

Strand Two

Responses by the parties to the questions listed in the Governments' paper of 27 January 1998

At the Strand Two meeting in London on 27 January 1998, the British and Irish Governments tabled a paper to facilitate discussion, in which they listed a series of matters for consideration. The Independent Chairmen subsequently invited the parties to table their written responses to the matters raised by the Governments and undertook, at the parties' request, to produce a synthesis of the various responses.

What follows is an attempt to identify, in summary form, based on the responses received to date, the areas of agreement and disagreement apparent from the responses put forward by the parties (it should be noted that several parties have remained silent on one or more of the matters set out in the Governments' paper).

Under each heading, there is a brief outline of the main issues covered in the parties' responses, and of the extent of agreement or disagreement on them. In some sections, additional questions have been posed to stimulate further consideration of important points, although these do not purport to be comprehensive. Participants may find it helpful to discuss each of the sections in the paper with a view to further clarifying their positions, and where possible to fleshing out and broadening the areas of potential agreement.

(a) **Broad purpose of formal North/South structures**

There is broad agreement about the value and importance of formal North/South structures to promote the best interests of the island of Ireland across a wide range of issues.

All parties view such structures as facilitating the achievement of practical, specific and demonstrable benefits. There is additionally some recognition that North/South structures will allow nationalists in Northern Ireland an institutional expression of their identity, to which a number of parties attach particular significance and importance.

(b) **Composition and legal basis of a North/South Ministerial Council**

There is broad agreement that the North/South Council would meet at Ministerial/Head of Department level and there appears to be a recognition that it could be convened at more than one level of Government; i.e. Head of Government/head of administration level (but see (e) below).

There is also broad agreement that the Council should be established as part of a new British/Irish agreement replacing the current Anglo-Irish Agreement.

However, there is a difference of opinion as to whether the Council should be a separate and independent structure, or should meet within the framework of a wider structure (an Intergovernmental Council) covering the totality of relationships between Ireland and the United Kingdom.

Views also vary on the extent to which the range of functions, responsibilities, structures, relationships with others and arrangements for administrative and financial support should be provided for in legislation in the Oireachtas and at Westminster.

Additional questions for consideration:

- What should be the form and composition of the Council's plenary and sectoral meetings and how often would they take place?
- Should the Council and its operation be based in legislation?

(c) **The role and functions of the Council**

There is broad agreement that the North/South Ministerial Council should consult, cooperate and take decisions on matters of mutual interest.

There also appears to be general acceptance that any issue within the devolved responsibility of a Northern Ireland institution (and the equivalent responsibility of the Irish Government) might be dealt with by the Council, subject only to agreement on both sides.

There is a divergence of views on whether there should be agreement in advance on a range of matters to be delegated to the Council. In addition, some parties are specific about the categories of function: others are less so.

Additional questions for consideration:

- Should the Council have the power to take decisions implementing agreed policies, or should such decisions be subject to approval in the Oireachtas and the Northern Ireland institution?
- Should there be agreement in advance on the range of matters to be considered by the Council?
- What should the Council's competence be in relation to such matters?

(d) **How the Council would operate**

There is broad agreement that the Council should meet at both general and sectoral level, to be co-chaired in each instance by the appropriate Ministers/Heads of Department on each side.

Some parties also envisage the possibility of the Council meeting in a plenary format, with several representatives on each side.

(e) **Membership of the Council**

Parties have covered this issue in part in their responses to (b) and (d) above, although one has proposed that the Northern Ireland representatives should be appointed on a proportionate basis from party lists following an election.

Additional questions for consideration:

- Should membership of the Council be a duty of service on Heads of Northern Ireland Departments?
- If so, how would the duty of service operate?
- Should the delegation from a Northern Ireland institution always include representatives of both traditions?

(f) Decision-taking and resolving disagreement

There is broad agreement that decisions should be taken by consensus. There is no clear common view on how disagreements would be resolved.

Additional question for consideration:

- Should there be a specific mechanism or procedure for resolving disagreement, possibly involving the British and Irish Governments and, if so, how should it function?

(g) Accountability to the Oireachtas and a democratically-elected institution in Northern Ireland

There is a significant level of agreement that the Council should be accountable to the Oireachtas and to a Northern Ireland institution, although one party has proposed that the Council should operate independently of such institutions.

Views vary, however, as to the manner in which accountability should be ensured and how it would operate.

Additional questions for consideration:

- Should the Council operate independently, though within overall terms of reference mandated by legislation in the two sovereign Parliaments?
- Should its decisions be subject to regular scrutiny in the Oireachtas and in Northern Ireland institutions?

- Should its decisions be ratified by the Oireachtas and by Northern Ireland institutions before implementation?

(h) **Implementation bodies**

There is broad agreement that there should be suitable implementation bodies or mechanisms for policies agreed by the Council in meaningful areas and at an all-Ireland level. The potential role of existing Departments and public bodies North and South in the implementation of some policies or decisions has also been generally acknowledged.

No clear common view has yet emerged, however, on the nature or form of implementation bodies and mechanisms, including the role of the Council in this area.

Views also differ on whether these bodies and mechanisms should be specified as part of the overall agreement.

Additional question for consideration:

- Should suitable implementation bodies and mechanisms for policies and actions agreed by the Council be defined as part of the overall settlement, or should the settlement provide that the Council may establish bodies as necessary?
- If implementation bodies or mechanisms are established, in what way and to which institution(s) should they be accountable?

(i) **Relationships with other institutions**

While the need for appropriate relationships with other institutions is recognised, views vary as to the nature and form of the relationship between the Council and (a) the Intergovernmental Council, (b) the standing intergovernmental machinery and (c) the EU.

(j) **Funding**

There appears to be broad acceptance that the Council and activities arising from its decisions would be financed by the administrations North and South.

It is less clear how the funding arrangements might operate and whether there is consensus on other possible sources of income.

Additional questions for consideration:

- On what basis would funding arrangements operate?
- What other potential sources of revenue might there be?

(k) Administrative support

There is broad agreement that the Council will require administrative support.

Proposals put forward range from a dedicated and permanent secretariat for the Council to the possibility that the Council be serviced by the administrative support unit for a wider East/West structure.

Additional Questions for consideration:

- Where would the staff be drawn from; should the Council be supported, at least initially, by staff seconded from the Irish Civil Service and the Northern Ireland Civil Service.

(l) Joint parliamentary body

There is some support for the idea of a joint parliamentary body made up of representatives of the Oireachtas and a Northern Ireland elected institution.

Additional question for consideration:

- Might such a body have a scrutinising and questioning role regarding the functions of the Council?

(m) A role for civil society

While several parties either support the establishment of a consultative forum involving representatives of civil society from North and South, or would wish to study the idea further, one party is opposed and others are silent on the issue.

(n) Arrangements in the event of North/South structures failing to operate

Some delegations believe that, in the event of the Council failing to reach agreement or failing completely, it should be for the two Governments to ensure that North/South cooperation is maintained and developed. Other parties are silent on this point.