

STRAND 2 - NORTH SOUTH STRUCTURES

Response by the Northern Ireland Women's Coalition

a) **What broad purposes should formal North/South structures serve?**

The broad purposes of formal North-South structures should serve the following functions:

- To maximise the benefits of formal North-South co-operation through consolidating and developing existing linkages.
- To provide a framework for a strategic approach to economic, social and cultural issues
- To provide a framework for the building of trust between communities and sectoral interests North and South
- To identify areas of common interest and develop joint actions and programmes in order to achieve maximum benefit both North and South
- To develop an all-island physical infrastructure and to facilitate effective cross-border communications , *& for both parts, beyond the island .*
- To maximise effective and efficient delivery of services (public and commercial) throughout the island of Ireland.
- To promote economic development and secure both maximum inward investment and tourist revenues throughout the island of Ireland.
- To develop an equitable community and regional infrastructure across the island of Ireland
- To underpin the aim of building a culture of rights throughout the island of Ireland
- To offer a framework for the expression of culture and identity in all their diversity and to offer an institutional expression of identity.

b) **What should be the composition and legal basis of a North/South Ministerial Council?**

The North/South Ministerial Council should bring together Ministers from the Northern Ireland Assembly and the Oireachtas to oversee the establishment of a framework for a strategic approach to the range of delegated matters. The Council should also oversee such delegated executive, harmonising and/or consultative functions as are agreed as an integral part of any settlement. Ministers involved should be under a duty of service to ensure that such delegated powers are carried out on a satisfactory basis.

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This duty of service should be enshrined in the founding legislation of the new Northern Ireland institutions. The legal basis of such a Council should derive from a new British/Irish Agreement, which should duly be implemented through legislation passed in both Westminster and the Oireachtas.



c) **What should be the role and function(s) of the Council? What matters might fall within its remit? How might these matters be categorised? What role could the Council have in respect of each category?**

(I) The role of the Council should be:

- To outline strategic direction and set strategic goals on all matters that are delegated as its remit.
- To oversee a range of functionally related subsidiary bodies and/or other entities established to administer designated functions on an all-island or cross-border basis.
- To ensure that agreed strategic targets are met.

(ii) The specific functions of the North/South Ministerial Council should include:

- ① • decision-making to achieve a synergy of approach in all delegated policy areas
- the establishment of all relevant subsidiary agencies/bodies
- the administration of a budget in relation to specific delegated matters
- the development of frameworks for action in order to build mutual trust and confidence in communities and sectors across the island
- the development of impact assessment statements to measure the effectiveness of the approaches adopted

(iii) The Northern Ireland Women's Coalition believe that the matters to be delegated to the North/South Ministerial Council might be categorised and considered as follows:

- Matters requiring executive level functions/roles such as:
 - E.U. programmes and initiatives
 - The promotion of tourist activities
 - The development of a natural or physical all-Ireland infrastructure

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- Environmental issues
- The development of a framework to promote co-operation and trust.
- Matters requiring harmonising level function/roles are
 - Agriculture and fisheries
 - Industrial development
 - Education and Training (with particular emphasis on Further Education)
 - Health and Social Welfare
 - Arts and culture
 - The development of community and regional infrastructure
 - The development of a culture of rights
- In addition to the above a wide range of functions could be designated at the consultative level.

- Common standards

(d) How might the Council operate?

The Council should operate through a process of bi-annual meetings of the plenary Ministerial Council. Regular meetings of specific ministers with responsibility for sectoral areas are also envisaged; these might be organised quarterly. The sectoral meetings will bring together the appropriate ministers with their Heads of Departments and the heads of any subsidiary bodies relevant to their policy areas - whether operating on an all-Ireland or on a North/South partnership basis. More regular administrative meetings may be required of the personnel below ministerial level to ensure the effective policy implementation of the North/South Ministerial Council areas of concern.

It is expected that the Ministerial meetings will be held on a rotational basis in the North and the South respectively and that the meetings will be chaired by the respective Minister or Taoiseach/Chief Minister in whose jurisdiction the meetings are held.

Finally, the Northern Ireland Women's Coalition believes that there should be provision for the possible development over time of both the range of devolved remits and new policy areas which might be subscribed to the North/South body at either the executive, harmonising or consultative level. Any such expansion of remit should be subject to the agreement of the Northern Ireland Assembly and the Dail.

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e) **What arrangements might be made as to membership of the Council?**

Membership of the North/South Ministerial Council should consist of relevant Ministers from the Northern Ireland Assembly and the Oireachtas. They should be supported by appropriate Heads of Departments, other appropriate civil servants and key personnel from any relevant subsidiary agencies that might be established or designated. It is envisaged that membership of any Council meetings will be constituted on the basis of equal numbers North and South.

f) **What arrangements might be made as to decision taking and resolving disagreement?**

The Northern Ireland Women's Coalition would advocate that decision-making should adopt a consensus model and that all decisions within the North/South arrangement would require agreement between the two sides. In the event of disagreement at sectoral meeting level, there should be provision for reference back to the plenary Ministerial Council. Should disagreement occur at the plenary level then there must be reference back to the Dail and the Northern Ireland Assembly.

*Safeguard
Property
in good
faith
attempt to
reach
agreement.*

It is important to establish, however, that all Ministers involved in the North/South arrangements should have sufficient devolved powers to enable them to fulfil their role and function effectively; and that the Heads of any Departments and of any subsidiary agencies should be able to take day-to-day decisions which would ensure the operational effectiveness of their areas of responsibility.

g) **What arrangements should there be for accountability to democratically elected institutions in Northern Ireland and the Oireachtas?**

It is envisaged that the Ministers involved in the North/South Ministerial Council both at plenary and sectoral levels would report back to their respective elected institutions. This would ensure discussion of the progress of the arrangement and regular scrutiny of the operation of subsidiary bodies.

h) **How might implementation bodies and mechanisms for policies agreed by the Council in meaningful areas and at an all-island level be established, operate and be held accountable?**

An agreed range of implementation bodies should be established as a means of giving practical effect to the synergies and areas of co-operation that can be achieved within the all-island context. In policy areas where the North/South Ministerial Council has decision-making and/or harmonising powers the Council should have the power to establish subsidiary implementation agencies.

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The agencies, in turn will report to the relevant sectoral or plenary Council meeting or to such North/South civil service personnel as may be delegated by the respective Council. The line of accountability will continue through the Ministers to the Northern Ireland Assembly and the Dail.

It is important that any new bodies established are transparent with regard to their operation, and that reports on their role and functions should be both published and widely disseminated. Such reports would also provide the basis for scrutiny of the operation of the agencies by the Northern Ireland Assembly and the Oireachtas at the time of consideration of the annual budgets for the subsidiary agencies.

Finally, there should be a duty of service incorporated into the terms and conditions of civil service personnel who may be involved in the North/South arrangements and the subsidiary agencies. The Women's Coalition also argues for the introduction of an immediate pilot programme of exchange secondments between civil service personnel in the Southern and Northern public administration systems to develop an ethos of co-operative working arrangements. There should also be provision, where regarded as practical, for some subsidiary agencies to be set up on an intermediary or semi-state basis, drawing on staff from outside the civil service. In these cases lines of accountability would still run through the appropriate North/South Ministers respectively to the Northern Ireland Assembly and the Dail.

- I) **What might be the relationship between the Council and other political institutions apart from those in Northern Ireland and the Oireachtas including the Intergovernmental Council and the Standing Intergovernmental machinery? What role might it play in respect of the E.U. dimension of matters within its remit?**

The relationship between the North/South Ministerial Council and the Standing Intergovernmental machinery would be particularly important in ensuring a synergy between efforts to provide a framework for the building of trust between the communities and sectoral interests North and South and the building of a culture of rights. Both of these strategic priorities for the North/South Ministerial Council will relate to a range of the non-devolved issues that are the responsibility of the Standing Intergovernmental machinery between the Irish and British Governments. It is envisaged that there will be a certain inevitable overlap between the personnel involved in the North/South Ministerial Council and the Standing Intergovernmental machinery which will allow appropriate lines of reportage and co-ordination to be established.

Another important area that will require co-ordination between the North/South Ministerial Council and the Standing Intergovernmental machinery is the interface with the European Union. The Northern Ireland Women's Coalition believes that it is essential that the North/South Council be given the responsibility of building on the current common chapter approach and elaborating a comprehensive common programme for the EU Structural Fund Plan 2000 - 2006. Such a programme should be both planned and implemented on an

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effective all-island strategic basis, rather than on a North/South back to back approach. It is important that the North/South Ministerial Council should have direct access to European Commission officials in carrying out this task.

On issues relating to culture and identity there should also be lines of communication between the North/South Ministerial Council and the proposed Intergovernmental Council which can allow for consideration of the network of culture and identities that exist throughout the island of Ireland and Britain. Other relevant areas that may require co-ordination at this level might include environmental issues, transport and tourism. As in the case of the North/South Ministerial Council and the Standing Intergovernmental machinery there will be an inevitable overlap in personnel between the Ministerial Council and the Intergovernmental Council.

j) How might the council and the associated implementation bodies be funded?

Funding should be made available from the British and Irish governments. Specific budgets may also be negotiated with the European Union. Additional funding under the title of 'transition funding' should be sought, including from other external interests such as the US. *

k) What would be the nature and extent of administrative required by the Council?

It is suggested that there should be a small central secretariat that will service the North/South Ministerial Council. In addition to this such subsidiary bodies as may be established will require their own staffing arrangement which may not be drawn exclusively from the North/South civil service. A culture of North/South co-operation should be fostered within the civil service North and South, supported by secondment transfers, a duty of service and required impact assessment statements. This should lead to the situation that much work could be undertaken in situ North and South.

l) Could there be a role for a joint body to bring together members of an Assembly in Northern Ireland and the Oireachtas?

The Northern Ireland Women's Coalition would welcome joint consultative meetings

- ① between appropriate subcommittees of the Dail and Northern Ireland Assembly and indeed of
- ② members of the Seanad and any Second Chamber (Civic Forum) that might be established in Northern Ireland. The Coalition would also envisage the possibility of having an annual
- ③ strategic review of the North/South arrangement being carried out by a joint meeting of the members of the Dail and Northern Ireland Assembly. In addition it will be helpful to foster a
- ④ North/South association of "parliamentarians" (from political institutions North and South). *

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- m) **Might there be a role for any other institutions such as an all-island consultative forum for bringing together representatives of civil society and the social partners?**

The Women's Coalition recognises that there are already a growing network of linkages between the social partners and representatives of civil society both North and South. We feel that these developments should be actively encouraged and resourced. The Women's Coalition also feels that there should be a geographical extension of the work supported by Sub-programme 3 - (Cross-Border Co-operation) of the EU Special Support Programme for Peace & Reconciliation. ✖

We are also aware and supportive of the links being forged by local authorities on a cross-border basis. Similarly, closer linkages could be established between Northern and Southern representatives and EU bodies such as the Committee of the Regions; ECOSOC etc. Rather than envisaging one additional institution, the Coalition would advocate the availability of resources to develop and expand a range of linkages through the various sectors of society. We also believe that such networking can support the sectoral aspects of the North/South Ministerial Council, by feeding through information, proposals and opinions. There should be a designated member of the North/South Ministerial Council Secretariat with specific responsibility for facilitating networking and co-operative programmes of action brought forward by the representatives of civil society and the social partners. ✖

- n) **What arrangements might need to be made if formal North/South structures failed to operate as intended for whatever reason?**

① Any failure of the North/South arrangements to operate effectively would become a matter of concern for the Standing Intergovernmental machinery, which should immediately examine the reason for the breakdown. Deliberate non-compliance with the spirit of the arrangement would call into question both the position of individual ministers/civil servants, under the respective duty of service clause; and/or the position of other institutions (the Northern Ireland Assembly). The North/South arrangement will be an integral part of any British/Irish legislation that will provide a basis for all the institutions to be established as part of any political settlement. The failure of one will call into question the viability of all. ✖

② It is however accepted by the Northern Ireland Women's Coalition that there must be a clear period of transition during which the progress towards effective North/South arrangements must be planned and bench marked. At minimum a strategic plan for the development of North/South arrangements must be in place for the 2000 - 2006 period. // ✖

23rd February, 1998