

27 January 1998

STRAND 2: NORTH/SOUTH STRUCTURES

A paper to facilitate discussion presented by the British and Irish Governments

Introduction

1. This paper has been drawn up by the two Governments at the request of the political parties engaged in the multi-party negotiations. It is intended to facilitate open and meaningful negotiations in Strand 2 by identifying what seem to be the key issues requiring decision in Strand 2.

2. The *Propositions on Heads of Agreement* paper offers, for discussion, the proposal that there be "a new British-Irish Agreement to replace the existing Anglo-Irish Agreement and help establish close co-operation and enhance relationships, embracing [inter alia].

- a North/South Ministerial Council to bring together those with executive responsibilities in Northern Ireland and the Irish Government in particular areas. Each side will consult, co-operate, and take decisions on matters of mutual interest within the mandate of, and accountable to, the Northern Ireland Assembly and the Oireachtas respectively. All decisions will be by agreement between the two sides, North and South.
- Suitable implementation bodies and mechanisms for policies agreed by the North/South Council in meaningful areas and at an all-island level".

3. The Governments believe that agreement on the establishment of North/South structures will be essential as part of a comprehensive accommodation involving interlocking and mutually supportive institutions across the three strands. For their part, the two Governments remain firmly committed to the positions in the Joint Declaration, and to those set out in A New Framework for Agreement as being their best assessment of where agreement might be found in the negotiations.

4. Both Governments of course accept that each of the parties may wish to contribute other ideas to the discussion, and would welcome such contributions. The final outcome depends on what can be agreed among the participants.

5. In their joint statement on 12 January, the Governments acknowledged that "the Propositions need to be elucidated in detailed discussion before parties can accept the overall impact of the proposals. We hope that a discussion of the possible propositions will help

participants collectively to generate a broad understanding of the key elements of a settlement and of balances which need to be struck between those elements, and thus make it easier to engage in tough detailed negotiation on specific aspects of it. What we ask is that we now proceed to the detail and all parties make their judgement then".

6. In that spirit, the two Governments have listed below a series of matters for consideration aimed at stimulating systematic, detailed debate on what appear to be the principal issues to be agreed in relation to the establishment of North/South institutions. The Governments suggest that participants consider allocating blocks of time over the remaining period at Lancaster House to the discussion of each main issue identified in this paper, bearing in mind the two Governments' intention to convene a Strand 3 liaison meeting to consider wider relationships.

Matters for consideration

- a) What broad purpose or purposes should formal North/South structures serve?
- b) what should be the composition and legal basis of a North/South Ministerial Council?
- 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?
- d) How might the Council operate?
- e) What arrangements might be made as to membership of the Council?
- f) What arrangements might be made as to decision taking and resolving disagreement?
- g) What arrangements should there be for accountability to democratically-elected institutions in Northern Ireland and the Oireachtas?
- 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?
- i) What might be the relationships between the Council and other political institutions (apart from those in Northern Ireland and the Oireachtas) including the intergovernmental Council and standing intergovernmental machinery? What role might it play in respect of the EU dimension of matters within its remit?
- j) How might the Council and the associated implementation bodies be funded?
- k) What would be the nature and extent of administrative support required by the Council?

- l) Could there be a role for a joint body to bring together members of an Assembly in Northern Ireland and the Oireachtas?
- m) Might there be a role for any other institution such as an all-island consultative forum bringing together 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?