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BRITISH DRAFT

POSSIBLE NEW INSTITUTIONAL STRUCTURES

1. All the Joint Studies brought out the variety and multiplicity of contacts, official and private, between the UK and the Republic. The study group on institutional structures concluded that the development of the unique relationship between the two countries could appropriately be enhanced by giving it more comprehensive institutional expression and that this could be done without impeding the many informal links. Their specific proposals were as follows:

i. An Anglo-Irish [Co-operation] Council should be established to provide the overall framework for inter-governmental consultation, at both Ministerial and Official levels.

ii. Consideration should at an appropriate stage be given to strengthening the parliamentary links between

the two countries, as the natural complement to the establishment of a new governmental body.

iii. A forum should in due course be established for contacts between persons other than Ministers, Parliamentarians and Officials. The aim should be to create, as an adjunct to the proposed inter-governmental Council, an Advisory Committee on economic, social and cultural co-operation, with a wide membership reflecting vocational interests.

iv. Since it will take time to assess how the Committee envisaged at iii might best operate, an "Anglo-Irish Encounter" organisation should be established, as an interim measure, under the direction of an Executive Board composed of independent public figures of repute and ability and government representatives. Its major function would be to organise a high-level annual conference on the Konigswinter model.

17 September, 1981.

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SECURITY MATTERS

1. The study group on security matters identified several areas of activity in which there has been mutually beneficial co-operation over the years between the relevant United Kingdom and Republic of Ireland authorities. The Group noted that members of the Irish Defence Forces attend training courses in the United Kingdom, and they agreed that the participation of British and Irish Contingents in United Nations forces gave scope for discussions. In the field of defensive equipment, they considered that it would be mutually advantageous to continue the existing liaison between the competent authorities. The study group proposed that further development of the existing co-operation should be encouraged in the fields of maritime emergencies and safety (including air/sea search and rescue, and hydrographic surveys); fishery protection; and civil defence.

2. The study group also considered the administration and working of the criminal law in the two countries. They noted that the criminal law in Northern Ireland and in the Republic shared an origin in the common law and pre-1921 statutes and that there are close similarities in many facets of judicial practice, as well as certain similarities of population, social conditions, attitudes and numbers of offenders.

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The study group concluded that, having regard to these similarities, there would be advantage in arranging consultations between those concerned on the normal run of criminal law questions (e.g. the treatment of young offenders); and proposed that a regular channel of communication should be established between the Departments concerned.

3. As regards the commission of offences by terrorists, the study group took note of the strongly felt desire on the part of the great majority of people within these islands that those who committed crimes of violence should not be able to escape prosecution and conviction. It was agreed that the principal obstacle in securing convictions was in obtaining evidence that was admissible and sufficient to discharge the burden of proof. The British side drew attention to the view widely held in the United Kingdom that the Republic of Ireland should change its stance on extradition for offences committed by terrorists. The Irish side pointed out that this would require a change in the law in the Republic which in their view would involve a departure from the accepted principles of international law and so require an amendment of the Constitution. The study group concluded that the balance of advantage lay in the direction of improving the gathering of evidence and the operation of the reciprocal extra-territorial legislation, which both sides wish to see used effectively.

British Draft

Summary.

WORKING GROUP ON ECONOMIC COOPERATION:

The Working Group considered a wide range of existing and potential areas of economic and technical cooperation and made recommendations as to how they might be encouraged and developed. The Group agreed that the machinery of Anglo-Irish Economic Cooperation (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 a result of the joint study on institutional structures the AIEC or a comparable official level body might appropriately form a part of that new institution.

Among the subjects that the Group considered were:-

- future cooperation on energy, in particular the possibilities for electricity interconnection 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 coordination of responses to pollution emergencies;
- broadcasting of television and radio programmes direct to the home from a satellite;
- cooperation in the field of animal and plant health;
- the absence of an agreed delimitation of Lough Foyle and the territorial sea;
- industrial development;
- trade promotion;
- industrial training;
- tourism;
- continuing cooperation in the border areas;
- science and technology.

The Group believes that further work in this field will make a contribution towards the improvement of the economies of these islands and that the practice of economic cooperation will in itself generate further cooperation.

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SUMMARY OF CONCLUSIONS FOR THE JOINT STUDY ON MEASURES TO ENCOURAGE MUTUAL UNDERSTANDING.

1. The Working Group analysed the reasons for misconceptions in each country over the 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.

2. The Group recognised that, as between Britain and the South of Ireland, the problem appeared to be more one of lack of conception than misconception. This might be remedied by efforts aimed at a more intensive exchange of information. As between Northern Ireland and the South the problem goes deeper, and remedial measures would need to be far reaching. In this context the issues which are relevant are the Constitutional claim and the "guarantee"; and Church/State relationships. 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.

3. The Working Group recommended that:-
 - there should be increased contacts between officials concerned with youth and sport activity and that there is room for increased cooperation between sporting organisations in the North and South of Ireland;
 - there is scope for developing the already considerable contacts between community relations groups in Northern Ireland and the South;

- in the field of education, exchanges should be increased between teachers and inspectors as well as between pupils and students. In particular there is potential for more use to be made by students from the South of Ireland of tertiary educational facilities in Northern Ireland;
- discussions should be actively pursued between the two Governments and the Open University on possible co-operation between the Open University and the proposed Distant Study Unit of the National Institute for Higher Education in Dublin;
- a formal scheme for interchange of officials should be set up;
- the close cooperation and contacts between the Arts Councils North and South in Ireland, and between both of these Councils and the Arts Councils of Scotland and Wales should be encouraged and expanded.

British Draft - Circulated at Meeting in Cabinet Office,
London on 30.9.'81.

ANGLO-IRISH STUDIES

SUMMARY OF REPORT OF JOINT STUDY GROUP ON CITIZENSHIP RIGHTS

1. Framework of Study

The Group 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; and considered how the differences revealed might be rectified. The main areas examined were eligibility to vote and to stand for elective office; employment in the civil and armed services; legal rights and obligations - (including jury service); social rights; and Consular protection.

2. The Group 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 being sovereign can later amend them. The role of the Courts 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.

Conclusions

3. The Group noted that each of the two countries accorded the other's citizens virtually all the rights and privileges available to its own. A number of differences did however come to light, notably in respect of the two countries' practices in relation to the control of movement of non-citizens; and in relation to the residence qualifications for elections in Northern Ireland as compared with Great Britain. At the same time both countries maintained provisions, antedating the requirements of their common European Community membership, affording in different ways, privileged treatment to the citizens of the other.

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4. The Group considered that any proposals to bring about still greater uniformity to the practices of the two countries would need to be judged in the light of practical, legislative^o and political factors that went beyond the scope of this study.

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Possible New Institutional Structures

The study group noted that as a result of geography, history and population movements, the present generation within these islands had inherited the unique relationship identified in the two joint communiques of 1980. All the Joint Studies brought out the variety and multiplicity of contacts between the two countries. They confirmed that in many fields relations and cooperation between the two countries were closer and more extensive than exist between other countries in Europe where a particularly close relationship has been given specific institutional expression. The group agreed that over a very wide range, these relationships involved common interests, mutually beneficial exchanges and developing cooperation but recalled that the communique 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.

The Group considered 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.

The possible structures examined in the course of the study included:

- (i) the establishment of an Anglo-Irish (Cooperation) Council to provide the overall framework for inter-governmental 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. The study embraced 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 governmental body.

- (iii) the establishment, as an adjunct to the proposed inter-governmental Council, of an Advisory Committee on economic, social and cultural cooperation, 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 Konigswinter model.

Security Matters

The Study group considered how the mutually beneficial cooperation between the two countries over a wide range of activity under the general heading of security could be further extended and developed. It would not be in the public interest or in accordance with practice to give any further information on this study.

ECONOMIC COOPERATION

The study group considered a wide range of existing and potential areas of economic and technical cooperation and made recommendations as to how they might be encouraged and developed. The group agreed that the machinery of Anglo-Irish Economic Cooperation (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 a result of the joint study on institutional structures the Steering Group on AIEC or a comparable official level body might appropriately be placed under the aegis of that new institution.

Among the subjects that the group considered were:-

- future cooperation on energy, in particular the possibilities for electricity interconnection 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 coordination of responses to pollution emergencies;
- broadcasting of television and radio programmes direct to the home from a satellite ;
- cooperation in the field of animal and plant health;
- [the facilitation of economic development in the areas of Lough Foyle, Carlingford Lough and inner offshore areas generally;]

- industrial development particularly of small and craft industries;
- trade promotion;
- industrial training;
- tourism;
- continuing cooperation in the [economic development of] border areas;
- science and technology.

The group believed that further work in this field will make a contribution towards the improvement of the economies of these islands and that the practice of economic cooperation will in itself generate further cooperation.

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SUMMARY OF CONCLUSIONS FOR THE JOINT STUDY ON MEASURES TO ENCOURAGE MUTUAL UNDERSTANDING.

1. The Working Group analysed the reasons for misconceptions in each country over the 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.

2. The Group recognised that, as between Britain and the South of Ireland, the problem appeared to be more one of lack of conception than misconception. This might be remedied by efforts aimed at a more intensive exchange of information. As between Northern Ireland and the South the problem goes deeper, and remedial measures would need to be far reaching. In this context the issues which are relevant are the Constitutional claim and the "guarantee"; and Church/State relationships. 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.

3. Other matters studied included:
 - increased contacts between officials concerned with youth and sport activity and the scope for increased cooperation between sporting organisations in both parts of Ireland;

 - the scope for developing the already considerable contacts between 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 Ireland of tertiary educational facilities in Northern Ireland;

possible co-operation between the open University and the proposed Distant Study Unit of the National Institute for Higher Education in Dublin;

a formal scheme for interchange of officials;

the encouragement and expansion of the close co-operation and contacts between the Arts Council, North South in Ireland, and between both of these Councils and the Arts Councils of Scotland and Wales should be encouraged and expanded.