

Principal Concerns

1. Providing an explicit legislative basis for the North/South Council "in both sovereign Parliaments" is set down in paras. 25 and 28 of the Joint Framework Document (JFD).
2. The independent nature of the North/South Council is key for us and was set out in the Joint Statement issued on the launch of the Propositions document. It is crucial that the Council have a clear institutional identity and purpose. We do not have a difficulty in describing the different institutional arrangements - in Northern Ireland, North/South and East/West - as operating within the context of the totality of relationships and as part of an interlocking and mutually supporting set but do not see any one of the three operating within the context of another.
3. We believe the effective operation of the North/South arrangements is dependent on a clear and satisfactory definition of both the executive responsibilities of Ministers/Heads of Departments in the Council and due accountability, not ex-ante mandates, to Parliaments. Para. 35 of the JFD sets this out as "The Heads of Department on each side 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's functions would be subject to regular scrutiny in agreed political

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institutions in Northern Ireland and the Oireachtas respectively."

4. The functions of the North-South Council and of what we now call implementation bodies should be clearly set out in the agreement and in legislation "in the sovereign Parliaments", as stated in paras. 25 and 28 of the JFD and these should be "from the outset".
5. The JFD again sets down (para. 29) that the North/South body would itself be directly responsible for the establishment of an agreed policy and for its implementation in areas of executive responsibility.
6. We see Parliamentary and Consultative Fora as important elements in gaining cross party commitment and ownership of the agreed arrangements, and in advancing reconciliation in these critical constituencies.
7. A right of proposal for the joint Secretariat is important in providing the basis for the development of the agreed arrangements.
8. Procedures for dispute resolution, such as a General Affairs Council, are extremely important to nationalists and are seen by them as an intent of the will to operate the agreed arrangements effectively as twice yearly plenary meetings could not realistically fulfil this requirement.