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M Kewwa  
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Evolution of Anglo-Irish Relations in relation to

Northern Ireland Policy

Continuation and completion of Anglo-Irish Joint Studies

1. Following the change of Government on 1 July, 1981 and after a pause occasioned by intense activity aimed at a solution of the H-Block dispute, the Anglo-Irish Joint Studies were continued and completed by the official groups concerned. Papers transmitted by the British side reflected the positions they had taken in meetings held prior to 1 July, 1981: this was also true on the Irish side. In further discussion, there was some modification of drafts on both sides in an effort to reach agreement on the reports. Agreed reports were produced and these reflected agreement on substance as well as texts, with the exception of the report of the Group on Possible New Institutional Structures where the report reflected disagreement in relation to a parliamentary tier of the Anglo-Irish Council, early development of which had been resisted by the British side throughout the meetings of the Working Groups. The reports represented the limits of possible agreement at official level.

Irish Approach to Summit of 6 November, 1981

2. The Irish approach to the Summit was based on the perception of a need to attempt to overcome at political level what was seen as a minimalist attitude by the British within the context of the Joint Studies process. Some doubts were entertained as to whether the Irish side should agree to the decision to establish the Anglo-Irish Council, in view of a perceived inadequacy of political substance in the concept as it emerged from the joint studies. However, it was ultimately decided to proceed with the Council, in view of its longer-term potential and in the context of prospective progress on other Irish policy objectives. It was considered necessary to develop the concept by securing agreement to provision for the early development of a Parliamentary dimension to it. The establishment of the Council was seen as

useful to the extent of providing an institutionalised basis for Irish involvement in bringing about a solution to the problem of Northern Ireland. Since it could not provide for the involvement of N.I. representatives, however, it was considered that an intergovernmental body of itself would constitute an inadequate basis for political progress on a basis that would command confidence among the different traditions in Northern Ireland.

3. Accordingly, one of the objectives of the Irish side at the summit was to persuade the British side of the benefits of a Parliamentary tier to the Council - although there was an appreciation that there could be advantage in relating the timing of a move on this to the timetable for establishment of an elected assembly in Northern Ireland. The principal objective, however, was to prompt a major British initiative on Northern Ireland by securing their agreement to a substantial modification of the "Guarantee", as a response to the Taoiseach's initiation of a constitutional initiative. Ideally, what was sought was an explicit statement that the British had no interest in remaining in Northern Ireland and would be prepared to support progress towards Irish unity on the basis of consent and reconciliation between the major traditions. Warnings were received in advance, however, for example from the N.I. Secretary of State in the course of a meeting on 27 October, 1981, that this might be unattainable for the moment, in view of the pro-Unionist stance of the Prime Minister. Despite this, it was felt that as much progress as possible towards this objective should be sought at the summit, with the objective of orienting the unionists in the desired direction, in a manner that would not be seen as threatening. In addition, the Irish side were anxious to gain the Prime Minister's assent to the publication of the Joint Studies - with the exception of that on Security Matters - which was perceived as helpful in allaying unionist fears and building confidence. Finally, it was considered that the summit would provide an opportunity to highlight those aspects of the Joint Studies, particularly in the economic and security fields, which would be most likely to engage Unionist interest in the development of the Anglo-Irish relationship.

Preliminary Meetings

4. The approach outlined was explored in the lead-up to the summit, in the course of preliminary, political-level meetings with the British Ambassador (6th October), Lord Carrington (14th October), the Secretary of the Cabinet, Sir Robert Armstrong (14th October) and the Northern Ireland Secretary of State (27th October). Reports of these meetings are available. At these meetings, the Irish side urged that the problem of Northern Ireland could only be solved in the context of Anglo-Irish relations. In this context, it was argued that it was essential to get movement on the questions of the "Guarantee", the Parliamentary tier and publication of the Joint Studies. Significantly, the British response at this stage appeared to be sympathetic at both political and official level. The N.I. Secretary of State agreed on the need for a close connection between London and Dublin in relation to Northern Ireland and appeared willing to do all he could to give the Anglo-Irish "arrangements" Northern Ireland content. He argued, however, that a gradualist approach was necessary. Mr. Prior stressed that the establishment of a "Standing Conference" i.e. Anglo-Irish Council especially if it involved a Parliamentary tier, would represent significant movement in the eyes of the Unionists; and, further, remarked on the importance of developments in security co-operation in bringing about movement on their part. Concerning the "Guarantee", Prior agreed to look at possible ways of using new language in regard to it but warned that positive support for unity could not be expected as the Prime Minister was a "Unionist at heart".

The Summit of 6 November, 1981

5. The Irish side pursued these matters with the British side at the summit. A report of the meeting together with transcripts of the separate press conferences of each Head of Government are available. The most significant points which arose related to the "Guarantee" and the Parliamentary tier of the AIIC. On the "Guarantee" Mrs. Thatcher refused, in the face of considerable Irish pressure, to publicly state in the Communiqué that she would

"support" a decision in favour of unity by the majority of the people of Northern Ireland, although she was willing to state that she would "accept" it. The Prime Minister emphasised the distinction by saying that she would accept the right of the people of the United Kingdom to elect a Labour administration but she would not support a decision by them to do so. It was not clear how far she was simply drawing a semantic distinction or, alternatively, expressing a fundamental unionist bias. Concerning the Parliamentary tier to the AIIIC the Prime Minister stood by the arguments previously advanced at official level that it should be allowed to emerge "naturally", without push from the respective Governments and that in any case, under British procedure, it was a matter for Parliament to whom she could not dictate.

#### Outcome of the Summit

6. The outcome of the summit was recorded in the Joint Communique issued on behalf of the two Heads of Government, a copy of which is attached. The main elements in the Joint Communique were as follows:-

##### (a) Institutions

It was agreed to establish an Anglo-Irish Intergovernmental Council to give institutional expression to the unique relationship between the two countries. It was further agreed that it would be for the Parliaments concerned to consider at an appropriate time whether there should be an Anglo-Irish body at Parliamentary level comprising members to be drawn from the British and Irish Parliaments, the European Parliament and any elected Assembly that may be established for Northern Ireland. Lastly, the two Heads of Government agreed to work towards the establishment of an Advisory Committee on economic, social and cultural co-operation with a wide membership.

(b) The "Guarantee"

The Taoiseach and the Prime Minister agreed on the need for efforts to diminish the divisions between the two sections of the community in Northern Ireland and to reconcile the two major traditions which exist in the two parts of Ireland. They also agreed that their Governments were ready to join in promoting arrangements which might help to reduce tensions between and to reconcile the peoples of the two parts of Ireland. This represented an advance on anything previously said by the British where references had been to "the peoples of the two countries" which Mrs. Thatcher could say referred to the United Kingdom and the Republic of Ireland. In addition, it was recorded that the Prime Minister said that, if consent to a change in the constitutional status in Northern Ireland were to be expressed as the result of a poll conducted in accordance with the Northern Ireland Constitution Act, 1973, the British Government, would, of course, accept this and would support legislation in the British Parliament to give effect to it. While there was no advance in substance here and, on one possible view, some disadvantage in being tied to border polls under the 1973 Act, the form of expression used and adherence to it in replies to P.Qs. at Westminster was interpreted by unionists as representing the strongest statement by the British Government to date of a purely agnostic position on the status of Northern Ireland.

(c) Joint Studies

It was announced that the Joint Studies, with the exception of that on Security Matters, would be published. This was done on 11 November, 1981. The final form of the Security Study is available.

(d) Security

It was agreed to invite the Irish and British Attorneys General to consider further improvements in dealing with the problem of fugitive offenders.

(e) Economic Co-operation

It was agreed to intensify East/West and North/South economic co-operation. In addition, it was noted that assessments of the possibility of the supply of natural gas from the Kinsale field to Northern Ireland had suggested that such a project might be viable and that discussions of the terms on which gas might be supplied were in train. It was agreed that it would be desirable to restore electricity interconnection between the two parts of Ireland. It was further

agreed that economic and technical studies should be pursued on the possibility of an electricity link across the Irish Sea.

(f) Voting Rights

The Taoiseach indicated that he hoped soon to introduce legislation granting voting rights to British citizens resident in Ireland.

Progress with follow-up to the Summit

7. An official-level meeting was held in Dublin on the 20th of January to establish the Anglo-Irish Intergovernmental Council (AIIC) and to agree its functions, structure and procedures. A Joint Memorandum on these matters was agreed ad referendum to the political level. Copies of the agreed record and the Joint Memorandum are attached. The full report of the meeting is available. The Joint Memorandum recorded agreement that 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, and that within the framework of the Council there will be the 'closest bilateral consultation', on matters relating to these purposes and on matters of common interest and concern.

8. It was also agreed that subject to political approval the meeting of 20th January should constitute the first official-level meeting of the Council. As such, it discussed, apart from its establishment, the timing and manner of establishment of an Anglo-Irish body at Parliamentary level, the Anglo-Irish Encounter Organisation which was proposed in the Joint Study on Possible New Institutional Structures, the question of financial assistance for Co-operation North and follow-up action on the Joint Studies.

9. The agreement reached on the committee structure of the Council at official level was on the basis of Irish proposals which, as compared with a different structure proposed by the British, were designed to promote the North-South axis within the

Council. Another Irish proposal, with the same objective - that a co-ordinating role should be assigned to the periodic meetings between the Minister for Foreign Affairs, on the Irish side and the Northern Ireland Secretary and Lord Privy Seal, on the British side - was rejected by the British, out of concern about unionist reactions. For the same reason, the British adhered to an extremely cautious line on any early movement in relation to a Parliamentary tier.

10. The Government on 26th January approved:

- (a) the establishment of the Anglo-Irish Intergovernmental Council on the basis of the Joint Memorandum agreed with the British, ad referendum, on 20 January; and
- (b) the appointment of the Secretary to the Government as Secretary of the Council on the British side.

This was conveyed to the British who also informed us of corresponding decisions on their side, where Sir Robert Armstrong has been appointed as Secretary. Following a further Government decision, the British have also been notified that the Irish Government has approved the use of the Joint Studies as the basis for a programme of co-operation between the two Governments under the aegis of the Anglo-Irish Intergovernmental Council. The British had previously informed us of similar Ministerial approval on their side.

11. The first meeting of the Council at Ministerial level was held in London on 29th January, the respective delegations being led by the Minister for Foreign Affairs and the Secretary of State for Northern Ireland. A report of that meeting is available. Apart from the topics discussed at the Council's meeting at official level on 20th January, the principal matters considered were Mr. Prior's proposed Assembly for Northern Ireland and progress with the particular aspects of security and economic co-operation to which the Joint Communique of 6 November had drawn attention. These matters are dealt with elsewhere in the brief.

12. The question of the provision to be made for a parliamentary tier of the Anglo-Irish Council has in more recent times become closely inter-twined with that of the political initiative being contemplated by Mr. Prior, which is dealt with elsewhere in this brief. Despite SDLP pressure in relation to a Parliamentary tier, the British hesitancy about the proposed Parliamentary tier to the AIIC became even more manifest as the Secretary of State's proposed Assembly for Northern Ireland began to take shape. In particular, a statement by your predecessor in a speech on 11th February that "the two Governments are agreed that the next step to be taken in the Anglo-Irish framework will be the establishment of Parliamentary and Advisory Councils." prompted an immediate response which was conveyed to the Secretary to the Government by the British Ambassador. This was to the effect that "as far as the British Government is concerned the position on the Parliamentary tier is as set out in the Joint Communiqué after the meeting between the Prime Minister and the Taoiseach on 6 November". It will be recalled that in the Joint Communiqué the two Heads of Government had agreed "that it would be for the Parliaments concerned to consider at an appropriate time whether there should be an Anglo-Irish body at Parliamentary level.....".

13. It was decided that in view of the extent to which the British appeared to be giving greater weight to Unionist reactions to further development within the Anglo-Irish framework, a demarche should be made to the British. This took the form of a letter from the Minister for Foreign Affairs to the Secretary of State for Northern Ireland emphasising that on the basis of the information available to the authorities here, Prior's proposed initiative would be certain to be unacceptable to the minority in Northern Ireland and hence unworkable. The letter made clear that the further development of the Anglo-Irish relationship, including its security aspects, would depend on the initiation of workable proposals holding out some prospect of meaningful political progress. It was envisaged that the establishment of a link between the proposed Assembly and the proposed Parliamentary

tier of the AIIIC could make a significant contribution to this end.

14. It has become clear from recent contacts with the SDLP and the Alliance Party that Government and SDLP pressure concerning the Parliamentary tier has been having some effect. It appears that the N.I. Secretary of State now recognises the need for an Irish dimension to his proposed Assembly, if it is to succeed. He envisages that this would take the form of (a) references in the White Paper on the Assembly to the need for recognition of the existence of two communities in Northern Ireland and (b) agreement to the establishment of the Parliamentary tier to the AIIIC at a relatively early date, involving members of the Assembly. Mr. Prior apparently envisages that the Parliamentary tier would be set up by the passage of motions in both Dail and Commons. On timing, the Secretary of State has assured the SDLP that a Parliamentary tier could be set up irrespective of whether an Assembly is elected in Northern Ireland within a year. He hopes that the preparatory arrangements could be made "in the course of the summer". Concerning participation in the Parliamentary tier, Mr. Prior envisages that this would be voluntary and that it would not be possible to prevent it by a majority vote in the Assembly. He has made clear, however, that it would be some time before the Parliamentary tier could develop into a major institution. It would not have any executive powers nor would Westminster devolve any sovereignty to it "under any circumstances". His view, apparently, is that the Parliamentary tier would be a loose association similar to the Commonwealth Parliamentary Association. While some aspects of these ideas e.g. the non-executive role of the tier may be acceptable, others will require careful consideration at a very early date, e.g. as to whether we should seek consultation with the British in the Anglo-Irish Council framework and put alternative ideas to them.

Matters for attention looking to next Summit

15. The position to be adopted in relation to the Prior initiative is the most important and immediate issue for consideration in the context of Anglo-Irish relations as they bear on Irish policy in relation to Northern Ireland. The following are brief notes on other matters arising from the last Summit where follow-up has been in progress or is required.

Economic Co-operation

There have been further discussions on the possible supply of Kinsale gas to Northern Ireland, on the restoration of the North-South electricity interconnector and on further steps in relation to an East-West electricity interconnector. The present position is set out separately in this brief.

Security

There have been limited further discussions between the Attorneys General and their officials. The evolution of events and current position is set out separately in this brief.

Voting Rights for British Citizens

The Government have approved the drafting of legislation. A General Scheme of a Bill prepared by the Department of the Environment and the Office of the Attorney General has been circulated to Departments for their observations.

Anglo-Irish Encounter Organisation

The position on this is described separately in this brief.

Follow-up on Joint Studies

With the recent Government approval that the studies may be used as the basis for a programme of co-operation with the British, it is now for the Irish side to propose a date for a meeting of the official-level Co-ordinating Committee, in order to get the programme under way, with particular reference to the establishment of specific Working Groups where this would be warranted and helpful.

There have been further developments since November in a range of areas of co-operation. The position generally

can be reviewed in greater detail in connection with the next meetings of the Anglo-Irish Council at official or Ministerial level.

Next Summit

The Joint Communique of 6 November, 1981 indicated that the next Summit meeting would be in Dublin in the Spring of 1982. The British will no doubt appreciate that the dissolution of the Dail implies that the meeting will now be somewhat later than might otherwise have been the case. It appears clear that it will not take place during the Spring, as officially defined.

Department of the Taoiseach  
10th March, 1982.