

Reard.

STRAND 3: PAPER BY THE BRITISH AND IRISH GOVERNMENTS

Introduction

1. This paper sets out in more detail issues for discussion with the parties in relation to an intergovernmental council and standing intergovernmental machinery, as described in the Propositions on Heads of Agreement. It takes account of responses by the parties to the two Governments' paper of 27 January, Strand Three: East/West Structures. Building on this and on previous proposals and commitments by the two Governments, it offers for consideration an assessment of where agreement may lie. In some cases, it puts forward questions for further consideration.
2. The Governments envisage that a new British-Irish Agreement, replacing the Anglo-Irish Agreement and embracing all relevant aspects of the overall political agreement among the participants in these talks, might include provision for the establishment of an Intergovernmental Council and of standing Intergovernmental machinery.

Intergovernmental Council

Membership

3. The Intergovernmental Council might bring together representatives of the British and Irish Governments, the Northern Ireland Administration, and devolved institutions in Scotland and Wales, when established.

Should provision be made to allow devolved institutions elsewhere in the UK which might be established in the future to join, if appropriate?

Should the administrations in the Isle of Man and the various Channel Islands, which are not part of the UK, be invited to participate in some form?

Objectives and remit

4. The Council might have the objective of promoting the harmonious and mutually beneficial development of the totality of British-Irish relationships. It might be open to the Council to consider all matters of common interest falling within the competence of each of its members.

Are there any matters which appear particularly suitable for prior designation for early attention by the Council?

Meetings

5. The Council might meet twice a year at Summit level. It might also be possible for the Council to agree that, in a particular sectoral area, appropriate members of each administration should meet to take forward consideration of a particular issue. The nature of each member's representation would be for it to determine.
6. The Council would deal with the totality of relationships. It would be open to one or more participants to develop further institutional arrangements between them covering bilateral or multilateral co-operation on matters of particular concern. So, separately from the North and South arrangements to be agreed in Strand Two, members might also develop other co-operative structures, on a basis to be decided by the members concerned. These would not require the prior approval of the Council and would operate independently of it. The two Governments would establish intergovernmental machinery to deal with co-operation and consultation between them on matters of bilateral interest.

Decision-Taking, Accountability and Method of Operation

7. Arising out of consultation, whether in the Council or on a more flexible bilateral or multilateral basis, as appropriate, it could be open to members, in whichever format, to decide to develop common policies or to take

common actions. All such decisions would be by agreement between all those concerned.

8. Members of the Council would operate in accordance with whatever procedures for and expectations of collective responsibility applied within their respective administrations and also in accordance with the rules for democratic authority and accountability in force in their respective elected institutions.

Financial Support and Administrative Support

9. The members of the Council would, on a basis to be agreed between them, provide such financial support as it may require. Officials from each of the members might act as a co-ordination unit.

Inter-parliamentary Forum

10. There could be value in establishing an inter-parliamentary forum, building on and extending the existing British-Irish Interparliamentary Body. The forum could consist of representatives of the British and Irish Parliaments and the devolved institutions in Northern Ireland, Scotland and Wales who are not members of the Council, who would come together to discuss matters of mutual interest.

Standing Intergovernmental Machinery

11. There would be standing intergovernmental machinery, bringing together the British and Irish Governments. It would promote co-operation at all levels between the two governments and among the peoples of these islands, including between the two parts of the island of Ireland. The new machinery would comprise the British and Irish Governments, represented by appropriate ministers.

12. A standing Conference, established within the machinery, would be concerned solely with Northern Ireland and with relations within the island of Ireland. Devolved issues would be excluded from discussion.
13. The Conference could also provide a forum for the two governments jointly to keep under review the workings of the overall agreement reached in these multi-party negotiations and to promote and support the fair and effective operation of all its provisions. It could consider any proposal for action in response to any breach of the new agreement while responsibility for any action would remain with each government in its jurisdiction. An annual report on the working of the new agreement might be published; a full review could be carried out after three years.

The two governments would welcome the views of the parties on these proposals.

14. The Conference would provide a continuing institutional expression of the British Government's recognition of the Irish Government's concern and role in relation to Northern Ireland.
15. Meetings of the Conference would be chaired by designated ministers from the two governments. Other ministers and advisers would attend as appropriate on the invitation of the co-chairs. A permanent secretariat would be provided by civil servants from both governments.
16. All decisions in the intergovernmental machinery might be by agreement between the two Governments. There will be no derogation from the sovereignty of either.

The views of the parties are sought on how representatives of the Northern Ireland administration could be involved in the Conference's consideration of non-devolved matters. For instance, the Northern Ireland administration could be given advance notice of what was to be discussed through the Conference, and invited to take part in the meetings concerned.