

NATIONAL ARCHIVES

IRELAND



Reference Code:	2010/53/853
Creation Date(s):	31 July 1980
Extent and medium:	19 pages
Creator(s):	Department of the Taoiseach
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CONFIDENTIAL

To: Mr. Nally
From: Mr. W. Kirwan

Proposed Taoiseach/SDLP strategy meeting and proposed
confidential liaison group

Introduction

1. At the meeting with the SDLP delegation on 17 July it was agreed that a confidential liaison group is to be established with that party to discuss general strategy with a view in part to a (quadripartite) conference if and when the proposals in the recent British White Paper are formally buried. Among other points made at the meeting was that to prepare for further talks with the British Prime Minister and for the quadripartite discussions, we (i.e. the Government and the SDLP jointly) should have a view of the structures we were looking for and attitudes to, for example, a federal Ireland and the nature of the link with Britain. It was also noted that an important issue was how to get from the recent White Paper to the other proposals, in other words, how to build on the White Paper.

2. The SDLP have indicated that following discussion of the proposal for a liaison group, they came some

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to the conclusion that if it were to do useful work, it would be desirable that its members be given political guidelines. A private and informal meeting to discuss these with the Taoiseach was arranged for 4th September. There is now some question that this might be brought forward but this remains to be settled.

3. This paper seeks to define what areas might call for discussion at the proposed meeting and what broad subjects the liaison group might work on. It addresses (1) questions of strategy that arise as to how the two parties might prevail upon the British Government to convene (and sufficient unionist representatives to attend?) the quadripartite discussions envisaged (2) questions of strategy relating to the arrangements for the conference, the positions to be put forward, the immediate outcome to be sought, (3) longer-term strategy in relation to the pace and stages of progress towards an agreed Ireland, without a British presence in government, (4) what the reaction should be if the conference approach is a non-starter.

Questions for consideration as to path to a conference

1. Attitude to be adopted by SDLP to possible

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British approach of dragging out talks with Northern Ireland parties.

Notes

(1) The possibility of such an approach emerged from the recent discussions with Mr. Moriarty of the Northern Ireland Office.

(2) Mr. John Hume's statement on behalf of the SDLP following publication of the White Paper included the following:

"We therefore welcome the opportunity of further discussions to develop both these aspects.....

(the aspects in question were acceptability to the minority in the North and development of the unique relationship between the peoples of the UK, Northern Ireland, the Republic.)

2. To what extent should Irish Government draw public link between "the fullest possible programme of consultation and discussion" referred to in paragraph 64 of the British White Paper and the new and closer political co-operation between the two Governments, involving regular meetings, on a continuing basis, between the Taoiseach and the Prime Minister?

Notes

(1) This issue came up in discussion preparatory to recent meeting with the SDLP.

(2) Since consultation process in question in White Paper relates to acceptability of its proposals, since they are almost certain to be shown not to command acceptance and since Government attitude has been made clear, it is probably preferable, as already decided

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in relation to SDLP meeting, not to associate publicly the regular and continuing meetings with the White Paper consultation process.

- (3) Mr. John Hume has connected them, to some extent, in his statement on the White Paper.

(4) *As against that, Mr. Ken S. J. of the NIO referred to parallel talks on a different basis*

3. How to move from White Paper to situation where

British Government agree to convene conference and

where there is prospect of reasonable unionist

attendance?

Notes

- (1) There is an overlap with Question 1 here, as the SDLP have a key position in relation to the fact and public perception of the end of the road for the Atkins process.
- (2) Ways of and plans for influencing the views of those elements in the Tory party which would favour reversion to Airey Neave's ideas, to return of powers to local government, to other dimensions of full integration with Britain, or to other approaches unacceptable to Government and SDLP would require consideration.
- (3) The best approach to further catching the interest of Mrs Thatcher personally in the further exploration of the approach favoured by the Government and SDLP would have to be considered. Action in relation to vote for British citizens in national elections here would show good faith in relation to ideas of closer ties between Britain and Ireland as a whole. As Britain's naval and air defence interests may be most effective carrot for her, question arises as to how appropriate it would be to discuss this aspect with SDLP. The question of maintaining balance between moves or offers to discuss certain matters on the part of the Irish and British Government also arises.
- (4) As regards inducing unionists to attend such a conference the question of the attitudes

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publicly struck by (a) the British Government (b) the Irish Government arises. As regards the British, their outline of the context would be very important. This involves their response to our suggestion of a modification of the guarantee to the Unionists. Should a specific formula be put to them and pressed hard? What is the assessment of the unionists attending a Conference in the absence of such a modified declaration? Or following it, if it included a statement about their consent being needed? Or following it, if it excluded such a reference? It would be necessary to consider how far their attendance might be induced by publication by the Irish Government of material on the standard of living here, of the economy, of the welfare state, of readiness to discuss with the unionists their wishes in respect of specific possible constitutional and legislative changes, especially in the social area. One would need to consider whether publication of such offers, in a Green or White Paper or otherwise, would enable the unionists to "shoot down" in one fell swoop, matters that could be the subject of negotiation, if discussions actually got under way.

Questions for consideration as to Conference itself

4. Would conference with completely open basis i.e. with no British declaration or modification of the guarantee or any advance statement of a change in the context, be (a) acceptable (b) likely to be fruitful?

Notes

- (1) It may be difficult, even if they agree to conference at all, to get British to go further than defining the basis as being to discuss the future government of Northern Ireland, relations between North and South and Anglo-Irish relations. On the basis of public statements hitherto, the Government and the SDLP might find difficulty in rejecting such

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a basis, even without any advance British statement of change in context.

- (2) One might well have to think of any British forward-looking statement on the constitutional aspect coming as an outcome of the meeting (see question below).

5. What would be basis for representation of Northern Ireland parties?

Notes

- (1) Would there be an election in advance to test public opinion and relative support for different parties which might then - but need not be - reflected in proportionate representation at conference?
- (2) Such an election could bring a strengthening of reasonable voices but there is a grave danger that it would be fought by unionists on platforms of competition in intransigence and commitment not to attend the conference.
- (3) It may be preferable to consider and to persuade the British to adopt representation of the same major parties as in the Atkins process plus the Official Unionists, with provision for supply of written views by other parties.

6. Agenda for Conference?

Notes

- (1) This could be consideration of stages in the development of the three dimensions Taoiseach and SDLP are stressing.
- (2) Many specifics would arise which are dealt with below in section on strategy looking beyond the Conference.
- (3) Security arrangements would be a major subject for consideration.

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7. Positions to be taken at Conference and immediate outcome sought

Notes

- (1) Again, these settle in with the longer-term strategy and some of the main specific questions that would arise are considered below in the section on that subject.
- (2) The dominant question, conditioning the positions to be adopted and the outcome to be sought is the pace of change envisaged towards the final objective and the stages that might be considered, with particular reference to the continued existence of a Northern Ireland entity within a changed context.

Questions related to the longer-term strategy

8. What pace of constitutional change is to be aimed at and is considered realistic and attainable having regard to British and unionist attitudes? What is to be minimum objective in this respect?

Notes

- (1) The point here is - how rapid is the pace of change to be contemplated towards a united Ireland, without a British political presence and with the minimum necessary constitutional encumbrances over what would be appropriate for the normal government of this small country.
- (2) On the evidence of the recent British White Paper, the British Prime Minister and Government are not looking towards a broadening of the context in the direction of an all-Ireland approach, as the alternative to the likely failure of the Atkins process. Rather they appear to contemplate alternative courses solely within a U.K. context. They may well be strongly influenced - certainly this appears to be true of Mrs. Thatcher unless she has had a change of mind not yet evident - by the view that no change should be made in the

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area's constitutional position if the majority are opposed to it i.e. in effect maintaining the guarantee. We are aware of a more open attitude among some officials. This may extend to some Ministers. On the other hand, a substantial section of the Tory Party are strongly opposed to any movement likely to weaken the union- some favour closer integration. Finally, on all the evidence, the main unionist parties are adamantly opposed to any political or constitutional moves that would give a greater say to this State in the affairs or government of Northern Ireland. All of this is cited as the basis for a possible conclusion that the pace of change, if any, would be slow. On the other hand, the whole objective is, of course, to change the outlook of the British Prime Minister and Government and it is implicit in our whole approach that such a change would lead to some shift in unionist attitudes, as they were compelled to face realities.

- (3) The Joint Communique of 21st May last recorded agreement on the wish to develop new and closer political co-operation between the two governments, to hold regular meetings, on a continuing basis, at Head of Government level, accompanied by other Ministers, as appropriate: and on the importance both Heads of Government attach to the unique relationship between the peoples of the United Kingdom, Northern Ireland and the Republic and on the need to further this relationship in the interest of peace and reconciliation. The British could, if they wished, interpret all this purely in a U.K./Republic context, unrelated to the constitutional future of Northern Ireland. From an Irish viewpoint, the process flowing from these agreements could be seen as helping gradually, over a fairly long period, possibly on the basis of new formal structures, to create an atmosphere of trust and co-operation in which movement towards unity would take place. The structures could involve such matters as mutual voting rights in national elections and a Council on the lines of the Nordic Council. Alternatively, the points of agreement might be seen as simply giving the Irish Government a formally agreed channel in which it could press for an early substantial change in the constitutional

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framework for Northern Ireland and progress by stages, thereafter, at a more or less rapid pace, towards the ultimate objective.

- (4) Depending on the pace of change envisaged one might have a Northern Ireland entity still within the U.K. for a more or less extended period or such an entity within an all-Ireland structure from an early stage. Which of these applied would have implications for the presence or absence of British troops (apart from any special arrangements related to guarantees for the unionists or to defence co-operation, in the all-Ireland case). This in turn, could have implications for the cessation or continuation of the Provisional IRA campaign. On the other hand, it could, depending on the assessment made of unionist reactions, have the opposite effects in relation to loyalist violence.
- (5) In a country as small as Ireland, there would be little or no case for a form of constitution other than a unitary state, if the population were homogeneous. It is for assessment how long the current differences, suspicions and fears would last in an agreed Ireland, to the extent that would require special federal or confederal structures by way of safeguards for the unionists, and whether some such arrangements would or would not be needed indefinitely.
- (6) One possible path would be a series of stages, with progressive dismantling of cumbersome safeguards, as unionist fears were proved to be groundless and as identification with an all-Ireland structure increased. One option to which reference was made in the British 1972 Green Paper, "The Future of Northern Ireland" involved admitting the possibility of change and also providing specific machinery by which it could be achieved in an orderly way, subject to consent. This reference could be taken up.
- (7) The form of government that would bring in the Republic and start a process through a number of stages, while retaining the greatest initial British involvement and consequent safeguard, in unionist eyes, would be a British-Irish condominium. A proposal for

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such a form of interim government was included in the SDLP proposals for the Darlington Conference back in 1972; further successive stages in the process could be confederation, federation (possibly with additional safeguards for some initial period) unitary state with weighted majority requirements for certain specific changes and simple unitary state. An assessment of the unionists' possible balance of power position in this last stage might lead to the conclusion that such an extended process of stages might be excessive.

- (8) Questions would arise as to how the decision to move from one stage to another might be taken. Presumably, in order to provide elements of safeguard, one would contemplate a greater or lesser degree of blocking power for the unionists or of qualified majority. On the other hand it would be desirable not to place unionist politicians in the position of preserving a place of privilege for themselves when the objective justification for cumbersome arrangements had disappeared.
- (9) Reference to a possible process in stages raises the question of whether one might seek that the British give at least an indicative time table for their political (and military, subject to any special agreed arrangements) disengagement. One view could be that nothing less will (1) get the unionists to negotiate seriously in the perspective favoured by the Government and the SDLP and (2) get the Provisional IRA to call off their campaign.
- (10) This raises the need for a fresh joint Government/SDLP assessment of the likely reaction of the unionists, especially paramilitary organisations, to a British declaration of the type we seek or to evidence that a progressive disengagement by Britain coupled with a progressively greater role for the Republic, is contemplated.
- (11) Again on a possible process by stages, there would be clear drawbacks and costs in a series of changes in governmental arrangements: it would be necessary to assess what would be the proper balance between these costs, on the one hand and provision of the minimum safeguards needed to attain certain objectives, on the other.

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- (12) A particular question requiring consideration is the attitude to be adopted to the next Border Poll in the British 1973 Constitution Act which unionists will expect to take place after the expiry of the minimum period of ten years i.e. in March, 1983.

10.⁹ Constitutional arrangements under various possible models/stages.

Notes

- (1) A general question is the extent to which one would insist upon power-sharing in any "provincial" government for the North within all-Ireland constitutional models or a British-Irish condominium - or whether one would settle for other forms of restraint on possible unionist abuses, such as override by the national government, weighted majority voting or otherwise. This is clearly an important question for the SDLP.
- (2) The question at (1) would arise with particular force in a situation where a Northern Ireland entity remained for a period, of definite or indefinite duration, within the U.K. but where the British Government was publicly set on a course leading to ultimate Irish unity e.g. where it had given the declaration we have sought, with particular reference to control of the police, any role for the Irish Army and control of troops from either country. In relation to the financial arrangements, matters raised in relation to Question below would arise.
- (3) Government and administration in an interim condominium arrangement could be very cumbersome. It seems clear that the maximum degree of devolved government would be desirable. The question at (1) above would arise. Arrangements for security would require particular consideration,
- (4) The difference between confederation and federation is somewhat blurred but the former generally connotes a looser arrangement, with

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less powers assigned to the confederal institutions of State; some authorities hold that in a confederation the constituent parts are free to withdraw from the confederation. Clearly, we would not contemplate such an arrangement. Confederation is, of course, the label given by the Fine Gael party to the arrangements they have proposed.

- (5) The possible confederal arrangements discussed in the Fine Gael paper involved two separate States with separate Governments and a confederal administration responsible for external relations, both political and economic of the two States (including, of course, relations with the E.E.C.) and for carrying out such domestic functions as might be required as a corollary to this external role. The examples of the latter given are control of central banking and of monetary policy, of whatever confederal budget might be required, of any confederal taxes it might be decided to impose to supplement confederal resources received from the two States in agreed proportions; and of security.
- (6) The paper envisaged an executive drawn from members of the two Governments for the time being elected to govern each State, with an agreed and equitable distribution of portfolios and with alternation of the Foreign Minister, the Finance/Economics Minister and the Chief Executive, if any.
- (7) A possible difficulty in this scheme, as in federal schemes, would be the way E.E.C. influence permeates so many areas of administration, leading to difficulties of demarcation between the confederal/federal and State levels. However, these difficulties exist elsewhere e.g. in the Federal Republic of Germany and should not be insuperable.

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- (8) Papers prepared under the aegis of the Fianna Fáil North/South Committee, a summary of which is available, deal with the possible institutional structures in a federal constitution for Ireland as a whole and with various other safeguards for the unionists. Some of the latter are dealt with in the notes on question below.
- (9) An important feature of a federal constitution would be the superior guarantee of unionist interests as compared with the Government of Ireland Act 1920 in that their position could be entrenched in the Constitution i.e. that the Northern institutions could not be abolished or significantly modified by a simple Act of Parliament with a simple, unqualified majority.
- (10) A vital issue in relation to a federal constitution would be the basis for division of powers, i.e. whether all powers not specifically reserved to the federal level would lie with the States or the reverse. It is clear that federal powers would include foreign affairs; E.E.C. relations, external defence, overriding control of internal security, federal finance (its extent to be determined) currency and central banking. The general E.E.C. difficulty has already been mentioned. There could be problems about other areas e.g. industrial promotion and housing. It clearly makes sense that the former be run by a single body, as a single closely co-ordinated operation but the unionists might wish, as a safeguard, to maintain a separate operation under Northern control. It should be possible, however, to resolve any such difficulty satisfactorily. Housing is an area pre-eminently suitable for local government administration but the history of housing administration in the North would raise questions. It should again be possible to resolve these without reserving housing to federal level.

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- (11) The federal structures would, in general, be fairly obvious and conventional and would presumably include a Supreme Court or Federal Court of Appeal. It might not be necessary to have a federal government with membership separate from that of the State governments. It could possibly be drawn from Ministers in these governments. The demands of federal Government office might make this impractical. Much would depend on the division of powers. The existence of such bodies as the E.E.C. Agriculture, Energy Transport etc. Councils would have its effect although again special arrangements, e.g. rotation, could be made if there were no separate Federal Ministers.

10. Guarantees and safeguards for unionist fears and outlets for their loyalties and pieties.

Notes

- (1) In any interim condominium arrangement, the continued involvement of the British in government, administration and security would meet both aspects of this question.
- (2) In any confederal or federal constitution, with the British no longer involved in government, the constitution itself would embrace extensive entrenched safeguards, principally the existence of separate institutions of government for a Northern entity, either with defined powers or all residual powers not specifically reserved to the federal institutions. The constitution could only be changed in ways which would give the unionists blocking powers.
- (3) Other possible features, not necessarily all included in the Constitution, could include
- (a) alternation of Presidency between persons born in South and North or between a Catholic and a Protestant;
 - (b) incorporation of the European Convention on Human Rights in the domestic law of both the Federation/Confederation and the States;
 - (c) a national Civil Service Commission for recruitment to federal government posts, with

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a quota of posts reserved to persons from the North;

- (4) Judge Barrington's paper suggested additional special arrangements for an initial transitional period, in order to establish trust and confidence. These included weighted representation to the same degree in the Northern and Federal Parliaments and the first Chief Justice to be a distinguished American or European judge.
- (5) Northern people if they wished, might be permitted to hold dual British and Irish citizenship, to provide an outlet for residual British loyalties.
- (6) As an umbrella for this and as further assurance for unionists, a joint Council or a Council of the **Islands** of the North Atlantic, with functions akin to those of the Nordic Council could be established.
- (7) The question of membership of Commonwealth might be raised by unionists.
- (8) The question of guarantees involving the British Government or international guarantees might be raised by unionists.
- (9) They might also seek safeguards for their economic interests e.g. earmarking for the North of any continuing payments received from Britain. Any such arrangement could complicate national finances and would require careful consideration. They could seek certain guaranteed treatment in relation to maintenance of the level of social benefits at defined minimum standards e.g. parity with Britain, a formula for maintaining and improving the initial standards.
- (10) The Unionists would wish to be assured that they would not be subject to social legislation reflecting, in their eyes, moral views to which they did not adhere. They might seek that a federal constitution, by inclusion or omission, contained safeguards on this subject or they might be content with federal arrangements under which legislation in the areas in question could be different in the two parts of the country.

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11.
12. Safeguards for British interests

Notes

- (1) If the British are to disengage from Ireland they may well require assurances or more in relation to their defence interests. The British 1972 Green Paper referred specifically to the UK interest that Northern Ireland should not offer a base for any external threat to the security of the U.K. Consideration could be given in appropriate quarters here to this aspect. It is scarcely a matter for discussion with the SDLP.
- (2) Britain would have a financial interest in reducing the financial cost to them of supporting the Northern Ireland economy and public finances as much and as quickly as possible, subject to not precipitating conditions which would damage British trade, industrial, food supply and other economic interests or create an area of grave social instability at Britain's back. Irish interests would clearly lie in ^{securing} ~~serving~~ the maximum "severance payments" from Britain for the longest possible period.

12.
13. What would constitute adequate balance between moves and offers by Irish and British Governments (and SDLP) at different stages that are conceivable?

Notes

- (1) It appears unnecessary to add anything on this question. Clearly, it requires careful consideration, particularly in relation to the next stages of Irish/British contacts and SDLP/British contacts on Northern Ireland.

13.
14. The full range of financial and economic questions.

Notes

- (1) The most basic question is the position to be taken in relation to the phasing out of British financial support for Northern Ireland.

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We have received specific warnings that we should not rely on any lengthy period of continued financial support, at any level, in the event of political disengagement by Britain. The state of the British economy would tend to support this.

- (2) In the short-term, ways of promoting closer economic integration between North and South in such areas as energy, transport, communications and trade would merit discussion, with particular reference to action that could favourably influence unionist opinion.
- (3) Also worthy of discussion are ways in which the potential economic advantages of national unity in such fields as energy, agriculture, currency and industrial promotion could be brought home to unionists.
- (4) Consideration should be given to the appropriate time to seek to activate President Carter's offer of U.S. aid (and possible renewal of this offer if a different U.S. President is elected).
- (5) The question of financial and economic support from the E.E.C., over and above existing aid, arises. Experience to date, the current situation in the Community and the extent of the identified financial benefits Ireland, North and South, is already receiving from the E.E.C. argue against excessive optimism here. However, there are precedents for aid for primarily political purposes.
- (6) Looking further forward, there would be an interaction between economic questions and political arrangements. For example, in a federation with health, education and social security functions reserved to the States, how far would the need to harmonise or equalise social welfare payments and contribution rates arise?

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- (7) Thus, the division of economic and financial powers and functions in a federation or confederation would be of vital importance. How much of public expenditure would be at federal level? What proportion of taxes would be raised at the different levels? /It is often held that to influence the national economy, federal budgets must account for, say, 20% of GNP./ What would be the financial flows between the centre and the states?
- (8) It would be necessary to compare the existing social welfare systems, in the broadest sense including subsidised housing, public health provision, education support and to examine the financial implications of (1) maintaining certain standards in the North on various possible bases (2) of harmonising differences in standards North and South in an upward direction.
- (9) A further element in any financial settlement with the British would be the future position of persons who had secured rights to UK benefits such as pensions through social insurance contributions and whether this aspect would be covered by a payment or payments, preferably continuing, from an Irish point of view.
- (10) The above are comments on only the most salient points that would require attention, if there were serious, forward-looking negotiations in a quadripartite conference.

Questions relating to appropriate attitude of Government and SDLP if the conference approach turns out to be a non-starter.

14.

15.

What should reaction be if British opt for an alternative approach either attempting to impose a solution over the heads of the political parties, possibly with the use of a popular referendum or falling back on the type of approach envisaged in

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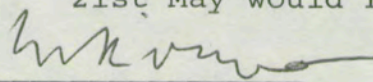
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the Conservative Party's 1979 Election Manifesto
or something similar?

Notes

- (1) While the main reasons for a more sober assessment of likely political evolution were mentioned, most of the discussion on previous questions was in a relatively optimistic perspective. It could be held that a more realistic assessment would be that the British will not break major new ground but follow one of the courses mentioned in the question above. There has been considerable speculation that they may do so.
- (2) If they put either of the options in the recent White Paper (or both) to a vote in a popular referendum, they could place the SDLP in a difficult position. In any case, it is not to be excluded that, whatever the adverse reactions of some or all of the parties, a cleancut popular majority for one or other option could be obtained. This seems unlikely but the contingency requires some consideration. The question would arise, of course, as to whether, even with a popular majority, the parties would feel compelled to participate in the institutions of the favoured option.
- (3) It may be more realistic to expect a more cautious reaction from the British Government if the Atkins process collapses, possibly one along the lines foreshadowed in paragraph 64 of the recent White Paper i.e. a progressive approach to the transfer of a range of powers to a locally elected assembly, solely within a Northern Ireland context, possibly starting off with a purely consultative role for this body.
- (4) The question of how far the Government here could in these circumstances, adhere to the process commenced by the Joint Communique of 21st May would require careful consideration.


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31st July, 1980.

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