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(British draft: 19 December 1997)

STRAND 2: ISSUES FOR CONSIDERATIONA Paper by the British and Irish Governments

1. The British and Irish Governments believe it would be helpful to focus discussion in Strand 2 by addressing a number of questions designed to help participants identify the key elements in any agreement likely to emerge from Strand 2 of the negotiations.

2. They fully accept that any such agreement would be informed by, and considerably dependent upon, agreements reached in other parts of these negotiations. Participants may, however, find it helpful to discuss the questions posed below against the background of the two Governments' working assumption that any agreed outcome from the multi-party negotiations will require interlocking and mutually supportive arrangements across the three strands, including:

(a) a shared understanding on constitutional issues, based on commitment to the principle of consent and reflected in changes to Articles 2 and 3 of the Irish Constitution and to British constitutional legislation as necessary;

(b) new and widely-acceptable political institutions for Northern Ireland, including an Assembly, having significant executive and legislative powers and with responsibilities shared broadly in proportion to party strengths;

(c) the replacement of the Anglo-Irish Agreement with a new and more broadly based British-Irish Agreement to establish closer co-operation and enhanced relationships, through,

- structures and arrangements (A Council of These Islands ?) to cater for the totality of relationships between the various peoples of these islands and their political representatives in the British and Irish Governments and in devolved institutions in Northern Ireland, Scotland and Wales,

- standing inter-governmental machinery (between the British and Irish Governments) covering issues of mutual interest, including but not limited to Northern Ireland,

- structures and arrangements (A Council for North/South co-operation ?) to cater for relationships within the island of Ireland and to enable those with executive responsibilities in the two parts of Ireland to agree on joint or complementary action on issues of mutual concern, and

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(d) agreed provisions to safeguard the rights of both communities in Northern Ireland and to address equality and justice issues.

3. Against that background,

(a) do participants agree that the North/South structures should bring together representatives of democratic institutions North and South, should operate under their oversight and direction and should be fully accountable to the respective political institutions in each jurisdiction?

(b) should decisions be by agreement between the two sides, North and South?

(c) what powers, functions and responsibilities might be discharged on a fully reciprocal basis through such structured arrangements, and how should they operate?

(d) is there any practical limit to the areas of government activity within their competence on which North and South might in principle either consult or act together?

(e) might such structures have in certain sectors the power to make decisions/settle policy and/or implement decisions jointly taken?

(f) if so, which sectors would be particularly well-suited to such designation?

(g) should some such sectors be designated for action from the outset of the operation of the new institutions?

(h) should these structures be capable of amendment or development by agreement in the mutual interest of the two parts of the Island?

(i) what role might such structures play in respect of EU matters which affect both jurisdictions in Ireland? What provision would need to be made to cater for the role and responsibilities of the United Kingdom and Ireland as separate Member States?

(j) should such structures have or be able to develop a relationship with any new inter-governmental or other structures which may be established as part of an overall agreement?

(k) should there be a parliamentary tier or forum involving elected institutions in both North and South?