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S T R I C T L Y C O N F I D E N T I A L

JOINT STUDIES ON POSSIBLE INSTITUTIONAL STRUCTURES AND SECURITY MATTERS

Introduction

1. An inter departmental meeting was held in the Department of the Taoiseach on 12 February to prepare for the forthcoming meeting with British officials on the joint studies on Possible Institutional Structures and Security Matters. The following were present:-

Mr. D. Nally, Secretary to the Government (Chairman)
Mr. M. Healy, Secretary, Department of Defence
Mr. D. Quigley, Senior Legal Assistant, Attorney
General's Office
Mr. M. Donnelly, Assistant Secretary, Department of
Justice
Mr. M. Crowe, Assistant Secretary, Department of Defence
Mr. D. Neligan, Assistant Secretary, Department of
Foreign Affairs
Mr. W. Kirwan, Assistant Secretary, Department of the
Taoiseach
Mr. M. Kilroy, Clerk Administrator (Services) Houses
of the Oireachtas
Mr. F. Murray, Department of the Taoiseach
Mr. S. Whelan, Department of Foreign Affairs
Mr. R. O'Brien, Department of Foreign Affairs
Mr. G. O'Connor, Department of Foreign Affairs.

Background to Meeting

2. The Secretary to the Government briefed those present on the background to the meeting. He referred to the agreed communiques issued after the Taoiseach's meetings with the British Prime Minister on 21 May and 8 December, 1980 with particular reference to the following extracts:

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Communique of 21 May

While agreeing with the Prime Minister that any change in the constitutional status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland, the Taoiseach reaffirmed that it is the wish of the Irish Government to secure the unity of Ireland by agreement and in peace. The Taoiseach and the Prime Minister recorded agreement on the importance they attach to the unique relationship between the peoples of the United Kingdom of Great Britain and Northern Ireland and the Republic, and on the need to further this relationship in the interest of peace and reconciliation.

Communique of 8 December

They accordingly decided to devote their next meeting in London during the coming year to special consideration of the totality of relationships within these islands. For this purpose they have commissioned joint studies, covering a range of issues including possible new institutional structures, citizenship rights, security matters, economic co-operation and measures to encourage mutual understanding.

Terms of Reference of Study Groups

3. The joint studies would be conducted by 5 working groups under the supervision on the Irish side by a group of senior officials led by the Secretary to the Government and representative of the Departments of the Taoiseach and Foreign Affairs. On the British side, the lead would be taken by the Secretary of the Cabinet and would comprise senior officials of the Cabinet Office, the Foreign and Commonwealth Office and the Northern Ireland Office. This group had met in London on 30 January last and had agreed terms of reference for the various groups. A copy of the terms of reference relevant to the

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groups on institutional structures and security is attached.

4. High level teams would be involved on both sides and it had been agreed that the entire process would be kept close to the Taoiseach and the British Prime Minister. It had also been agreed that absolute confidentiality would be maintained since the disclosure of any part of the work could lead to undue publicity for it and disproportionate attention. Even the existence of terms of reference would not be disclosed at this stage.

5. Any proposals emerging from the studies would be totally without prejudice or commitment until they were accepted by the two Heads of Government. The necessity for balance was emphasised i.e. advantage to each side from any changes or moves must, in the overall be more or less equal. The Irish side had stressed that the approach to the studies should be open and flexible and in the institutional field should cover possible institutional arrangements relating to the various dimensions within these islands and in particular the North/South relationship in Ireland.

Joint Study on Security Matters

6. The meeting considered the terms of reference agreed for this group. These related in practice to (1) external and (2) internal security.

7. On external security, reference was made to the British view as defined in 1948 in a recently released Cabinet paper 128/32:

"It has become a matter of first-class strategic importance to this country that the north should continue to form part of Her Majesty's dominion. So far as can be foreseen, it will never be to Great Britain's advantage that Northern Ireland

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should become part of a territory outside Her Majesty's jurisdiction. It seems unlikely that Great Britain would ever be able to agree to this, even if the people of Northern Ireland desired it."

The guarantee which Mr. de Valera had given as Taoiseach that Ireland would never be a base from which an attack could be launched on Britain was also mentioned.

8. It was envisaged that the joint study on external security would be divided into two parts, minor and major. This note relates to aspects of the study relevant to the former area only. The major paper would be dealt with at Secretary level by the Departments of the Taoiseach, Foreign Affairs and Defence.

9. The scope for increased co-operation in areas such as procurement of military equipment, training, exchange of intelligence information, civil defence and a link with the U.K. "early warning system" was discussed. The Department of Defence were asked to prepare a paper setting out the position in respect of these and any other related items.

10. On internal security, it had been agreed with the British that police or operational matters would not be the subject of joint study but it might be necessary at some stage for both sides to make a statement recording satisfaction with existing arrangements so far as security co-operation was concerned.

11. The meeting considered that the British side would raise the question of extradition. Reference was also made to the Taoiseach's request that previous studies on the concept of an all-Ireland court should be up-dated. Mr. Quigley was asked to prepare a position paper on the extradition question and also the matter of an all-Ireland Court. It was envisaged that the Department of Justice would assist in the preparation of a paper or papers on these subjects as appropriate and that they would

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consider any matters likely to arise in relation to the operation of the Criminal Law Jurisdiction Act.

Possible Institutional Structures

12. Reference was made to the proposed Council of Ireland which had been put forward in the Sunningdale Agreement. A study of possible institutions in a federal Ireland was also referred to. This particular study could well be carried out through the present machinery - or through some institution set up under it. If it were possible to reach agreement on an Anglo Irish or all-Ireland body the question remained as to what functions such a body might have. It could well be that there might be possible functions on the security, economic, cross-border or harmonisation sides. The restoration of the electricity interconnector and establishment of an east-west connection together with creation of cross-border bodies to deal with Carlingford Lough, Lough Foyle, tourism and drainage in border areas were also referred to.

13. On another level - and further off - there were possibilities involving the CAP, and the IDA, but this could have the most far reaching implications: and should not be broached yet, except internally.

14. The suggestion had already been made that the Anglo-Irish Economic Steering Group which presently operates at official level might be elevated to Ministerial level. This could be one form of Anglo-Irish Council, but the question would remain as to how to achieve Northern Ireland representation.

15. It was agreed that factual papers should be prepared on the BENELUX arrangements, NORDIC Council and the Council of Europe. This analysis should be supported by an assessment as to whether these particular institutions have any intrinsic

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value apart from being useful points of contact. Reference was made in this context to links which the U.S. Congress has with certain South American countries and the view was expressed that it might be useful to look at that area.

General

16. It was agreed that a list of possible items for discussion by the joint study groups should be prepared by all of the Departments/Offices concerned. This list would not of necessity require to be backed up at this stage by memoranda or position papers. The list when available would be submitted to the Taoiseach for approval prior to the forthcoming meeting with the British side. It was recognised that it would be desirable to have papers of a factual nature prepared in respect of any items put forward in this way for purpose of background briefing. The possibility of a paper on human rights was referred to.

Meeting with British side

17. It was agreed that arrangements be made to seek meetings with the British side in relation to the possible institutional structures and security groups on Friday, 6th March, to exchange views in a preliminary way. The meetings would probably be on the basis that either side would not be expected to have definitive proposals to offer or papers to put on the table at that stage.

18. On the British side the joint study on security matters would be led by Mr. Richard Hastie-Smith, Assistant Under Secretary in the Cabinet Office. On the Irish side the group would be led by Mr. W. Kirwan, Assistant Secretary, Department of the Taoiseach. Messrs. Donnelly and/or Brosnan, Department of Justice and Crowe and/or Fletcher, Department of Defence, Mr. D. Quigley, Senior Legal Assistant, Attorney General's Office and Messrs. O'Brien and O'Connor, Department of Foreign Affairs would also participate in this group on the Irish side.

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19. On possible new institutional structures, the British side would be led by Mr. R. Wade-Gery, Deputy Secretary in the Cabinet Office. Mr. W. Kirwan, Assistant Secretary, Department of the Taoiseach would lead on the Irish side and the other members would include Mr. D. Quigley, Senior Legal Assistant, Attorney General's Office, Messrs. S. Whelan and H. Swift (for London meetings), Department of Foreign Affairs and Mr. M. Kilroy, Houses of the Oireachtas (for parliamentary aspects).

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16 February, 1981.