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Background NoteThe Anglo-Irish Intergovernmental Council

1. At the 6 November 1981 Summit the Taoiseach and the British Prime Minister decided to establish the Anglo-Irish Intergovernmental Council. The Council had been one of the proposals contained in the Anglo-Irish Joint Studies prepared during 1981 and at their meeting the two Heads of Government received a joint report on the studies. The full text of the studies on new institutional structures, citizenship rights, economic co-operation and measures to encourage mutual understanding was published on 11 November 1981. A study had also been completed on security matters. In the course of the preparation of the Joint Studies the British had adopted a minimalist attitude to the development of new Anglo-Irish institutional structures. Accordingly, one of our objectives at the November 1981 summit was to overcome at the highest political level this limited British view of the proposed Council by securing agreement to provide for the early development of a Parliamentary dimension to it (the "Parliamentary Tier"). In the event the summit communique (Annex I) merely stated that "the Taoiseach and the Prime Minister agreed that it would be for the Parliaments concerned to consider at the 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." It was also announced that the two Governments "would work towards the establishment of an Advisory Committee associated with the AIIC on economic social and cultural co-operation with a wide membership". Pending the establishment of this body the Joint Study on institutions had recommended that an Anglo-Irish Encounter organisation should be set up.

2. In the period between the November 1981 summit and the first meetings of the AIIC in January 1982 the British presented us with two papers, one on Encounter and the other on the organisation of the Council itself. The latter paper proposed a structure of three official co-ordinating committees which would operate in the economic, social and cultural and security fields. At the Second Anglo-Irish Policy Review Conference held in Iveagh House on 18 January 1982 it was felt that our political advantage lay in institutionalising the

AIIC as much as possible with our real aim being to be involved institutionally, through the Council, in the internal affairs of Northern Ireland. Generally it was agreed that we should seek to maximise the number of Anglo-Irish Ministerial and official meetings which would be seen as taking place in the AIIC framework. However, it was felt that a single official co-ordinating committee would better suit our purpose of promoting a North/South configuration in the Council rather than the East/West (or UK/Republic of Ireland) emphasis consistently favoured by the British. It was felt at the time that a single committee would also avoid the presentational and other disadvantages inherent in a specific co-ordinating committee for security matters. The Review meeting also agreed to seek a co-ordinating role at Ministerial level for the Minister for Foreign Affairs and the Northern Ireland Secretary of State with the same North-South emphasis in mind.

3. The first official level meeting of the AIIC took place in Dublin on 20 January 1982. It was decided ad referendum, at the meeting that it would, in fact, constitute the first official meeting and that the meeting between the then Minister for Foreign Affairs and the Northern Ireland Secretary of State scheduled for 29 January 1982 would be the first Ministerial level meeting of the Council. The meeting agreed a Joint Memorandum of Understanding on the Council (Annex 2) which stated 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. Within the framework of the Council there will be the closest bilateral consultation at Ministerial or official level as appropriate" The British side at the meeting resisted the idea of a co-ordinating role for the Minister for Foreign Affairs and the Northern Ireland Secretary of State on the grounds that Unionists would view such an arrangement with suspicion and that it would be unacceptable to other British Ministers. However, the Joint Memorandum provided, in line with our concerns, for only one official Co-ordinating Committee. It was agreed that meetings of this committee and of the Steering Committee would constitute meetings of the Council. The Co-ordinating Committee would "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".

4. At this first official level meeting of the Council there was broad agreement on the terms of the British paper on Encounter and a decision was taken to have further consultations on the arrangements for setting it up. According to the agreed record of the meeting among the subjects discussed were "factors which would be relevant to the possible establishment of an Anglo-Irish body at Parliamentary level". British officials made clear at the meeting their very restricted concept of the nature of the tier and emphasised in particular Mrs. Thatcher's view that the initiative on the British side would have to come from Parliaments, a point which has been reiterated many times since by the British. In general it may be said that the British approach to the Council's institutions at this meeting was to emphasise East-West aspects, and to avoid reference to specific powers for organs of the Council. The Joint Memorandum is essentially a purely organisational outline and the British insisted on deleting a sentence from an Irish draft which would have read "In particular, the two Governments will work through the Council to promote arrangements which may help to reduce tensions between and to reconcile the peoples of the two parts of Ireland". Regarding the Anglo-Irish Joint Studies it was agreed to exchange notifications of approval at Government level of the agreed recommendations which were not specifically referred to in the Joint Communique of 6 November 1981. En marge of the meeting it was agreed that the Co-ordinating Committee would meet quickly to get work on implementation of the Joint Studies underway. The meeting had decided that the officials involved in the Co-ordinating Committee would discuss the need for Working Groups on various aspects of the Joint Studies. The first Ministerial level meeting on 29 January 1982 approved the Joint Memorandum and agreed that the Joint Studies should furnish the basis for a programme of co-operation to be pursued through the Co-ordinating Committee.

5. Subsequent to the official meeting on 20 January 1982 Government decisions were taken as follows:

26 January 1982: The Government approved the establishment of the AIIC on the basis of the Joint Memorandum and the appointment of the Secretary to the Governemnt as Secretary of the AIIC on our side.

2 March 1982: The Government approved the proposal of the Minister for Foreign Affairs that the Joint Studies be used as a basis for a programme of co-operation between the Government and the British Government to be undertaken under the aegis of the AIIC. A memorandum submitted by the Minister stressed that the list of agreed Action Points (Annex 3) from the Joint Studies was not to be taken as an exhaustive agenda for Anglo-Irish or North-South co-operation. The British had already informed us of approval by their Ministers of the Action Points.

6. Although as late as 7 April 1982, when a further Review meeting was held here, it was still anticipated that the Co-ordinating Committee would shortly meet it has not done so to date. The Council structure contained in the Joint Memorandum has not been established despite the fact tht twelve Ministerial level meetings have now taken place formally within the AIIC framework (full list at Annex 4). This failure to activate the envisaged official framework for the Council is, of course, largely due to the deterioration in Anglo-Irish relations during 1982. At the 7 April 1982 Review meeting it was decided to continue to pursue the development of the Anglo-Irish process and in particular to press for the establishment of the Parliamentary Tier. However, at the next Review on 29 July 1982 it was felt that "there appeared to be no possibility of a productive Summit meeting taking place" and it was decided to "hold over any action in regard to establishment of the Parliamentary tier in view of the inadequacy in the manner of its establishment and in regard to functions of the type of Parliamentary Tier envisaged by the Northern Ireland Secretary of State and Lord Gowrie.....". And while the AIIC was clearly not developing in the way which had been anticipated earlier in the year a controversy over the question of consultation on the Prior initiative again highlighted

different perceptions on the British and Irish sides of the use to which the AIIC could actually be put. Notes exchanged with the British between 26 July and 3 September 1982 centered on the question of consultation within the AIIC framework on Northern Ireland, with the British maintaining their position that they have no commitment to consult with us on the "constitutional future of the Province".

7. Despite the failure to activate the official framework of the Council some work on aspects of the Joint Studies has continued up to the present time. The Ministerial meetings on Kinsale Gas and the Government's decision to extend voting rights to British citizens (a Bill for this purpose has now been circulated) are the major examples of this work. Separate notes outline ongoing work in the economic area and on Measures to Encourage Mutual Understanding. The improvement in Anglo-Irish relations since the Government took office has created a climate where a resumption of official work in the AIIC framework is possible. There have been four Ministerial level meetings in the formal AIIC framework this year. At their meeting in Stuttgart last month the Taoiseach and the British Prime Minister agreed to hold a Summit meeting later this year and they approved a resumption of official level contact.

The following checklist for the various Ministerial and official levels of the Council and its associated institution outlines the position at the present time:

Taoiseach and Prime Minister: A summit level meeting of the AIIC will now take place later this year in Dublin. This will be the first such meeting of the AIIC.

Ministerial: Annex 4 gives the full list of AIIC Ministerial meetings to date. Further meetings involving the Minister for Industry and Energy, the Minister for the Gaeltacht and possibly the Minister for Foreign Affairs will take place in the very near future.

Steering Committee: This Committee chaired by the Secretary to the Government and the British Cabinet Secretary is intended primarily to prepare for summit meetings of the Council. A question which may need to be determined is whether the forthcoming meeting is to be formally a meeting of the Steering Committee. The only

official meeting of the Council to date on 20 January 1982 is presumably to be regarded as a once-off inaugural official meeting classified as neither Steering nor Co-ordinating (see below). A further question is whether the Steering Committee will meet (again) before an Autumn summit?

Co-ordinating Committee: This is the operational committee of the Council charged with monitoring and co-ordinating the entire range of Anglo-Irish co-operation and initiating new co-operation. The Committee has not met to date. It is to be chaired on our side by the Assistant Secretary in charge of the Department of Foreign Affairs' Anglo-Irish Division. The meeting on 11 July 1983 might be expected to convene a meeting of the Co-ordinating Committee in, say, late September.

Working Groups: The necessity for these is a matter to be determined by the Co-ordinating Committee. In view of the lack of progress with the AIIC framework to date, we may wish to minimise a further formal development of East-West bureaucratic structures at least in the short term.

The Advisory Committee and Encounter: There have been no developments on the former. Please see separate note on Encounter.

The Parliamentary Tier: On 12 February 1982 the British Ambassador wrote to the Secretary to the Government following a speech by the Taoiseach (Dr. FitzGerald) in which he stated that the next steps "in the development of the Council would be the establishment of the Parliamentary Tier and an advisory council". The Ambassador repeated the British position that the Tier was a matter for the Parliaments concerned by quoting the November 1981 Communiqué. At various points during 1982 Mr. Prior and Lord Gowrie spoke of the Tier as part of their strategy to woo the SDLP into the Assembly. However, at no time did they go beyond the basic British position that the Tier could only be established by the Parliaments. At the end of August 1982 Prior was asked by the London Times if his conception of the Tier meant it would be a talking shop and he replied "oh yes, it wouldn't be more than that". There is no reason to believe that British thinking on the nature of the Tier has developed in the interim although in April 1983 a visiting

delegation from the British Labour Party spoke of an interest on the part of NIO Ministers in the Tier. Our position in contacts with the British on the Parliamentary Tier has been that it must be a substantive body which would offer something concrete to both communities in Northern Ireland perhaps by having a role in areas such as security, identity, civil rights etc. This might be repeated at the forthcoming meeting. Given that the SDLP remain outside the Assembly and that the work of the New Ireland Forum continues progress on the Tier is not, in any case, an immediate priority for us.

Anglo-Irish Section

Department of Foreign Affairs

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