

(9 September 1992)

STRAND 2 COMMITTEE TO CONSIDER FUNDAMENTAL ASPECTS OF THE PROBLEM

ITEM 1: OVERCOMING LACK OF ADEQUATE CHANNELS OF COMMUNICATION AND
CO-OPERATION BETWEEN NORTH AND SOUTH

Paper by Her Majesty's Government

The Committee has been asked by Plenary to facilitate its consideration of obstacles in the path of satisfying the common desire of the people of Ireland for a new relationship, and of ways in which those obstacles might be overcome.

2. At the suggestion of the Independent Chairman, the Committee is now considering ways of overcoming obstacles on the basis of a four item agenda. This paper is addressed to the obstacle specified in the first item:

- "lack of adequate channels of communication and co-operation between North and South".

3. All the participants have indicated that better channels of communication and co-operation between North and South are a part of a positive vision for the future of relationships in the island of Ireland. In their Strand 2 papers addressed to agenda item 6 and tabled on 28 August, some participants (including the unionist parties) have already indicated the broad outlines of proposals for better channels of communication and co-operation.

4. For some participants, the achievement of a positive vision for the future of relationships in the island of Ireland depends on the removal of other obstacles, as well as overcoming the lack of adequate channels of communication and co-operation between

North and South. The agenda suggested by the Independent Chairman addresses these other obstacles.

5. This paper should not be taken to imply that the British Government considers that any lack of adequate channels of communication and co-operation is the most important obstacle, or the first that must be cleared. It simply reflects the order of the agenda suggested by the Independent Chairman.

Possible principles for better channels

6. In considering ways of overcoming any lack of adequate channels of communication and co-operation between North and South, the Committee might like to consider whether common ground can be established on what principles might underpin better channels. For convenience this paper, in looking at channels of communication and co-operation, concentrates mainly on the overall governmental level.

7. For example, should adequate channels of communication and co-operation between North and South be:

- such as to give expression and validity to each main tradition?

- such as to encourage, promote and develop improved relations and better understanding between both main traditions and between Northern Ireland and the Republic of Ireland?

- conducive to a new spirit of cordial co-operation and friendship, bringing a united effort for the common good, between the peoples of the island of Ireland?

I N C O N F I D E N C E

- geared to the development of an "agreed Ireland", in the sense that whatever governmental arrangements apply are widely acceptable and aimed at protecting and forwarding the interests of the people of the island of Ireland?
- legitimate in the sense of respecting the democratic rights of the people of Northern Ireland and the people of the Republic of Ireland?
- widely acceptable in both parts of the island of Ireland?
- stable and durable?
- constructive and meaningful?
- capable of development, in response to changing political realities, with the agreement of all concerned?
- workable, in the sense of being as straightforward to operate as possible?
- based upon reciprocity?
- such as to avoid any entrenchment of the main community division and to encourage the development of an "agreed Ireland" in which both main traditions would be respected?
- able to provide a basis for consultation with a view to advancing co-operation for the mutual benefit of the parties concerned?
- innovative, in the sense of learning from and not merely modelled on any previous arrangements?

- conducive to the ending of terrorism and the enhancement of security co-operation?

- conducive to optimising the benefits from the EC framework, and its programmes, for the two parts of the island of Ireland, consistent with the role and responsibilities of the UK and the Republic of Ireland as separate member states?

- capable of securing public endorsement?

8. These possible principles, while they take account of the papers tabled by other participants on 28 August, are not exhaustive. It should not be assumed that the British Government would necessarily wish to argue for all of the principles in the form set out above. This list is simply intended to assist the Committee in considering how to overcome any lack of adequate channels at present.

Key questions

9. If common ground can be established on the principles which might underpin better channels of communication and co-operation, the Committee could consider how, in practice, better channels might work and what form they might take.

10. The Committee might address some key questions about North/South channels, including:

- Who is to be involved?
- What is the format to be?
- What issues are to be covered?

I N C O N F I D E N C E

- How are better channels to operate?
- What, if any, support are they to have?
- What relations would there be with other institutions?
- How might any channels develop in the future?

Who is to be involved?

11. Any adequate channels for communication and co-operation between North and South will involve representatives from Northern Ireland and the Republic of Ireland. Should these representatives be drawn from:

- only those exercising some executive power? Or
- in addition, those parties or individuals not exercising executive power (eg opposition parties)?

12. One possibility is that there could be separate channels between those exercising executive power, and between the Dail and a Northern Ireland Assembly.

13. In the case of Northern Ireland, the Sub-Committee report of 10 June in any case envisaged that executive responsibilities would be allocated broadly in proportion to party strengths in the Assembly. It would still, however, be necessary to decide whether representatives from Northern Ireland institutions should be drawn from:

- heads of department
- chairmen (who may also be heads of department) and deputy chairmen of Assembly departmental committees

- other members of Assembly departmental committees
- other members of the Assembly (eg an Assembly External Affairs Committee)
- the Panel.

14. Participants may also want to consider whether representation in North/South channels should:

- be limited to Northern Ireland and the Republic of Ireland; or
- include representatives from the United Kingdom Government and/or Parliament. (In this case it would also be necessary to consider on what basis such representatives should attend - for example, as observers or full participants.)

15. This may be influenced by what arrangements are agreed in Strand 3, and any relationship between those arrangements and North/South channels (see paragraphs 26 and 27 below).

What is the format to be?

16. North/South channels could take a variety of forms. The choice will be influenced by who is to be involved, what issues are to be covered and what, if any, powers are to be exercised. The possibilities include:

- ad hoc meetings between relevant Irish Ministers and representatives of political institutions in Northern Ireland on specific subjects when both sides agree to call them;

I N C O N F I D E N C E

- meetings between relevant Irish Ministers and representatives of political institutions in Northern Ireland at regular intervals, or at the request of one side;
- meetings within a joint institutional framework in which Irish Ministers and representatives of political institutions in Northern Ireland would meet regularly, either individually or collectively;
- meetings (either ad hoc or institutionalised) between non-executive elected representatives from both jurisdictions (eg between an External Affairs Committee of the Assembly, if that were composed of non-executive members, and an equivalent group of Dail and Seanad members);
- establishment of joint institutions with delegated executive responsibility for specific subjects.

What issues are to be covered?

17. The remit of any North/South channels will be concerned with relationships within the island of Ireland. Participants might wish to consider whether this should include:

- only cross-border issues (eg economic development in the border areas, cross-border transport routes)
- possible all-Ireland matters (eg bringing agriculture or tourism policies more closely into line)
- policy matters internal to either Northern Ireland or the Republic of Ireland (eg housing policy, management of hospitals).

I N C O N F I D E N C E

18. At least some areas of these possible subjects are likely to remain the responsibility of the British Government in the first place. One example is policy towards the European Community, in which institutions in Northern Ireland will have a strong interest and there may be advantage in co-operation on an all-Ireland basis. But the British Government will have to continue to fulfil its responsibility to represent the United Kingdom as a whole. Another possible example is cross-border co-operation on security matters. So it is also necessary to decide whether the remit of any North/South channels should include:

- only transferred matters and their equivalent in the Republic; or
- any matter within the responsibilities of either the Government of the Republic or institutions in Northern Ireland; or
- any matter affecting relations within the island of Ireland (ie including matters which remain the responsibility of the UK Government).

19. Whatever matters are to be discussed, participants will also wish to consider whether matters should be discussed:

- either only with the agreement of all participants;
- or at the request of either.

20. Participants may also want to consider whether there are any subject areas where there should be an expectation of prior discussion before decisions are taken by institutions in each jurisdiction.

How are better channels to operate?

21. It would be possible to promote communication and co-operation without giving powers to any new institutions as such. For example, North/South meetings could result in agreements which would be implemented separately by the relevant institutions in each jurisdiction.

22. It would also be possible for certain powers to be exercised through North/South channels, rather than through the separate institutions in each jurisdiction. There are a range of possible powers that might be exercised in this fashion, such as:

- commissioning papers, research and reports as background for further discussion;
- making proposals or recommendations addressed to the relevant institutions in each jurisdiction for their consideration;
- addressing directives to the relevant institutions in each jurisdiction which they would be required to implement;
- disbursing any expenditure which might be granted to a North/South institution by both jurisdictions;
- establishing joint institutions;
- exercising executive authority in certain matters, either directly or by having power to take decisions which relevant institutions in Northern Ireland and the Republic of Ireland would be required to implement.

23. It may be appropriate for different powers to be exercised through North/South channels according to the subject under

I N C O N F I D E N C E

consideration. For example, there might be agreement that certain executive powers could be exercised through North/South channels, but only on a limited range of matters. There could be discussion of other matters in North/South channels, but no exercise of executive power.

What, if any, support are they to have?

24. If there are to be permanent North/South channels for better communication and co-operation, then these will require some support from officials. The possible tasks include:

- arranging meetings
- drawing up agenda
- producing minutes
- providing background papers to any discussion
- acting as a channel for day-to-day communication
- making proposals for consideration
- administering any executive powers granted to a North/South institution.

25. Support from officials for these sorts of tasks could take a number of forms, such as:

- ad hoc meetings between officials from each jurisdiction to prepare the ground as necessary;
- establishment of a Republic of Ireland Government Office in Northern Ireland and of a Northern Ireland Government Office in the Republic;

I N C O N F I D E N C E

- a permanent or ad hoc secretariat in which officials from each jurisdiction would be represented and would remain answerable to their respective jurisdictions;
- a permanent and independent secretariat which would be answerable directly to any North/South institution;
- a more powerful and independent commission, with members appointed by each side, which might have its own powers of initiative on the EC model.

What relations would there be with other institutions?

26. Strand 3 is considering relationships, including possible institutional arrangements, between the two Governments. These could be linked with better North/South channels arising from Strand 2.

27. The possibilities include:

- entirely separate channels for, on the one hand, the relationship between new political institutions in Northern Ireland and the Irish Government and, on the other hand, the relationship between the British and Irish Governments;
- one channel involving Northern Ireland, the Republic and the UK, for all matters affecting relationships within these islands;
- a channel specifically for communication and co-operation between new political institutions in Northern Ireland and the Irish Government, but operating within the wider framework of an institutionalised relationship between the British and Irish Governments.

How might any channels develop in the future?

28. Participants may also wish to consider how any North/South channels might develop in the future. There may be advantage in establishing flexible arrangements which can adapt to changing priorities and circumstances. For example:

- Responsibility for extra matters may be transferred to Northern Ireland institutions in the future. Should any North/South channels be capable of extending to include such additional transferred matters?

- Even if few or no executive powers are exercised through North/South channels, should there be the possibility of granting or extending such powers in the future? This could be subject to agreement by institutions in both Northern Ireland and the Republic.

- Linked to the previous possibility, any channels might be given an initial limited remit but also required to undertake a series of studies with a view to making recommendations about whether their remit, or those of other institutions, should be widened.

29. Other participants may wish to suggest other key questions which need to be addressed if there are to be adequate channels of communication and co-operation between North and South. The British Government would be happy to consider these, or to consider other ways of overcoming any lack of adequate channels.

UK Government
9 September 1992