

Irish Draft

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NORTH/SOUTH MINISTERIAL COUNCIL

1. Under a new British/Irish Agreement, and in subsequent implementing legislation at Westminster and in the Oireachtas, a North/South Ministerial Council to be established to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to deal with present and future political, social and economic inter-connections on the island of Ireland. The Council to have overall responsibility for the promotion and development of consultation, co-operation and integrated action within the island of Ireland - including through implementation on an all-island basis - on all matters of mutual interest within the competence of the administrations, North and South.
2. Northern Ireland to be represented by [], the Irish Government by the Taoiseach and relevant Ministers. Participation in the Council to be an essential function attaching to relevant posts in the two Administrations. The Council to be, in institutional terms, a single entity, but to meet in different formats:
 - (i) in plenary format twice a year, with Northern Ireland represented by [] and the Irish Government led by the Taoiseach;
 - (ii) in specific sectoral format (e.g. agricultural issues, industrial issues, social and community issues, environmental issues) on a regular and frequent basis (once a month in each format) with each side represented by the appropriate Minister/[];
 - (iii) in "general affairs" format on a regular and frequent basis (once each month), bringing together the Minister and [] with overall responsibility for the co-ordination of North/South relations to consider institutional or cross-sectoral matters (including in relation to the EU) and to review unresolved issues.

3. Agendas to be settled by prior agreement between the two sides, but open to either to propose any matter for consideration or action.
4. All Council decisions to be by agreement between the two sides. Each side to be in a position to take decisions in the Council on the basis of the collective responsibility of its executive. Each side to remain accountable to the Assembly and the Oireachtas respectively.
5. The Council's level of responsibility in regard to the matters within its remit to be three-fold:
 - (i) in certain designated areas to take decisions, determine policy, and make or oversee arrangements for the implementation of those decisions or policies, primarily through the implementation bodies described in paragraph 6 below, but in other cases through closely co-ordinated action by the administrations North and South separately;
 - (ii) in other specified areas its members to use best endeavours to reach agreement resulting in joint action or the adoption and implementation of a common policy, and to make determined efforts to overcome any disagreements between them;
 - (iii) on all other matters to act as a forum for the exchange of information, consultation and co-operation: to be open to the two sides, by agreement, to take joint action or adopt and implement a common policy on these matters also.

A list of matters for inclusion from the outset in each of these categories of responsibility is attached at Annex X.

6. The British-Irish Agreement, and subsequent implementing legislation at Westminster and in the Oireachtas, also to provide for the establishment, at the inception of the operation of the Agreement or as soon as feasible thereafter, of implementation bodies

in certain of the designated areas falling within the remit of the Council (as defined in para. 5 (i) above). These bodies to be responsible for the implementation, on an all-island and cross-border basis, of relevant policies and decisions agreed by the Council, to which they would report. Further such bodies may be established as the Council agrees. The Council to appoint members of the bodies' boards and/or their senior officers and to allocate funds to them. The bodies to be established are also listed at Annex X.

7. These arrangements to be capable of development, in line with the development of the relationship between North and South in all its aspects and with no pre-ordained limit to their evolution, the potential for which is limited only by the extent of the competences and responsibilities of the two administrations. Such development, including the transfer of matters from one category of responsibility as defined in paragraph 5 above to another, and the establishment of new implementation bodies, to be on the basis of agreed recommendation of the Council and with the endorsement of the [Assembly] and the Oireachtas.
8. A continuing failure to reach agreement on important designated matters to be resolved by the general affairs Council, or failing that in accordance with the overall guarantee/oversight mechanisms in place within the settlement as a whole. In the case of disagreement on technical issues (for example, whether a particular action by one side met its agreed commitments), the Council shall appoint arbitrators (for instance, judges or other senior legal figures).
9. The Council to agree its own financial requirements and those of the implementation bodies. To be funded by the two Administrations as a necessary public function, initially on the basis of existing patterns and levels of expenditure North and South, plus shared administrative costs. Within its first two years of operation, the Council to examine whether its financing by the two Administrations could be on the basis of an agreed key based on objective criteria, and also to examine the possibility that dedicated sources of revenue could be assigned to it. Mechanisms for the allocation to the Council of funding received from the EU or other external bodies to be agreed. This to be assigned to the

Council, along with any agreed matching funding, by the two Administrations, as part of their overall contribution to it.

10. The Council's expenditure to be audited jointly by the Comptroller and Auditor-General's Office and by the Northern Ireland Audit Office. Their joint report to be submitted simultaneously to the Oireachtas and to [the Assembly].
11. The Council to be supported by a standing Secretariat, located at an appropriate place within Northern Ireland and staffed (at least partially) by members of the Northern Ireland Civil Service and the Irish Civil Service and appointed by the Council. The Secretariat to operate as a single administrative structure, under the direction of the Council and accountable to it. To be entitled to make proposals to the Council, both in regard to particular policies or decisions under consideration and to the future development of the Council.
12. The Council to have appropriate level of responsibility for European Union dimension of matters within its remit, including the implementation of EU policies and programmes and the adoption of agreed approaches towards proposals under consideration in the EU framework. Arrangements to be made to ensure that the views of the Council are taken into account and represented appropriately at the EU Council of Ministers and at meetings under its aegis.
13. The two Governments, and the parties,
 - (i) to recommend the creation of a joint body bringing together equal numbers of members of the Oireachtas and the Northern Ireland Assembly. The body to consider, and make recommendations on, all matters of mutual concern. Also to have a role in scrutinising the North/South Council
 - (ii) to establish an independent Consultative Forum, appointed by the two administrations, representative of civil society, comprising the social partners and other

members with expertise in social, cultural, economic and other issues. The Forum to offer advice on issues subject of consideration within the Council, and to have particular responsibility for analysing and reporting on aspects of the medium-to-long term development co-operation on the island.