

SOCIAL DEMOCRATIC AND LABOUR PARTY

Strand II - North/South Structures

Responses to Questions from the Chair

9 FEBRUARY 1998

a) Purposes of North/South structures

The creation of a North-South Council is essential to a settlement because it would represent and express all-island relationships. As such it is essential to the task of winning the agreement of Irish nationalists, North and South, to a political settlement. Such a structure is also essential to the promotion of the best interests of both parts of Ireland economically, socially and culturally.

As we stated in our opening submission to this Strand, the New Ireland Forum led the way in redefining the basis to North-South relationships by stressing that any new settlement would have to accommodate together two sets of legitimate rights:

- the right of nationalists to effective political, symbolic and administrative expression of their identity; and

- the right of unionists to effective political, symbolic and administrative expression of their identity, their ethos and their way of life.

Reconciliation of the divided people of Ireland is a necessary first step to the building of a new Ireland based on the agreement of both major traditions. It is our conviction, therefore, that arrangements to be agreed in Strand 2 must ensure such an accommodation, and do so in a manner which respects parity of allegiance and which achieves the agreement of both traditions.

Such arrangements will simultaneously serve the best interests of all the people of Ireland economically, socially and culturally. There are so many areas of public administration - agriculture, the environment, education, public health, medical services, to name only a few - where the common interests of both parts of Ireland are so obvious, that it is in the best interests of all the people of Ireland that they be pursued jointly. This is particularly strengthened by our common membership of the European Union.

b) Composition and Legal Basis

The North-South Council should be composed of Heads of Department representing the Irish Government and new democratic institutions in Northern Ireland. The members would meet in sectoral and in plenary formats on a regular basis.

The legal basis would be derived from a new British-Irish Agreement and consequential legislation in both sovereign parliaments. The Agreement and legislation would indicate, among other matters, the range of functions and responsibilities which it had been agreed to remit to the Council in the first instance, the structures through which it would operate, its relationship with other bodies and the necessary support systems, administrative and financial, which it would require.

c) Role of the Council; nature of matters remitted to the Council

The role of the Council would be to consult, co-operate and take decisions on all matters of mutual concern affecting the Council's delegated functions.

In determining matters to be remitted account should be taken of (i) the common interest in a given matter in both parts of the island; (ii) the mutual advantage of addressing a matter together; (iii) the mutual benefit which may derive from it being administered by the North-South body; (iv) the achievement of economies of scale and the avoidance of unnecessary duplication of effort.

The matters delegated to the Council might be conveniently categorised in the following way:

- (a) those matters over which the Council would exercise executive responsibility for decisions, determining policy, and arranging for their implementation, including through bodies functioning on an all-island basis;
- (b) in other areas the Council might try to reach agreement which would result in common action and/or common policy and in doing so be determined to overcome disagreements and resolve disputes between them;
- (c) with respect to all other matters the Council would act as a body in which information would be exchanged, consultation would take place and co-operation planned

Among actual matters to be remitted could be aspects of the following: agriculture and fisheries, economic development, consumer affairs, education and cultural matters, health, transport, environment, European and other international relations affecting the whole island.

d) Operation of the Council

The council could operate in sectoral and in plenary formats. In the former the respective Ministers and Heads of Departments would constitute the Council; in the latter the Taoiseach and the Head of the Northern Executive and an equal number of relevant ministers from both Executives would meet to review developments and policies. Meetings of the Council should be co-chaired.

e) Membership of the Council

Membership of the Council would be a duty of service on all Heads of Departments in a new Northern administration and on Ministers of Government in the South, according to their respective areas of responsibility.

The answer to Q(b) also covers this point.

f) Arrangements for decision making and resolving disagreement

Decision making would be on the basis of consensus; failure to reach agreement at sectoral meetings would be referred to plenary meetings of the Council. Continuing failure to reach agreement should be referred to the two Governments.

g) Accountability to democratically elected institutions in Northern Ireland and the Oireachtas

The Council would operate within the overall terms of reference mandated by legislation in the two sovereign parliaments. They would exercise their powers in accordance with the rules for democratic authority and accountability for this function in force in the Oireachtas and in new institutions in Northern Ireland. The operation of the North-South body would be subject to regular scrutiny in agreed political institutions in Northern Ireland and in the Oireachtas respectively and through a representative joint forum comprising an equal number of members of both the Oireachtas and any new institutions in the North.

h) Establishing implementation bodies for policies agreed by the Council in meaningful areas and at an all-island level and mechanisms for their operation and accountability

Implementing decisions in certain designated areas could be through bodies specifically established for the purpose. Existing bodies within the public service of both Administrations could also be used for the implementation of decisions.

Bodies directly responsible to the Council would be appointed by it and be accountable to it.

i) Relationships between the Council and other political institutions including the Intergovernmental Council and standing intergovernmental machinery and the role to be played with respect to the European Union

There would be an obvious need for the Council to establish and maintain regular contacts with the Intergovernmental Conference. Contacts could be developed through a specified form of consultation, regular briefings of the Council by the Conference and, thirdly, by the Council having a right to forward its views to the Conference.

The Council should be accorded a special role in the development and implementation of European Union policies which have all-island implications. A form of representation for the Council within the structures of the EU should be determined.

j) Funding the Council and associated implementation bodies

Funding for the Council should include block grants from the two Administrations together with revenue obtained from any services directly provided by it.

Proportions of designated sources of revenue should be agreed as particular means of providing funding.

k) Administrative support for the Council

A permanent secretariat should be established, staffed initially by officers seconded from the Northern Irish Civil Service and the Irish Civil Service.

Thereafter, direct appointment to the secretariat should become the norm.

1) A Joint Parliamentary Body bringing together members of any Assembly and the Oireachtas

The establishment of a joint parliamentary body should be an essential component of the North-South institutions. Such a body would have a powerfully influential role in promoting North-South understanding.

It should be drawn in equal numbers from a new Assembly and from the Oireachtas.

Its role would be to deliberate and make recommendations on all matters of mutual concern and interest. It should have a scrutinising and questioning role regarding the functions of the Council.

m) A role for an all-island consultative forum which involves members of civil society and the social partners

The experience of the Forum for Peace and Reconciliation has been quite significant in involving representatives and individuals from the wider civic society in deliberations with politicians about all-island matters. The growing interest and engagement of civic society in Northern Ireland in the current political process has also become significant.

These experiences suggest that the proposal for a Consultative Forum should be given careful and positive consideration.

n) Arrangements in the event of formal North/South structures failing to operate as intended

In the event of such an a failure both Governments should be in a position to make their own arrangements to ensure that co-operation at all levels between the people of Ireland, North and South, continues. Provisions to address such an eventuality should be included within the terms of a settlement.