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From: PAUL SWEENEY
28 October 1998

To: Mr Ferguson
Mr Campbell
Mr Larkin
Mr Logue

**NORTH/SOUTH MINISTERIAL COUNCIL – PAPER TO BE
ISSUED TO PARTIES TODAY**

1. Please find attached the latest version of the above paper.
2. I would be grateful if we could agree final text by 12 noon, for issue to the parties at 2.00 pm today.

Paul

Paul Sweeney
☎21015

**NORTH-SOUTH MINISTERIAL COUNCIL – A PAPER
BY THE OFFICE OF THE FIRST AND DEPUTY FIRST
MINISTERS (Designate)**

1. BACKGROUND

- 1.1 Under the Agreement it was envisaged that during the transitional period, representatives of the Northern Ireland transitional administration and the Irish Government operating in the North/South Ministerial Council would undertake a work programme, in consultation with the British Government, covering at least 12 subject areas, with a view to identifying and agreeing by 31 October 1998 areas where co-operation and implementation for mutual benefit would take place. Such areas may include those matters set out in the Annex to Strand Two of the Agreement (see Annex A of this paper).
- 1.2 As part of the work programme, it was envisaged that the Council would identify and agree at least 6 matters for co-operation and implementation in each of the following categories:
- i. matters where existing bodies will be the appropriate mechanism for co-operation in each jurisdiction;

- Potential for joint action
- Anticipated benefits
- Determination of feasibility option ie build on existing co-operation or joint action through a single newly created body.
- An assessment of the financial implications of the option
- Staffing implications
- A comment on the procedures for making Public Appointments to any new body or enlargement of existing bodies
- An assessment of the legislative implications
- An assessment of any European Union implications
- A comment on the reporting and accountability arrangements.

3.3 The technical assessments completed to date have categorised areas suitable for co-operation and areas suitable for implementation bodies (see below). It should be stated that these lists are not mutually exclusive, in that some areas classified for co-operation could be considered suitable for implementation bodies and vice versa.

AREAS SUITABLE FOR CO-OPERATION

- Animal and plant health
- Research into animal health
- Teacher qualifications
- Social security entitlement of cross-border workers
- Cross-border social security fraud
- EU Programmes: INTERREG, LEADER and SSPPR
- Aquaculture
- Marine research
- Accident and emergency services and other related cross-border issues
- Urban and Rural Development
- Food standards and safety issues
- Monitoring levels of state aid to both jurisdictions
- Cross-border co-operation on the Arts.

POSSIBLE IMPLEMENTATION BODIES

- Teacher Exchanges (within an existing body)
- Strategic Transport Planning Body
- Environmental Protection, Pollution, Water Quality and Waste Management Body

- Environmental Protection Research Council
- Inland Waterways Body
- Tourism Marketing Body
- Inland Fisheries Body
- Irish Language Body

3.4 Additional technical assessments are being prepared on the following areas: training and employment; trade and investment; and research and technology.

4. AGREEING ON AREAS FOR CO-OPERATION AND IMPLEMENTATION

4.1 Within the 12 areas listed in the Annex of the Agreement and the submissions by the Parties to date (without prejudice to submissions yet to be received) it should be possible to move towards broad agreement on 6 areas for co-operation and 6 areas for implementation. These discussions will, of course, have to be advanced in consultation with the British Government and in agreement with the Government of the Republic of Ireland, which is conducting its own technical assessments in parallel. In due course, account will have to be taken of these technical assessments in reaching agreement on the areas for co-operation and implementation.

4.2 The issue arises as to how agreement can be reached on the areas for co-operation and implementation. Over and above the factors taken into account in the technical assessments what additional criteria should be considered, for example:

- a. which proposals hold the possibility of securing the maximum social and economic benefits North and South?
- b. which proposals can be implemented relatively quickly and in an effective and efficient manner?

[DQ: What

- (a) are we asking the Parties to do beyond this at the meeting?
- (b) do we propose doing subsequently?]

5. PRACTICALITIES

5.1 In preparation for the inaugural meeting of the North-South Ministerial Council officials have had a series of meetings with Irish Government officials from the Departments of the Taoiseach and Foreign Affairs. Meetings have also taken place between officials from

Northern Ireland Departments and their counterparts in the Republic of Ireland.

5.2 Officials have started preliminary work to draw up a Memorandum of Understanding setting out a proposed modus operandi for the North-South Ministerial Council. The Memorandum, when approved [DQ: by whom?], will constitute an agreed interpretation and development of outline provisions of the Agreement relating to the proceedings and operation of the Council. This will be an informal understanding, will not constitute a legally binding agreement, and nothing in it will override the Agreement.

5.3 The First and Deputy First Ministers would welcome views from the Parties on a range of practical matters associated with the operation of the Council, for example:

- whether meetings of the Council, in all formats, should alternate between North and South;
- whether all meetings of the Council should be co-chaired or chaired by the host administration; and

- **views on the permanent location of the Joint Secretariat.**

5.4 When agreement has been reached on the implementation bodies, the two Governments will require a preparatory period to give legislative effect to the establishment of the bodies. Arrangements for the agreed co-operation will commence with the transfer of powers to the Assembly.

ANNEX A

AREAS FOR NORTH/SOUTH CO-OPERATION AND IMPLEMENTATION MAY INCLUDE THE FOLLOWING:

1. Agriculture – animal and plant health.
2. Education – teacher qualifications and exchanges.
3. Transport – strategic transport planning.
4. Environment – environmental protection, pollution, water quality and waste management.
5. Waterways – inland waterways.
6. Social Security/Social Welfare – entitlements of cross-border workers and fraud control.
7. Tourism – promotion, marketing, research and product development.
8. Relevant EU Programmes such as SPPR, INTERREG, LEADER II and their successors.
9. Inland Fisheries.
10. Aquaculture and marine matters.
11. Health: accident and emergency services and other related cross-border issues.
12. Urban and rural development.

Others to be considered by the shadow North/South Council.

ANNEX B

UUP

SDLP

SINN FEIN

CO-OPERATION

Health

Health

Rural Development

Education

Energy

Energy

Science and Technology

**Community Development
(Urban and Rural)**

**Community
Development**

Transport

Arts and Heritage

Environment

**IMPLEMENTATION
BODIES**

**Food Standards in both
jurisdictions.**

Tourism

All-Island Tourism Body

**State Aids in both
jurisdictions to attract
investment.**

**Trade promotion, business
development and inward
investment**

**A Trade Promotion and
Indigenous Company
Development Body**

**All-Ireland Investment
Agency merging the IDA
and IDB**

Training and employment

**Merger of FAS and
T&EA**

**Transport and
Communication**

ANNEX B

UUP

Research into animal health and welfare.

Research into environmental protection.

Proposals for Lough Foyle

Proposals for Carlingford Lough

Territorial sea boundary and continental shelf

SDLP

Agriculture

Language, Culture and the Arts

Environment

Marine and Aquaculture

Inland Waterways

EU Programmes

SINN FEIN

Operation of EU Common Agriculture Policy and EU Common Fisheries Policy on all-Ireland basis through an Agency responsible to the Ministerial Council

An Irish Language Promotion Body

An EU Programmes Implementation Body covering INTERREG, the SPPR and LEADER II.

POSITION OF PARTIES ON OUR CANDIDATES
FOR IMPLEMENTATION BODIES

(i) Tourism

- Top priority for both SDLP and Sinn Féin.
- UUP have reservations. Concerned that identity of Northern Ireland would not be protected.
- N.I. Civil Service deem it feasible.
- Favoured by Alliance and NIWC. PUP in favour if it can be shown that there is value-added.

(ii) Trade Promotion, Business Development and Inward Investment.

- Major priority for both SDLP and Sinn Féin.
- UUP expected to resist. They have proposed a body which would ensure a level playing field on State Aids for inward investment.
- N.I. Civil Service has not yet completed its technical assessment. Likely to be negative.
- Not on Alliance or NIWC lists.

(iii) EU Programmes

- Major priority for both SDLP and Sinn Féin.
- UUP did not object at Roundtable Meeting on 29 October.
- N.I. Civil Service were initially opposed. Have come around somewhat but are not very ambitious in scope.
- On NIWC list. No resistance from any other party at Roundtable on 29 October.

(iv) Training and Employment Services

- Priority for both SDLP and Sinn Féin.
- UUP and other parties have not taken a formal position.
- N.I. Civil Service not yet completed a technical assessment.

(v) Strategic Transport Planning

- On SDLP list. Sinn Féin have treated as an area for common policy/separate implementation.
- Parties agreed at Roundtable Meeting on 29 October that this could be looked at further. Alliance and NIWC support.
- N.I. Civil Service deem feasible.

(vi) Arts, Culture and Irish Language

- Proposed, in this formulation, by SDLP. Sinn Féin favour keeping Irish language on its own.
- UUP likely to oppose. May agree to Irish Language body on its own.
- N.I. Civil Service see a language body as feasible but see difficulty in giving it a role in the educational sphere. They have not yet done an assessment of wider body as now proposed.
- Alliance propose an Irish Language body and a separate Sports, Arts and Culture body. NIWC also propose a Sports, Arts and Culture body which would include the Irish Language.

(vii) Inland Fisheries and Inland Waterways

- Supported by the SDLP and Sinn Féin but not very enthusiastic.
- UUP keen on Inland Waterways.
- N.I. Civil Service say both are feasible. They would regard the two as separate and unrelated.
- Alliance propose combining also. NIWC propose an Aquaculture, Marine Research and Fisheries body.

OTHER AREAS FAVOURED BY PARTIES

UUP

- Food Standards

(While a body would be technically feasible it would be difficult in the short-term due to differences in regimes. Preference for co-operation to be developed through existing structures.)

- **Research into Animal Health and Welfare**

(Scope for improved co-operation through existing arrangements; scale and dispersed nature of existing arrangements does not make a single body worthwhile or practical.)

- **Research into Environmental Protection**

(This could form part of a wider Environmental Protection basket of issues which we would propose could best be done by means of common policy/separate implementation.)

- **Proposals for Lough Foyle**

(Not a serious candidate. Scope to develop shellfish regulation and control, and aquaculture, but should be done through remit of Foyle Fisheries Commission.)

- **Proposals for Carlingford Lough**

(Any jurisdictional uncertainty - which is a matter for the UK Government - has not materially affected shellfish development. The potential for further development can be met by establishing a locally-based joint committee; the scale is too small to warrant an Implementation Body.)

- **Territorial sea boundary and continental shelf**

(Insofar as this is an issue it is a matter for the two Governments. It does not warrant an implementation body.)

ALLIANCE

- **Animal Health**

- **Animal Welfare**

(As explained above, scope for improved co-operation through existing arrangements. Implementation Body not worthwhile or practical.)

- **Energy**

(Electricity could be a strong candidate for common policy/separate implementation category. Premature to consider in terms of an implementation body as regulatory/legislative harmonisation would take some time.)

- **Environmental Protection**

(As already indicated, we favour this as a candidate for common

policy/separate implementation.)

NIWC

- **Environmental Protection**

(See assessment under UUP and Alliance list.)

- **Energy**

(See assessment under Alliance list.)

- **Telecommunications**

(Scope for inclusion in common policy/separate implementation category.)

- **Education (teacher exchanges, twinning of institutions and recognition of qualifications).**

(Scope for addressing these issues through existing or enhanced co-operative arrangements.)

OTHER AREAS DEEMED FEASIBLE BY N.I. CIVIL SERVICE

- **Teacher Exchanges**

(See assessment under NIWC list.)

- **Strategic Approaches to Environmental Protection**

(See assessment under UUP and Alliance list.)

- **Marine Research**

(Scope for co-operation but not substantial enough to merit an implementation body. Relatively little research activity on Northern side.)