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At the meeting on 1st January the British side gave the impression that they were thinking of a minimum-type Council of Ireland which could evolve into something more important in the long term. They suggested that this kind of evolution could only follow a change in Unionist thinking.

This British attitude could be interpreted as a negotiating ploy, a statement of their initial bargaining position. They would have wished to depress our expectations and to sound out our position.

However, they must have been well aware of our general attitude already. Our desire for a strong and effective Council with evolutionary possibilities has been made clear on a number of occasions, e. g. in the Taoiseach's Oxford Union speech ~~and~~ in his last meeting with Mr. Heath*. It is disconcerting, therefore, that the British should have adopted a very minimal initial attitude at the 1st January meeting. One can reasonably conclude that they are not yet at the stage of accepting our concept of what the Council should be.

There is independent evidence to support this pessimistic view. In an interview with the Boston Globe reprinted in the Sunday Press of 7 January, 1973, Mr. Whitelaw is quoted as saying:

"I would not expect that any important contacts between North and South will be established on entry to the Community because of the violence which still persists in the North. For instance, I would not expect a Council of Ireland to be established overnight but, if we can discuss matters of mutual economic interest such as tourism, that could mean a useful start."

Coming from Mr. Whitelaw, who normally speaks in very guarded terms in public, this is very straight talk which must be given some weight.

N.P. So far as the next meeting is concerned, there are, it would seem, four possibilities to be taken into account:

- (1) The British side may stand fast on the position which they took up at the first meeting.
- (2) They may, although it seems unlikely, indicate acceptance of our viewpoint.
- (3) They may adopt a middle position by indicating that they are prepared to come some of the way but not all of the way towards our position.

- (4) They may adopt either position (2) or position (3), while remaining determined to ensure that only a minimal-type Council emerges. They must know as well as we do that it is going to be a very difficult matter indeed to work out satisfactory structures and functions for a Council. They could subtly steer negotiations about a Council towards failure.

If the foregoing analysis of possibilities is correct, the following are some of the considerations that arise:

- (a) At all stages and especially in regard to the exchange of documents scheduled for the week beginning 15th January, it is essential to keep in the foreground our desiderata in relation to a Council. These seem to be mainly two

- that it will be effective and will work
- that it will meet the requirements of the present political situation, that is to say, that it will be able to bring North and South closer together and, in general, set them on converging paths rather than simply resolve North/South difficulties.

A weak Council will not meet these desiderata.

- (b) We welcomed the so-called "Irish Dimension" described in the Green Paper because it was a step forward by the British Government towards our position. We have argued all along that a lasting solution could not be found in a purely Six Counties context. We have insisted that the aspirations and identity of the Northern minority must be recognised. The Unionists have their constitutional guarantee while the minority enjoy no equivalent assurance. If recognition of the "Irish Dimension" is deferred or made dependent on some future change of heart among the Unionists, that would not be acceptable to us.
- (c) If negotiations about a proposed Council should fail (or be made to fail, as is suggested above), that in itself does not mean that recognition of the Irish Dimension can simply be deferred. It means, so far as we are concerned, that some other means of giving it recognition must be devised.
- (d) Looking ahead a little, we should consider what the position would be if the talks fail to produce agreement about a Council or any other method of recognising the Irish Dimension. The British, no doubt, would hope to obtain in any event, our approval in

general for the other elements in their over-all package. If they can bring us a certain distance in this direction, that may suit their immediate purposes. It is not to be ruled out that they would see advantage in driving a wedge between Dublin and the Northern minority. A judicious "leak" about the talks could bring a cry of "sell out" from the minority. It is suggested, therefore, that we should keep the question of recognition of the Irish Dimension to the foreground at all stages and that we should make it clear that our attitude to the over-all package will be largely dependent on the adequacy of such recognition. Also, if the exchanges do not seem to be prospering from our point of view, it may be necessary to consider (1) a Taoiseach/Prime Minister meeting to give them new life, or (2) ^{suspension} ~~termination~~ of the talks.

Attached is a draft of the kind of document which might be handed to the British next week.

8/1/73

DRAFT

(1) The Council of Ireland should have sufficient functions and the necessary structures to be effective and workable. In general, the Council should be "open-ended" i.e. capable of evolution.

(2) The Council's functions should meet the requirements of the present political situation. That is to say, it should be able to work so as to bring North and South closer together and, in general, to set them on converging paths ^{& encourage eventual reunification}. Its functions should not be limited to the discussion of difficulties arising between North and South.

(3) It is not difficult to think of possible functions for the Council but expert examination would be required ^{to determine} whether and how they might usefully be brought under the Council's aegis. Certain possible functions are tentatively suggested hereunder, not necessarily in order of importance. Some of them refer to areas in which there has already been North/South cooperation.

- Electric power (atomic energy?)
- Transport - railways, motorways, etc.
- Foyle Fisheries
- European Communities generally
- Irish Lights
- Tourism
- Physical planning
- Mineral and oil exploitation and seabed mineral rights on coastal shelf
- Industrial promotion
- Arts Councils, Museums and Art Galleries
- TV - Radio cooperation

(4) The Council's structures should be strong. Conceivably they might include an executive decision-making body comprising Ministers and their opposite numbers, a deliberative organ in which nominated parliamentarians might sit and a permanent secretariat or administrative unit.