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PS/SECRETARY OF STATE (L&B) MUFAX

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Mr Doyne Ditmas M
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ANGLO-IRISH PARLIAMENTARY BODY

1. The Anglo-Irish Parliamentary Body is the most substantial of the issues remaining from the Joint Studies and the November 1981 Summit. We do not at this stage know what view the Irish will take or what expectations they have of movement on our part. No detailed response will be expected in the meetings with Mr Barry in Brussels or London, but some indication may then need to be given if the subject is raised by the Irish.

Background

2. The UK is not formally committed to the Parliamentary Body although the Irish may seek to argue that we are. It was agreed in the Joint Studies that the establishment of an inter-Parliamentary Body would be a natural and desirable complement to the inter-Governmental Body. The British said that this might be further considered in the light of experience and of opinions which might be expressed by the two national Parliaments. The November 1981 Summit recorded agreement that it would be for the Parliaments to consider "whether there should be an Anglo-Irish Body at Parliamentary level".

3. The Irish made clear in the Joint Studies that they saw the Parliamentary Body as having greater and longer-term significance; as being more closely tied to the AIIC; and as being something on which the two Governments would have to give a lead. It is unlikely that in substance the Irish position will have changed.

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Dr Fitzgerald could take the view that if he is not able to pick this topic up as it was when he left office the UK is retreating from the agreement in the last Summit. He could however be realistic enough to recognise that the passage of time and the activities of Mr Haughey mean that little progress is likely to be made before the UK General Election and that beyond keeping their position on the record it should be held over for the time being.

General Considerations

4. Three general points underpin any consideration of the establishment of the Parliamentary Body:

- (i) The UK has taken the view that the establishment of the Body is for the two Parliaments. In practice the combination of pressure from the Irish for a greater involvement, opposition to the Body in Northern Ireland and at Westminster, and the need to ensure that it is set up along acceptable lines will mean this is a very difficult position to maintain. Yet the more the Government becomes involved the more the Body may tend to develop into another dimension of inter-Governmental exchanges and the more the Government may be taken along a road of uncertain length and destination.
- (ii) The long term benefits of the Parliamentary Body in Anglo-Irish affairs rest mainly with the Irish: by including representatives of the North it would emphasise the all-Irish nature of Northern Ireland problems and would have significant symbolic importance. The Body might help in the management of political affairs in the North by strengthening Anglo-Irish links, but this longer term balance of advantage should inform any more immediate view reached on it.

- (iii) At the time of the last Summit we saw the Body as complementing the Assembly. That is now more difficult, with the SDLP not participating and Unionists likely to resent their nevertheless contributing to the Body. If Dr Fitzgerald could secure SDLP participation in the Assembly as a quid pro quo for the Body, that would make it very attractive; but there are no grounds at all for thinking that he would wish or be able to do so.
- (iv) The Parliamentary Body will have great potential for development. The majority of those attending are likely to be sympathetic to Irish unity (ie the whole Irish side; the Labour Party on the UK side; and the SDLP; with the Unionists from the Assembly and perhaps Westminster possibly boycotting) and therefore to press to extend its scope whatever limits are set at the beginning. An organisation scrutinising on a regular and detailed basis all aspects of Anglo-Irish affairs and the Government's Northern Ireland policy, could be an irritant to relations between both sides of the community or to the Government's management of the political affairs of the Province. Yet if the Government sees the establishment of the Body as a means of achieving wider political objectives both in relations with the Irish and within the Province (eg by increasing the sense of participation on the part of the minority and exposing representatives of the majority to a wider range of opinion) it may be difficult to stop the Body developing in this kind of way.

Establishment of the Parliamentary Body:Considerations within Government and at Westminster

5. Ministers will wish to reach their own views in due course on the acceptability of the Parliamentary Body to Parliament and to their Ministerial colleagues, and they may wish to be guided by such progress as might be made in the forthcoming meetings with the Irish. The following considerations will be relevant:

- (i) Progress will only be made at Westminster if there is a clear Government lead. The informal view of the House authorities is that at some stage there will have to be a Government motion, although that could follow a relatively long process of discussions and soundings, and could also come after all-party or Government motions simply taking note of the proposal.
- (ii) As the General Election approaches so presumably Ministerial colleagues will be less inclined to cause controversy in the Parliamentary party by pressing for the establishment of the Parliamentary Body against the opposition of those backbenchers who opposed the Bill last year and the Official Unionists.

6. It is probably too early for Ministers to conclude whether any progress can be made during the rest of this Parliament. We will need to take into account the views of the Irish and the other interested Departments. When the position is clearer officials would be glad to consider with Ministers what preliminary discussions they would wish to have with their colleagues and how these would be best associated with dealings with the Irish. If progress during this Parliament is judged possible, then the considerations in the following paragraphs will bear on what is said to the Irish in the meantime.

Scope and Function

7. Ministers will need to determine whether the Parliamentary Body should be advisory or purely deliberative. An advisory body seems likely to create many difficulties for the Government without their being apparent compensating advantages. To act effectively in an advisory capacity the Body would need more formal establishment than is likely to be welcome. Having a remit to give advice (presumably to the two Governments) would encourage the Body to undertake a wide ranging and detailed supervision of current Anglo-Irish business and perhaps also of Northern Ireland policy, acting in some respects no doubt in emulation of a Select Committee. It would raise difficulties of to whom it would be accountable, given that it would be effectively independent of either Parliament. And it would also encourage the tendency, welcome to the Irish, of associating the Body closely with the AIIC; the closer these links the more the Government would in practice have to become involved and the greater the likelihood that the development of the Body and of the Council would move together, which is far from certain to be desirable.

8. A purely deliberative Body, examining major questions of Anglo-Irish affairs on an infrequent basis, might not be enough for the Irish or to have any impact on attitudes in the minority; while the majority remain hostile. It might be best to aim at a purely deliberative and informal Body which concentrated on the discussion of functional issues where common interests might not have been adequately explored. Low key uncontentious discussion offers the best medium for improving understanding among the participants. It might not be easy to find topics, but examples might be aspects of economic, educational or cultural co-operation. Such issues, where both Governments recognised that there were common interests, rather than wider issues such as extradition or the Republic's policy on abortion, where practical results were unlikely to flow from the expression of the Body's views, would provide the best basis for a Body which at one and the same time was seen to serve a useful purpose but was not so contentious as to defeat its objective. Such a Body would remain informal and so would be manageable on an inter-Parliamentary rather than an inter-Governmental net.

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10. Against this background the terms of reference might be fairly general and open-ended on the lines of:

"to consider relations between the UK and the Republic of Ireland, their development in the interests of those countries, and practical matters of mutual concern."

Constitution

11. Membership presents the most complex aspect of the Body's constitution. Its purpose will be served in Northern Ireland only if any Assemblyman is entitled to participate irrespective of the views of the majority of the Assembly. Yet to open the Body to attendance from any member of either national Parliament at whim, as if it were a club, would not be a satisfactory way in which to do business. Allowing the attendance of any significant number of Assemblymen raises the question of whether they should be included in the UK total. This is not something on which any firm views need to be taken at this stage, but officials would propose membership of the Body as follows:

(i) On the UK side, a group selected by all party agreement from both Houses of Parliament; a smaller group of a size to be determined by Westminster to be selected by all party agreement from the European Parliament; and representatives of all the parties in the Northern Ireland Assembly to attend in response to invitations issued direct to the parties.

(ii) On the Irish side, a delegation chosen from the Dail and the Senate and a delegation from the Irish representatives in the European Parliament; the two delegations to equal in size the UK attendance (with or without the Assembly contingent).

12. The Chairmanship, form and conduct of meetings, possible committee structure and other aspects of its affairs should be determined by

agreement between the members. An elaborately drafted constitution seems unnecessary, and in the early days probably undesirable.

Way Forward

13. If it is decided to look for a way forward, a Body along these lines could provide a basis on which to work. The process of launching would itself be very difficult and no clear blueprint would be established in advance. It would be for consideration whether a move was made direct to the full establishment of the Body or whether it was approached gradually. The previous discussions with the Irish envisaged using as a starting point the existing Anglo-Irish Parliamentary Group. It might be possible in the first instance to look for a one-off conference of representatives of the two Parliaments, whether or not based on the Group, which could either serve simply to set things going, or could address itself explicitly to the Body's establishment. A gradual approach could also turn out to be appropriate, for example, over the issue of invitations to parties in the Assembly once the Body was set up.

Conclusion

14. For the purposes of his meeting with Mr Barry on 1 February officials propose that the Secretary of State should take the following line if asked for his view:

The UK takes the same view it did at the last Summit, namely that the Parliamentary Body is for the two Parliaments to consider: that he knows the Irish will appreciate the difficulties it would present in the closing stages of a Parliament; that it is essential the Body is launched with the maximum of cross-party support at Westminster; that its launching would be easier if there had been a discernible period of fruitful Anglo-Irish relations and that would take a while; that he knows the Irish appreciate, as he mentioned to Dr Fitzgerald and Mr Dooge in Dublin in October 1981, the need for a proper injection of a Northern Ireland element; and that he will reflect on what Mr Barry has said.

15. In the unlikely event that the Irish make no reference to the Parliamentary Body in the meeting, we see no need for the Secretary of State himself to mention it; the absence of Irish comment will itself be significant and may well imply that they have accepted progress cannot be made for the time being.

S. W. Boys Smith

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