on the quite considerable foundations of existing activity generated over the past number of years.

ii. Sporting Organisations

22. The Group agreed that there was room for increased North/South co-operation in the field of sporting organisations. Many are already on a 32-County basis but some, notably soccer and athletics (including cycling), are split.

23. In the case of cycling, discussions are at present taking place between the Irish Cycling Federation, the National Cycling Association and the Northern Ireland Cycling Federation with a view to greater co-operation particularly in regard to international representation.

24. The Irish side said that they would welcome similar discussion in the remaining areas where division exists.

iii. Community Relations

25. The Group noted that there were already considerable contacts between community relations groups in Northern Ireland and the South, with joint efforts on the promotion of children's holidays, work camps, church services and conferences. There is scope for developing this and extending it within the community work field although it was agreed that in some instances, community groups might flourish better without the involvement of the two Governments.

b. Education

i. Exchanges

26. Both sides acknowledge the volume of exchanges already taking place in the educational area. Many such exchanges occur spontaneously, in both directions, and precise quantification cannot be made.

ii. Pupils

27. On the initiative of the Northern Ireland Committee of UNESCO secondary students from the South have visited the North. A visit South by Northern students has recently taken place. Both sides agreed that there was scope for developing such exchanges under the auspices of UNESCO and that measures to this end should be actively pursued.

iii. Students

28. The Irish side acknowledged the part played by the Central Bureau for Educational Visits and Exchanges in London including Irish English-language assistants in their induction courses and wished to reciprocate should such prove feasible in the future. On a North/South basis, limited

student visits have already taken place between teacher-training institutions. Both sides agreed that these exchanges should be developed as resources allow. Again, UNESCO was seen as a suitable vehicle.

iv. *Teachers*

29. Both sides agreed that the informal contacts already existing between teachers' centres in Ireland and Great Britain should be expanded where possible and that contacts between teachers' centres in North and South should be encouraged. The area of teacher exchanges between North and South would require further exploration. Cross-border participation in in-service training courses should be fostered. At university and other third level, both sides considered that the various institutions should be encouraged to develop further their relationships.

v. *Inspectors*

30. Both sides welcomed the increasing number of contacts between the Inspectorates in Northern Ireland and the South and would encourage the development of further links. Discussions at senior level have already taken place on an occasional basis, and the Group agreed that there would be value in establishing these on a more regular basis.

vi. *Schools Curriculum*

31. The Group noted that the Irish Council of Churches and the Justice of Peace Commission had been co-operating on a project to provide Peace Education material for schools. In the South, the Peace Week Committee promoted a Schools Conference each year for all Ireland. In Northern Ireland, the Churches Central Committee for Community Work (comprising official representatives of the Roman Catholic Church, the Church of Ireland and the Presbyterian and Methodist Churches), promoted a schools history competition, designed to dispel myths in the teaching of Irish history.

vii. *Higher Education Places*

32. Both sides agreed that there was scope for encouraging and supporting attendance by students from the South at higher education courses at institutions in Northern Ireland. It was a matter of regret that the number of students from the South attending courses in Northern Ireland had declined in recent years to the present level of some 200 students. This compared with about 700 students from Northern Ireland at institutions in the South. There was some shortage of higher education places in the South, particularly in the areas of electronic engineering, civil and structural engineering, and mechanical engineering.

33. It was noted by both sides that higher education institutions in Northern Ireland were already fully open to, and welcomed, students from the South, and that they would like to see more of them. It was also noted, however, that many of the areas of study which were of most interest to the South were themselves over-subscribed in Northern Ireland. But it was thought that even in academic fields where the South did not suffer from a shortage of places, there were benefits, in terms of improved mutual understanding, in student exchanges. Students from the South competed for places on equal terms with other applicants; the financial arrangements were uniform throughout the European Community.

34. While the above remarks were made in the context of undergraduate studies it was suggested that the scope for increased Irish participation at post-graduate level should also be explored. Here again Irish applicants would be welcome, and in fact the possibility of increasing post-graduate provision was in some respects greater than at undergraduate level, even in the electronics and engineering fields, and the student support implications might be less difficult for the South (given the shorter length of most post-graduate courses).

35. A further opportunity for increasing cross-border movements of students presented itself in the field of sandwich courses in engineering (including electronic engineering). There were many practical as well as academic advantages in sandwich courses, not the least being that potential employers who take students on sandwich placements (of up to one year) were well placed to assess the suitability of the student as a potential employee; many students were in fact given employment on completion of their courses by the firm with whom they had their placement. There was a shortage of suitable placements in Northern Ireland for the students currently enrolled on sandwich courses there, and it was for consideration whether suitable placements could be found for some of these students in the South. This would be of considerable practical help to the institutions in Northern Ireland; would make a contribution to developing better cross-border contacts and understanding; and might also help Irish firms to recruit suitably qualified graduates. In view of these potential advantages it was agreed that the possibility of finding such placements should be explored.

viii. *Open University*

36. The Irish side expressed interest in establishing contacts with the Open University and other relevant institutions as it saw scope for co-operation between these institutions and the proposed Distant Study Unit of the National Institute for Higher Education in Dublin. This co-operation would be aimed at making existing courses available to students in the South and possibly to the joint promotion of new courses. At present the Open University's students are drawn solely from the United Kingdom because of the need for student counselling and tutorial arrangements which are organised on a regional basis. One such region is Northern Ireland, with the Regional Office in Belfast. What regional arrangements would be required to make the University's distant learning facilities more widely available in the South would need to be established in discussion between representatives of the British and Irish Governments and the Open University itself. Associated questions which should also be the subject of discussions between these parties would include the validation of qualifications, broadcasting arrangements and finance. The University's educational materials are already marketed extensively outside the United Kingdom through Open University Educational Enterprises, Ltd. Discussions with this company would be a means of establishing the terms on which these materials could be made available—or special ones produced—to meet Irish requirements. The British side welcomed in principle the interest of the Irish side and stated its willingness to arrange such discussions. Both sides agreed that these discussions should be actively pursued.

c. *Secondment of Officials*

37. The Group agreed that there did not appear to be any serious difficulty, in principle, in setting up a formal scheme for the inter-change of officials. The two sides accordingly invited experts to prepare a draft Memorandum of Understanding. The scheme might operate on the following lines:—

- (a) Officials taking part would be young, able administrators or specialists of high potential.
- (b) Officials would undertake responsible work either in a specific post or on specific projects of value to the receiving Department.
- (c) A small number of exchanges are envisaged with a minimum period of secondment of six months; longer periods if mutually convenient, would not be ruled out.
- (d) Officials on secondment would continue to be paid their salaries and any foreign allowances by their own Departments in each country. No reimbursement would be made between the receiving and borrowing Departments.

d. *Culture : Co-operation between Arts Councils*

38. The Irish side proposed that one institution be established to administer arts policy for the whole island. This presented technical problems for the British side. British cultural policy is administered through distinct bodies, the Arts Councils and the British Council. The responsibilities of the former are restricted to the United Kingdom and those of the latter to Foreign and Commonwealth countries. Their terms of reference are restrictive and they are financed through different Departments of State through different votes for different purposes.

39. The Group noted that close co-operation is now well established between the Irish Arts Council and the Arts Council of Northern Ireland over a wide range of their activities. They also noted the development of closer and regular contacts between both Councils and the Arts Councils of Scotland and Wales, sub groups of the Arts Council of Great Britain, in areas of common interest. The Group were of the view that all of these contacts and activities should be encouraged and expanded.

e. *Co-operation with Non-governmental Organisations Special Interest Groups.*

40. The Group had the strong impression that, particularly among the professions, there was already a wide range of contacts taking place spontaneously. There is, however, scope for increasing them. There would need to be consultation with semi-official bodies, such as, on the British side, the British Council, which now incorporates the Inter-University Council, and the Central Bureau for Educational Visits and Exchanges. The question of the secondment of officials, where direct official action can itself produce results, is considered separately above.

2 November 1981

AIIC STEERING COMMITTEE: 11 JULY

3

SECURITY

POINTS TO MAKE

1. Cross-border co-operation between the Garda and the RUC excellent. We value it and will play full part in continuing it.
2. But co-operation at the top level will be affected by view taken in the South of the McGovern case, until case has been resolved. The Chief Constable wrote to the Commissioner on 27 June requesting evidence. Evidence received so far insufficient for proper investigation. Chief Constable keen to mount detailed investigation if further material evidence comes to light.
3. As Prime Minister said, better not to revive the Joint Consultative Committee as long as case remains at issue.

Foreign and Commonwealth Office

7 July 1983

BACKGROUND

1. Professional co-operation at a working level between the RUC and the Garda, and between the Garda and GB forces, remains productive, although things have not yet settled down completely following recent changes at a senior level on the Irish side. This co-operation is a crucial element in the security policies of both countries, and HMG will continue to play its full part in fostering it.

McGovern Case

2. The McGovern case concerns the arrest by the RUC of a key witness in the trial of the brother-in-law of the then Minister of Justice in the Republic in Mr Haughey's government, shortly before the Irish general election last year. The brother-in-law was acquitted for lack of evidence. The DPP appealed against this decision but the High Court upheld the decision. The case acquired notoriety in the Republic, and allegations were made in the press of collusion between the two forces at the behest (it was suggested) of the Irish Minister. The suspected originator in the Republic was the then Head of Special Branch under Mr Haughey, who resigned following Dr FitzGerald's appointment as Taoiseach.

3. The Chief Constable of the RUC has made clear his willingness to investigate any evidence of collusion offered by the Garda, although he has been unable to find independently any evidence within the RUC as a result of the inquiries he has conducted. The chances of finding evidence of a kind which can be satisfactorily pursued are very slim. The Garda Commissioner recently wrote to the Chief Constable with a number of points concerning a senior
/officer,

officer, although no evidence to substantiate them was provided. The difficulty was that the letter from the Garda was not in a form which provided useful leads which can be followed up by investigation. The Chief Constable followed the proper course and drew the letter from the Garda to the attention of the Police Authority, who asked him to seek further evidence from the Garda in a form which could be pursued. The Chief Constable accordingly wrote to the Garda Commissioner on 27 June asking for "such evidence, so that if necessary the matter can be thoroughly investigated. This would obviously be in the form of statements, copies of records, and anything else of an evidential nature necessary to justify their initiation of an investigation". A reply is awaited.

4. The Garda Commissioner had warned the RUC that Dr FitzGerald might raise the case with the Prime Minister at Stuttgart and he duly did so. He argued that it was desirable to revive the Joint Consultative Committee but that it was difficult to do so until the McGovern case was cleared up. The Irish authorities had clear evidence of collusion and were eager to cooperate with the RUC. He hoped the British Government would speed up the investigation. The Prime Minister agreed that it was probably better not to revive the Joint Committee in a bad atmosphere and that the McGovern case must be resolved first. She asked Sir R Armstrong to follow the matter up.

Joint Consultative Committee

5. Since the end of 1982, the Joint Consultative Committee (JCC) (headed respectively by the RUC head of Special Branch and his
/Garda

Garda opposite number) has not met; nor has the subsidiary body composed of all the Superintendents named from each of the border Divisions on either side to handle cross-border co-operation. The reason for this is that the RUC head of Special Branch is suspected in Dublin of having been implicated in the McGovern case. In spite of this breakdown, individual border Superintendents have of course kept regular contact, and the RUC Secretary of the JCC has maintained frequent contact with his opposite number at Garda HQ. The latter indeed paid a visit to Belfast in May.

Foreign and Commonwealth Office

7 July 1983

AIIC STEERING COMMITTEE: 11 JULY

The General Election

NORTHERN IRELAND: POLITICAL DEVELOPMENT

Points to Make

1. Mr Prior's speech to the Assembly on 28 June emphasised that there will be on change in the central feature of Government policy - that there will be no devolution on any basis which does not secure widespread acceptance.
2. The General Election has not fundamentally altered the strategies of the major Northern Ireland parties. The three parties which participate in the Assembly - UUP, DUP, Alliance - are continuing to participate and will seek to develop it along their preferred lines.
3. The SDLP fought more effectively than some had feared a few months ago. The Government will continue to treat them as the constitutional representatives of the minority and will not negotiate with Sinn Fein.

Northern Ireland Office

7 July 1983

BackgroundThe General Election

1. The Official Unionists (UUP) won 11 seats (a major victory) and the DUP 3 (a set back); SDLP and Sinn Fein got one apiece; Jim Kilfedder, independent Unionist, held North Down. Although disappointed that they narrowly failed to secure more than one seat, the SDLP are not too displeased. They remain the major spokesmen for the minority. Sinn Fein achieved their target of gaining more than 90,000 votes and will undoubtedly use Adams' election in West Belfast as a major plank in their propaganda effort although their political activity since the election has so far been low-key. Sinn Fein's election result came more from maximising the hard-line nationalist vote rather than from making any significant inroads into SDLP support. The Alliance Party, with only 8% of the total vote, had their most disappointing result for several years.

The Northern Ireland Assembly

2. The Assembly has continued to discharge its scrutinising and advisory functions in a more or less business-like and positive manner. The UUP is ambivalent, participating in the business while expressing public dissatisfaction with the Assembly's lack of power and is likely to continue to press for a return of majority based devolved government or, failing that, greater integration with Westminster and a strengthened local authority system. The DUP see the Assembly as a useful means to influence direct rule and demonstrate that local politicians are capable of governing Northern Ireland effectively; but not on a power-sharing basis. Alliance take the line that government in Northern Ireland can only be stable if it is on a power-sharing basis. Leaving aside Departmental business, the major issue which will occupy the Assembly in the near future will be devolution. A secondary issue will be calls for a closer relationship between Government and the Security Committee.

Devolution

3. Following an inconclusive debate in May, the Assembly returned to this question immediately after the General Election. On 28 June in an address to the Assembly the Secretary of State made clear once again that devolution would only be agreed to by Parliament in the event of proposals coming forward from the Assembly which have substantial support from both sides of the community. On 29 June the Assembly approved a DUP motion which "deplores and rejects the effective veto on progress towards full devolution bestowed by the Secretary of State on the Social Democratic and Labour Party".

Security Committee

4. As this deals mainly with sensitive reserved matters of security, prisons, and law and order, Ministers and officials have a rather more distant relationship with it than with the Departmental Committees which are required under the Northern Ireland Act 1982. It remains to be seen whether mutually satisfactory arrangements can be developed. So far the minority community though suspicious of the Committee, has not been too concerned. But the closer any relationship becomes, the greater this concern will be.

Developments outside the Assembly

5. (i) SDLP

The SDLP will continue to base their future political strategy on the New Ireland Forum. They are not likely to look for significant political development within Northern Ireland or to change their attitude to the Assembly until the Forum has run its course. SDLP leaders have said that the Forum provides a challenge to the political parties in the Republic to come up with reasonable proposals for a united pluralist Ireland. The threat posed by Sinn Fein to democratic institutions in the Republic will reinforce the incentive for the Irish political parties to work for a report on the lines sought by the SDLP and thus to boost the SDLP's standing. It is by no means certain that they will be able to

reach agreement. However, the Forum is likely to hold together, though the outcome may be a woolly report. The SDLP would not be satisfied with this outcome. However, it is not likely to make them, as a cohesive group, more liable to turn to the Assembly. It could lead to a disintegration of the Party only some of whom, and not the leaders, might then decide to participate in the Assembly.

(ii) Sinn Fein

Sinn Fein will be moderately satisfied with their performance in the General Election - more pleased with their total votes than with the one seat gained which was offset by the loss of Carron's seat in Fermanagh and South Tyrone. They are likely to continue with their present strategy aimed at displacing the SDLP as the majority voice of the nationalist community. They will continue with their plans to contest the 1984 European Assembly elections and the 1985 local government elections. It is most unlikely that the Party will change their attitude to the Assembly or, in the short term at least, to their support for the terrorist campaign of the IRA. The Secretary of State has made it clear that he will not meet Adams or any members of Sinn Fein until and unless they eschew violence, and that junior Ministers are only likely to meet Sinn Fein representatives in exceptional circumstances, perhaps as members of all-party delegations on constituency matters.

Northern Ireland Office

7 July 1983

CONFIDENTIAL

AIIC STEERING COMMITTEE: 11 JULY

NEW IRELAND FORUM

POINTS TO MAKE

1. Note that Forum is open to Southern political parties, and any Northerners who wish, to exchange views on long-term future of the island of Ireland. Perfectly proper for those committed to politics of consent and non-violence to prepare ideas and present arguments. But this cannot affect fundamental position that Northern Ireland will remain part of the United Kingdom while majority of its people so wish.

2. Majority community in Northern Ireland have expressed serious reservations on work of Forum. Views deep-rooted. Would be damaging to climate of Anglo-Irish relations (and unhelpful to the SDLP) if Forum fails to take account of them or if its main conclusions were ones that HMG would be forced to reject. Important to avoid raising unjustified expectations or fears; these could be fuelled by speculation that the Irish will expect the British Government to negotiate on the Forum report.

Foreign and Commonwealth Office

6 July 1983

BACKGROUND

1. The Irish Government's 'Forum for a New Ireland' held its first meeting in Dublin Castle on 30 May. A major factor in Dr FitzGerald's decision to convene the Forum was the need to help the SDLP ride off the electoral challenge from Sinn Fein. The idea has its origins in the SDLP's proposal for a 'Council for a New Ireland' under which representatives of all nationalist parties in the Republic and Northern Ireland who renounce violence (and therefore excluding Sinn Fein) would have met to draw up a blueprint for a new Ireland. Dr FitzGerald was known to have reservations about this proposal on the grounds that such a Council would not take account of Unionist opinion; and in a statement issued on 11 March proposed instead the convening of a forum 'for consultation on the manner in which lasting peace and stability can be achieved in a new Ireland through the democratic process'. The Forum was to be open to all democratic parties which rejected violence and which had members elected or appointed to the Irish Parliament or the Northern Ireland Assembly (ie. excluding Sinn Fein but including the Unionist parties). Dr FitzGerald's statement deliberately omitted any reference to the reunification of Ireland and he made it clear that the Forum was not intended to be some sort of surrogate parliament for the whole island: it would conclude by the end of the year.

2. All the Unionist parties declined the Irish Government's invitation to participate in the Forum; and the non-sectarian Alliance Party similarly refused to take part - though they may submit written evidence - on the grounds that whatever

/Dr FitzGerald's

Dr FitzGerald's original intention, the Forum's purpose was seen by the other participants, especially Fianna Fail, as being to negotiate a British withdrawal from Northern Ireland. Participation is therefore limited to the major political parties in the Republic and to the SDLP.

3. As yet it is too early to say what conclusions the Forum will reach, although Dr FitzGerald is determined that it should finish its work on schedule. It seems likely that Mr Haughey will press for early negotiations between the United Kingdom and the Republic on 'British withdrawal' from the Province. But Dr FitzGerald, Mr Spring and Mr Hume seem likely to take a far more moderate line, maintaining Irish unity as the key aspiration, but accepting that it can only come about by the consent of a majority of the people of Northern Ireland and that structures acceptable to them must therefore be investigated. Mr Hume told the Northern Ireland Secretary on 28 June that the Forum was likely to produce three blueprints: one for unification, one for a federal solution and one for joint sovereignty. He thought the third presented the best prospects. Our hope is that the Forum will accept that the necessary changes in Northern opinion may take years to develop; and that it will, as an 'interim measure' encourage Northern Catholics to play a greater role in the political life of the Province, and to work for reconciliation between the two parts of the community. Such an approach would, on the whole, be in the UK interest and would deserve encouragement but may be difficult to achieve.

/4.

4. Since the establishment of the Forum, we have made it clear that its report cannot of itself affect the constitutional position of Northern Ireland as part of the United Kingdom. The Points to Make above re-emphasise this as well as the seriousness of Unionist reservations about the Forum's work and the importance of avoiding unjustified expectations or fears about what its report might contain. The date proposed for the next Anglo-Irish Summit (before the Forum will have completed its work) should mean that the meeting can be used to steer the Forum's conclusions in the direction least harmful to UK interests. The gradual revival of the Anglo-Irish Intergovernmental Council should help to reduce the profile which the Forum would otherwise acquire.

Foreign and Commonwealth Office

6 July 1983

E.R.

CONFIDENTIAL

AIIC STEERING COMMITTEE MEETING : 11 JULY

KINSALE GAS

Points to make:

We favour all economic co-operation which provides practical benefits for both sides.

2. We have welcomed the efforts and realism of Mr Bruton's part in these negotiations.

3. As our Ambassador has explained there is simply no more room for manoeuvre from the NI point of view. We cannot proceed with the project unless we believe it will lead to a potentially viable gas industry in Northern Ireland. We hope it is fully understood in the ROI Government that the terms of their most recent proposals on price would not enable us to meet this precondition.

Northern Ireland Office

8 July 1983

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CONFIDENTIAL

6

R.

ALIC STEERING COMMITTEE MEETING: 11 JULY

KINSALE GAS

Background Note

1 For years the Northern Ireland (NI) gas industry has recorded heavy losses and has been sustained only by Government subsidies and tariffs which are significantly higher than those charged in Great Britain. In 1979 the Government announced its intention to arrange for the orderly closure of the industry. In 1980, however, the Government of the Republic of Ireland (ROI) suggested the possibility of selling natural gas from its Kinsale field to Northern Ireland. Studies commissioned by the Government suggested Kinsale gas could form the basis for a viable gas industry in Northern Ireland and in May 1982 agreement was reached in principle by Mr Butler and the then ROI Energy Minister Mr Reynolds on the terms of supply.

2 Subsequently detailed negotiations, designed to translate this broad agreement into the framework for a legally binding supply contract, ran into a number of problems. The main difficulty was in agreeing the terms of a formula for determining the purchase price of the gas in future years. The negotiations exposed significant differences in interpretation between the two sides, most notably on those clauses relating to gas price escalation arrangements and the sharing of exchange rate risks of dollar/sterling movements. It is difficult to be objective about how these misunderstandings arose but it would appear that at least in regard to the currency clause the Irish have produced a new interpretation in order to reduce the disadvantage to them of exchange rate fluctuations which occurred after May 1982.

3 At the last Ministerial meeting in February 1983 (between Mr Butler and Mr Bruton) Ministers failed to bridge the gap that had been exposed in official discussions. However, they agreed both sides should re-examine their positions. In subsequent discussions at official level the ROI made new proposals but these do not offer terms as acceptable as those Mr Butler had apparently secured from

R.

Mr Reynolds in May 1982 and fall short of what would be required if a viable gas industry is to be established in NI. On 21 June Mr Butler wrote to Mr Bruton indicating that the Republic's latest offer fell short of what we would need and proposed a meeting at which the negotiations could be brought to a conclusion one way or another. Since then a fuller analysis of the ROI proposals has demonstrated that the projected rates of return and adverse effects on PSBR render the Kinsale project marginal. Further, the full exchange risk cover sought by the ROI incurs a real danger of an additional financial burden on a project already at the margins of viability. On 8 July Mr Butler wrote further to Mr Bruton making it clear that we very doubt whether a price structure acceptable to us can be achieved on the basis of the ROI's most recent proposal.

4 The essential difference between the two sides is simply how much NI should pay for the gas. NI officials have calculated the maximum price that could be paid if the gas industry is to be commercially viable by reference to the expected size of the industry (which is itself dependent on price) and the costs required for its development. The ROI, on the other hand, has arrived at its position on price by fixing it in relation to the cost of replacing the gas which it sells to NI by purchases of heavy fuel oil plus a premium.

5 Even on the best terms (May 1982) the project is marginal for NI. Unless the ROI propose a price which can offer some hope of economic viability for a natural gas industry, and which is reasonably in line with prices in other international gas sales, the negotiations will fail.

6 We have been concerned that the ROI Government might not have fully appreciated the lack of room for movement on our side and that HMG is prepared to close the NI gas industry unless a price can be agreed for natural gas which will produce a viable proposition. Our Embassy in Dublin has kept in close touch with our position over the negotiations and the Ambassador has very recently taken the opportunity of impressing on Mr Nally and the ROI Department of Energy the difficulties we face. It is most important that this message has been well taken before Mr Butler and Mr Bruton/^{meet}next week.

AIIC STEERING COMMITTEE: 11 JULY

BORDER LOUGHS

POINTS TO MAKE (DEFENSIVE)

1. The terrorist threat remains. Carlingford Lough in particular is an obvious terrorist route. We seek to act in a way which minimises the risk of differences arising between us over the border Loughs, as we believe Irish do also. In our joint interest to prevent the issue being publicly exploited by those with an axe to grind.

7

Foreign and Commonwealth Office

6 July 1983

BACKGROUND

1. The status of the two border Loughs, Lough Foyle and Carlingford Lough, is disputed with the Irish (the UK claims the whole of Lough Foyle and an unspecified part of Carlingford Lough, while the Irish claim the whole of both Loughs as part of their general claim to the waters around the island of Ireland).
2. Until recently, the Irish Government chose not to take action in support of their claim to the Loughs. But last September, following publicity for an incident in the Lough involving an Irish yacht and a British marine patrol, they informed us that they intended to mount patrols in both waters from time to time, and one of their Corvettes visited the Irish port of Geenore in Carlingford Lough. Although the visit received publicity, it was clear that the Irish had no wish to do more than the minimum necessary to satisfy their Parliamentary opinion.
3. On 29 April, following another incident in Carlingford Lough involving a German vessel and an RM boarding party, HM Embassy Dublin were informed that the Irish Navy proposed to patrol in both Loughs. In response we warned the Irish that the territorial status of the Loughs could become a serious point of difference if their visit to Lough Foyle went ahead, but an Irish Corvette duly visited both Loughs from 9 to 11 May. The visits attracted no publicity and Irish officials have subsequently indicated their agreement that both sides should act in a way which would minimise the risk of differences arising over the Loughs, bearing in mind the interest of certain elements both in the Republic and in Northern Ireland in exploiting the problem.

AIIC STEERING COMMITTEE: 11 JULY

EXTRADITION

Points to Make

1. We are as anxious as the Irish to test the McGlinchey judgement. The two Attorneys General agreed that the Shannon case should be used for this purpose. Papers have been exchanged between the two police forces and the RUC have expeditiously made the necessary corrections; we hope very much the extradition proceedings in the Republic will now go forward smoothly and quickly.

2. The order in which other cases in the pipeline are submitted will depend on the judgement in the Shannon case, but it is expected that the Burns case will be next.

Northern Ireland Office

8 July 1983

Background

Traditionally the Irish courts have been reluctant to extradite in what were claimed as political cases. The decision in the McGlinchey extradition case in December 1982 gave grounds for optimism. The Chief Justice ordered McGlinchey's extradition to face a charge of murder in Northern Ireland although McGlinchey had pleaded a political motive for the murder in the High Court, and had argued in the Supreme Court that other 'political' charges would be made against him if he were returned. The Chief Justice did not draw a line between political and non-political offences but indicated that every case should be judged on its merits, the nature of the offence being more important than the alleged motive. Future cases would depend, he said, on the particular circumstances and on "whether these particular circumstances showed that the person charged was at the relevant time engaged, directly or indirectly, in what reasonable, civilised people would regard as political activity". McGlinchey however had jumped bail and is still on the run.

2. At his own request, the Irish Attorney General (Mr Sutherland) met Mr Michael Havers in March to discuss the McGlinchey judgement's implications. It was recognised that since the judgement left open what could reasonably be described as political activity, its impact on the Irish judiciary could only be assessed in the light of further cases. The Attorneys decided that the first case (from a list of half a dozen which would fully test the judgement) should be that of Shannon, since forensic evidence had connected him with the murder of Sir Norman Stronge and his son, and it would be difficult for Shannon's defence to argue that they had been legitimate targets. A decision to extradite in this case would reaffirm the principles outlined in the McGlinchey case and consolidate them. After Shannon, the case of Burns would test the judgement's application to the killing of members of the security forces, since he was wanted in connection with a number of explosions including one in which 5 soldiers were killed.

3. The Attorneys agreed that the programme of subsequent extradition applications should be reviewed in the light of the

High Court's judgement in the Shannon case, (though it was possible that one or more applications could proceed in parallel with the Burns case).

4. The RUC's warrant and supporting documents on Shannon went to the Garda some weeks ago but were returned to the RUC on 8 June because of a small technical defect in an affidavit: an "is" had been inserted in typescript but not initialled. The RUC returned the papers to the Garda on 17 June. There have since been further technical complications over the address on the papers. (This first point was referred to by Dr Fitzgerald when he met the Prime Minister in Stuttgart on 19 June - he said then that he was anxious to make progress in this case.) The RUC will seek to ensure that future documents in these cases meet the requirements of the Irish in all the finest details. (Problems of this kind are not unknown in these exchanges of formal papers.)

Northern Ireland Office

8 July 1983

AIIC STEERING COMMITTEE: 11 JULY

INQUIRY BY EUROPEAN PARLIAMENT POLITICAL AFFAIRS COMMITTEE

Points to Make (Defensive)

1. It remains the view of HMG that the European Parliament has no business to discuss the internal political affairs of a Member State. If Mr Haagerup's report were to deal with politico-constitutional, rather than social and economic matters, which are its legitimate concern, we could not accept that it fell within the competence of the European Parliament.

2. We understand that the Irish Government is co-operating fully with Mr Haagerup. I hope that you will appreciate the reasons why HMG is unable to follow that course. It is only realistic to recognise that any controversy which the report prompts is likely to be divisive in Northern Ireland. It would of course be most unfortunate if the matter became an irritant in Anglo-Irish relations.

Northern Ireland Office

7 July 1983

Background

1. In February 1983 the Political Affairs Committee of the European Parliament considered a number of resolutions on Northern Ireland, mainly of Irish nationalist inspiration. The Committee decided to commission a report on the situation in Northern Ireland as the basis of further discussion of the resolutions. This provoked considerable political controversy both in Northern Ireland and at Westminster. The Prime Minister and the Secretary of State for Northern Ireland as well as Labour Party spokesmen condemned any interference by the European Parliament in the UK's internal politics. *(with controversy at Westminster and in Northern Ireland) became an issue in Anglo-Irish relations.*
2. In March the Political Affairs Committee appointed Neils Haagerup MEP (Liberal, Denmark) as rapporteur and he is currently working on his report. He expects that it will be debated in the Parliament in December at the earliest, but more probably in January or February 1984. Mr Haagerup indicated at the time of his appointment that he would not wish to meet advocates of violence nor to examine constitutional issues. He has sought the co-operation of the UK and Irish Governments in planning a fact-finding trip to the Republic, Northern Ireland and London in September. The Republic's Government is co-operating with Mr Haagerup and he expects to meet Ministers and party leaders in Dublin. In view of the stance taken by HMG last February, a similar level of co-operation can not be provided within the UK. It will be for Mr Haagerup and his staff to make arrangements for his visit to Northern Ireland and to make contact with the leaders of political opinion; it is most unlikely that unionists will agree to see him. The Prime Minister has not agreed that a Minister should meet Mr Haagerup.
3. Though Mr Haagerup has shown himself to be moderate and well-disposed in the past, his report may reflect a lack of understanding of HMG's thinking and of unionist sensitivities. The more it

reflects Irish Government and nationalist briefing, the more unhelpful it will be; reference to the Irish dimension will lead to controversy. Mr Nally is unlikely to raise the subject; if he does so our objective might be to encourage the Irish not to build up Mr Haagerup's report too much, and to ensure they are alert to the difficulties it is likely to place us in: it would be unfortunate if conflicting reactions from the two Governments (perhaps associated with controversy at Westminster and in Northern Ireland) became an issue in Anglo-Irish relations.

Northern Ireland Office

7 July 1983

CONFIDENTIAL

AIIC STEERING COMMITTEE: 11 JULY

ANGLO-IRISH PARLIAMENTARY BODY

Points to Make

1. This is primarily a matter for the two Parliaments to take forward. On the British side it is essential that a firm basis of all party support should be established at Westminster. This will require an extended period of constructive Anglo-Irish relations.

2. In the short term useful groundwork can be done by strengthening the existing links between parliamentarians.

3. It is difficult to assess how the Irish view the Parliamentary body in present circumstances. The presentational value to that of a formal structure embodying the Anglo-Irish relationship would be high and they would see it as having scope for considerable development in its functions and status. In 1981 part of the attraction of a parliamentary body was that it would bring together members of the Dail and of a Northern Ireland Assembly. But, given the present situation with the Assembly, this may not seem so appealing, and there has been little mention of the body in recent Anglo-Irish contacts. The Irish may not exert pressure on this front until they are reported, when they may feel able to

Northern Ireland Office

7 July 1983

Background

1. The Anglo-Irish Parliamentary Body is the most substantial of the issues remaining from the 1981 Joint Studies and Summit. It was agreed in the Joint Studies that the establishment of an inter-parliamentary body would be a natural and desirable complement to the Intergovernmental Council. The 1981 Summit recorded agreement that it would be for the two Parliaments to consider whether there should be an Anglo-Irish body at parliamentary level. HMG is not therefore formally committed to establishing a parliamentary body though the Irish may attempt to impose this interpretation on the Summit communique.
2. In the preparation of the Joint Studies it became apparent that the Irish had in mind a parliamentary body with significant powers and functions, with strong lines to the two Governments and with a formal relationship to the AIIC. In contrast the British view was that a parliamentary body should be a more informal structure evolving from the activities of the existing parliamentary groups. These differences of emphasis have never been resolved. It is however probable that premature moves by Government to establish such a body (especially a body with sufficiently high profile to satisfy the Irish) would encounter back-bench resistance at Westminster and prove politically embarrassing.
3. It is difficult to assess how the Irish view the Parliamentary Body in present circumstances. The presentational value to them of a formal structure embodying the Anglo-Irish relationship would be high and they would see it as having scope for considerable development in its functions and status. In 1981 part of the attraction of a parliamentary body was that it would bring together members of the Dail and of a Northern Ireland Assembly. But, given the present situation with the Assembly, this may not seem so appealing, and there has been little mention of the body in recent Anglo-Irish contacts. The Irish may not exert pressure on this front until the Forum has reported, when they may feel able to assess more clearly how they think the Assembly might develop, the part the minority might play in Northern Ireland politics, and any proposals of an all-Ireland kind emerging from the Forum. The

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line which Mr Nally takes on the parliamentary body at this meeting will therefore be indicative of the current Irish attitude, but their longer term position remains uncertain and may well not differ significantly from the one they previously adopted.

Northern Ireland Office

7 July 1983

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AIIC STEERING COMMITTEE: 11 JULY

IRISH CITIZENS' VOTING RIGHTS IN UK

POINTS TO MAKE

1. [Defensive] House of Commons Home Affairs Committee recently recommended unanimously that Irish vote should stay. Ministers currently considering the Committee's report. No sign at present that they are inclined to question this recommendation.

Local and Assembly elections in Northern Ireland

2. [Defensive] HMG keeps situation under review but primary legislation would be required which could lead to great difficulties in other areas of electoral law (eg. Proportional Representation).

Foreign and Commonwealth Office

7 July 1983

BACKGROUND

1. The voting rights of Irish citizens resident in the UK are identical to those enjoyed by British citizens. Following the outbreak of the Falklands crisis and the behaviour of the then Irish Government, and after the London IRA bombings on 20 July 1982, there were calls from some quarters in the UK to rescind those rights. On 27 April the House of Commons Select Committee on Home Affairs published its Report on the Representation of the People Acts; one of the Report's recommendations was that Irish citizens' voting rights in the UK should remain undisturbed. Home Office Ministers are currently considering the Committee's report but officials expect this recommendation to be accepted.

2. In the Republic, only resident Irish citizens may vote at Dail and presidential elections and at referenda to amend the Constitution. However, in May the Irish Government published the Electoral (Amendment) Bill 1983 which if passed will give resident British citizens equal voting rights; the Bill is expected to come before the Dail in the next session. Although a useful step forward, Ministers have been reluctant to do more than take note of this legislation and it seems best not to mention it in the discussion with Mr Nally.

Local and Assembly elections in Northern Ireland

3. Under the Electoral Law Act (Northern Ireland) 1962, the franchise for District Council and Assembly elections in Northern Ireland is restricted to British or Commonwealth citizens (or non-aliens on the electoral register when the Act came into force), who were born in Northern Ireland or were continuously resident
/in the

in the UK for 7 years before the qualifying date. They must also have been resident in the local government area or constituency on the qualifying date and continuously resident in Northern Ireland for the preceding 3 months. This has the effect of excluding between 5,000 and 6,000 citizens of the Irish Republic resident in Northern Ireland though (as in Great Britain) they may still vote in Westminster and European elections. This was a matter of some concern to the Irish during the Joint Studies and they may take it up with us again. But the climate of Unionist opinion is unlikely to permit an early change in the law, although there is a good case for it. A further serious problem is that primary legislation would be required which could lead to difficulties in other areas of electoral law, eg. Proportional Representation.

Foreign and Commonwealth Office

7 July 1983

AIIC STEERING COMMITTEE: 11 JULY

CAPITAL PUNISHMENT

Points to Make (Defensive)

1. The Government has no collective view; death penalty is by convention for Parliament as a whole to determine on a free vote; it was felt the matter should be resolved early on, given the speculation and number of motions already tabled.
2. Ministers are aware of the concern of the Irish Government about the impact of the death penalty in Northern Ireland; this impact is an important factor Parliament will no doubt take fully into account, especially if, as seems likely, it looks carefully at the death penalty for terrorists; [you have already seen Mr Prior's views on this question].
3. The guess is that there will be a slim majority against capital punishment for the most favoured categories (murder of police officers and terrorist murders) and a rather larger majority against other categories; but because unlike previous occasions there is not now a known absolute majority against capital punishment the balance rests not only on the strength of the parties and the conservative abolitionist minority but also on turnout.

Northern Ireland Office

8 July 1983

LAB

Background Note

1. The Homicide Act 1957 sought to limit the death penalty to certain forms of murder likely to be carried out by the professional criminal; previously all murder was subject to the death penalty, though in many cases the murderer was reprieved and life imprisonment substituted. The death penalty for all murder in Great Britain was abolished in 1965 for a trial period of five years. Abolition was made permanent in 1969. In Northern Ireland, legislation similar to the Homicide Act was repealed in favour of total abolition by the Northern Ireland (Emergency Provisions) Act 1973. In the last Parliament there were two major debates (1979 and 1982) on motions seeking to restore the death penalty for murder or certain categories of murder, but they failed by substantial majorities.

2. The debate on capital punishment will take place on 13 July. There will be one back-bench motion seeking restoration for murder with amendments to provide for separate votes on specific categories - murder of police and prison officers; murder by firearms or explosives; murder during the course of robbery; and murder by terrorist activity. The Home Secretary will be the only representative to speak in the debate. In 1979 he voted against the general proposition that the death penalty should be restored but in 1982 voted in favour of capital punishment for terrorist murder. He has said that he will make his position clear in but not before the debate. He is understood to remain of the view that the death penalty should be available for terrorist murder and that he will speak and vote accordingly.

3. The Irish Government has made clear to us already their concern about the impact of the restoration of the death penalty in Northern Ireland not only in the Province but also in the Republic. Mr Lillis has quoted the Taoiseach as saying privately that he feared for the stability of the Republic if terrorist murderers in Northern Ireland were hanged. The Irish appear to have concluded however that they should not adopt any public profile on this matter and there are no signs of their conducting any significant lobbying at Westminster. Mr Nally may however very well reiterate his Government's concern.

4. The Secretary of State for Northern Ireland has made clear to the Home Secretary his personal view that the imposition of the death penalty on terrorist murderers in the Province would be highly disruptive. He has argued that it would be highly divisive within the community, as was the hunger strike but on a continuing basis; that its impact on security is likely to be very adverse and that it would give terrorist organisations a cause from which they would significantly benefit; that terrorists are not likely to be deterred by it; and that the reaction of the minority community and its representatives would be such as to disrupt the Government's hopes for the development of cross-community support in the political sphere. In these conclusions he is supported by the Chief Constable and the GOC. He has also pointed out that over the last six years there have been 19 cases of terrorist murder in Northern Ireland for every one in England and Wales and that the Northern Ireland considerations must therefore weigh heavily in any decision taken on this category. He is proposing, with the agreement in principle of the Home Secretary, to put his views on the public record for a few days before the debate.

5. It is impossible to say with certainty how the Irish would react to the reintroduction of the death penalty for terrorist murderers in Northern Ireland. But the assumption must be that the emotions would be at least on the scale of those aroused during the hunger strike of 1981 and that the response of the minority community and its representatives would be such as to make an unhelpful reaction from Dublin inevitable. Such a reaction would in its turn fuel the response which would in any case take place in the United States and to some extent elsewhere if the British Government were seen to be hanging Irish terrorists. At a minimum the Irish reaction would be disruptive of Anglo-Irish relations; it could be a serious irritant, and because of the likelihood of repeated hangings one that would not go away. This could well be harmful to security co-operation; it is the view of the security authorities that even if the Irish Government did not feel forced officially to disengage from the present arrangements effective co-operation at a working level would be considerably hindered.

AIIC STEERING COMMITTEE: 11 JULY

THE GILLESPIE SISTERS

POINTS TO MAKE (DEFENSIVE)

1. Have investigated possibility of releasing Gillespie sisters early (raised by Mr Barry with Sir G Howe in Stuttgart). Very much want to help but Home Secretary's initial advice is that only possible way of securing early release would be by exercise of Royal Prerogative - inappropriate for use in this kind of case. Mr Brittan nevertheless ready to look at any further considerations you might put forward. Particularly useful to have your views on exactly how early release would frustrate planned IRA demonstration.

Foreign and Commonwealth Office
8 July 1983

BACKGROUND

1. Anne and Eileen Gillespie were each sentenced at Manchester Crown Court in February 1975 to 14 years imprisonment on charges of conspiracy to cause explosions, arson and possession of explosive substances (they had been convicted of leaving a number of explosive incendiary devices outside shops, government offices and other buildings in the Manchester area between September 1973 and April 1974). Their earliest date of release falls in August.
2. When the Foreign Secretary met the Irish Foreign Minister in Stuttgart on 19 June, Mr Barry suggested that the two sisters should be released a little early to disrupt plans laid by Provisional Sinn Fein to welcome them home to Donegal. In April the Irish Embassy had made representations on his instructions in favour of allowing them to attend their father's funeral in Donegal but the then Home Secretary decided that they could not be allowed to leave the United Kingdom because there was no legal mechanism to ensure their return.
3. The Foreign and Commonwealth and Northern Ireland Offices have supported the early release of the two sisters on the grounds that it would help to reassure the Irish authorities about our attitude to the Provisionals (about which they have been suspicious in the past) and that it was in our interests to counter a Sinn Fein demonstration which would be used for propaganda purposes in Northern Ireland. On 6 July the Home Office replied that the only way of securing the sisters' early release would be the exercise of the Royal Prerogative, which it would be inappropriate to recommend in this case. The Home Secretary would, however, be

/prepared

prepared to consider any further arguments the Irish might put forward and wanted to be helpful if possible.

4. The Irish have not yet been told of the Home Secretary's decision. If the matter is raised it would be useful to establish from Mr Nally why the Irish authorities feel that an early release would frustrate the planned demonstration and whether there are any further points they would wish to raise with us. Some care will need to be taken in explaining the detailed position to the Irish and officials will be considering the mechanics of this later.

Foreign and Commonwealth Office

8 July 1983

CABINET OFFICE
A 5526
20 JUN 1983
FILING INSTRUCTIONS
FILE No.

S. A. Holmes

SECRET



C. M. Goodall

10 DOWNING STREET

From the Private Secretary

19 June 1983

Dear John,

MEETING BETWEEN THE PRIME MINISTER
AND DR: GARRET FITZGERALD

The Prime Minister had a meeting with Dr. Garret FitzGerald in the margins of the European Council at Stuttgart on Sunday, 19 June. I enclose a record of the conversation.

I am copying this letter and enclosure to John Lyon (Northern Ireland Office), Tony Rawsthorne (Home Office) and Richard Hatfield (Cabinet Office). I should be grateful if you and they could ensure that the record is carefully protected.

*Yours ever
John Wiles.*

J:E. Holmes, Esq.,
Foreign and Commonwealth Office.

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SECRET

RECORD OF A CONVERSATION BETWEEN THE PRIME MINISTER AND THE
TAOISEACH AT STUTTGART AT 0830 HOURS ON SUNDAY, 19 JUNE 1983

Present

The Prime Minister
Sir Robert Armstrong
Mr. A J Coles

Dr. Garret FitzGerald
Mr. D. Nally

* * * * *

After a brief exchange of views about the progress of the European Council, Dr. FitzGerald said he had one or two points to raise in the security field. There had recently been very effective cooperation between the respective police authorities on a matter of serious concern. There was one question affecting police cooperation which had just come to his attention. A few years ago a Police Consultative Council had been appointed. He had just discovered that it had not been operating in the last year. This had gone into abeyance when Mr. Haughey was Taoiseach, and had not yet resumed activity because of doubts shared by the Commissioner of Police in the Irish Republic and the Chief Constable in Northern Ireland about reviving it before progress had been made in settling an allegation of conspiracy between the police authorities of the Republic and a senior policeman in Northern Ireland to frustrate the course of justice in a case involving the brother-in-law of the former Minister of Justice in the Republic. The respective police authorities had taken the matter up; the authorities in the Republic had clear evidence of collusion. The Irish authorities had hoped that a British Chief Constable would carry out an investigation. It was unfortunate that because of this matter the Consultative Council was not in operation. The Prime Minister commented that it was probably better not to revive the Council in a bad atmosphere. In other words we should first solve the particular question raised by Dr. FitzGerald. Dr. FitzGerald said that the new Commissioner of Police and the new Head of Security in the Republic of Ireland were very reliable and most anxious to cooperate with the authorities in Northern Ireland. It would be helpful if the British Government could try to get things moving. The Prime Minister asked Sir Robert Armstrong to follow this matter up.

/Dr FitzGerald

Dr. FitzGerald said that he was also anxious to make progress with the McGovern case. A warrant had been sent to the Irish authorities but had had to be returned on 8 June because it contained an error. On another matter, the Attorney General had told him before he left Dublin that he was confident that the courts were now moving in a positive direction and that many of the former difficulties would be removed.

Turning to the recent General Election, he was greatly disturbed by the quite extraordinary extent of intimidation and impersonation by Provisional Sinn Fein (PSF). There had been a striking case of a woman in Londonderry who had refused to bow to intimidation. He had little doubt that the SDLP had lost Armagh because of impersonation by PSF. It was important to realise that the great increase in the Sinn Fein vote was attributable to a large extent to the fact that they were contesting more constituencies, i.e. the outcome did not represent a popular surge in favour of Provisional Sinn Fein. The Prime Minister commented that, whatever the explanation was, the situation was very worrying. She had discussed the matter with the Secretary of State for Northern Ireland who had asked whether there was not some way of persuading the SDLP to take part in the Northern Ireland Assembly. Dr. FitzGerald said that he did not see any possibility of this at present but it might come in the future. He wondered whether, now that John Hume had been elected to Westminster, the Prime Minister would be willing to receive him. The Prime Minister said that perhaps Mr. Hume would like to come to discuss with her the problem of impersonation in elections. It would be best if he wrote a letter to her which could form the basis for a meeting. Dr. FitzGerald asked whether it would not be possible for the Prime Minister to see him as the leader of a new Party who had arrived in the House of Commons. The Prime Minister recalled that she used to receive Mr. Gerry Fitt, who was a very brave man. It was her habit to see leaders of Parties. A meeting with Mr. Hume would, of course provoke demands for meetings from others, including Mr. Paisley.

/Dr. FitzGerald

Dr. FitzGerald said that the Forum had made a good beginning. It had produced a series of ideas which showed sensitivity to Unionist thinking. He hoped that Unionists other than politicians would give evidence to the Forum so that people in the Republic would come to understand Unionist attitudes. It was not certain whether Mr. Haughey would continue to cooperate over the Forum. The hope was that positive results would be produced which, while expressed in terms of Irish nationalism, would be constructive for Northern Ireland and give a new impetus to North/South relations. He was determined that the Forum should finish its proceedings by the end of the year. This could create a better atmosphere for moving forward on other fronts.

He believed that there was agreement between us that the final details of the Encounter organisation should be discussed between officials. Sir Robert Armstrong commented that he was to see Sir David Orr next week. The Taoiseach had already appointed the Irish representative.

The Prime Minister said that she thought it would be possible for there to be another Anglo/Irish Summit. She knew that Dr. FitzGerald would prefer this to be held before the Forum had finished its work. We would look at possible dates with a view to planning to meet before the Forum concluded.

The discussion ended at 0900.

After the meeting, the attached press release was agreed at official level.

A.S.C.

PRESS STATEMENT

As arranged earlier this year at the European Council in Brussels, the Taoiseach, Dr. Garret FitzGerald, met the Prime Minister the Right Honourable Margaret Thatcher briefly in Stuttgart today.

In a friendly and constructive atmosphere, they discussed matters of mutual concern, including arrangements for future contacts between the two Governments.

19 June 1983