

SECRET &amp; PERSONAL

(24 March 1998)

**Suggested British revisions to Irish draft of 23 March**

(Insertions underlined; deletions marked by [....])

**NORTH/SOUTH MINISTERIAL COUNCIL**

1. In the context of the establishment of an Intergovernmental Council to deal with the totality of relationships a North/South Ministerial Council to be established under a new British-Irish Agreement, and recognised as necessary in subsequent implementing legislation at Westminster and in the Oireachtas, to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to deal with present and future political, social and economic interconnections on the island of Ireland. The Council to be a forum for those with executive responsibility on each side by agreement to develop [have overall responsibility for the promotion and development of] consultation, co-operation and integrated action within the island of Ireland - including, where agreed, 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 one of the responsibilities [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 (eg 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/[ ];

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(iii) in "general affairs" format as necessary [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 able to [be in a position to] take decisions in the Council [on the basis of the collective responsibility of its executive] within the delegated authority of those in attendance and subject to any arrangements in place for co-ordination of executive decisions within each jurisdiction. Each side to remain accountable to the Assembly and the Oireachtas respectively, whose explicit approval would be required for decisions beyond the delegated authority of those attending.

5. Within the Council, both sides would: [The Council's level of responsibility in regard to the matters within its remit to be three-fold]

- (i) on all other matters [to act as a forum for the] exchange [of] information, consult and co-operate: to be open to the two sides, by agreement, to take joint action or adopt and implement a common policy on these matters also;
- (ii) in other specified areas [its members to] use best endeavours to co-operate with a view 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;

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- (iii) in certain designated areas [to] take decisions together and agree [, determine] policy, together with the method of [and make or oversee arrangements for the] implementation of those decisions or policies whether [primarily] through the implementation bodies described in paragraph 6 below, or [but in other cases] through closely co-ordinated action by the administrations North and South separately

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) to be established, with legislation as necessary to enable them to function. 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. Appropriate arrangements for appointments, funding and accountability would need to be agreed. [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, by agreement between each side within the Council and after the endorsement of the (Assembly) and the Oireachtas, subject only to the limitation of [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 by agreement to include [including] the transfer of matters from

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one category of responsibility as defined in paragraph 5 above to another, and the establishment of new implementation bodies.

8. A continuing failure to reach agreement on important designated matters to be considered [resolved] by the general affairs Council, or failing that one of the plenary sessions [in accordance with the overall guarantee/oversight mechanisms in place within the settlement as a whole]. By agreement between the two sides, experts could be appointed to consider a particular issue and report. [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 necessary costs of the Council [to agree its own financial requirements and those of the implementation bodies] to be funded by the two Administrations equally 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

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appointed by the Council]. The Secretariat to service the meetings and functions [operate as a single administrative structure, under the direction] of the Council and to take on such tasks as both sides may agree, such as [accountable to it. To be entitled to] making proposals to the Council, both in regard to particular policies or decisions under consideration and to the future development of the Council.

12. Each side within the Council to consult on the [have appropriate level of responsibility for] European Union dimension of matters within the designated areas [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 by each sovereign Government in determining its approach [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.]

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