

**BRITISH-IRISH COUNCIL**

---

**Lodged au Greffe on 1st September 1998  
by the Policy and Resources Committee**

---



**STATES OF JERSEY**

**STATES GREFFE**

175

1998

P.185

Price code: B

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion -**

to welcome the Agreement reached at the Multi-Party Talks on Northern Ireland; and

- (i) agree in principle the Island's participation in the British-Irish Council to be set up as part of the Agreement;
- (ii) accept the invitation extended to the Insular Authorities to participate in the inaugural meeting of the British-Irish Council; and
- (iii) agree that the President and Vice-President of the Policy and Resources Committee, accompanied by the Chief Adviser to the States, should represent the Island at the inaugural meeting.

**POLICY AND RESOURCES COMMITTEE**

## Report

1. Following the Agreement reached at the Multi Party Talks on Northern Ireland - the so-called 'Good Friday Peace Agreement' - the Insular Authorities were informed of the proposal that representatives of the Island should participate in a British-Irish Council which was to be formed as part of that Agreement. Subsequently, the Insular Authorities were offered a briefing meeting with relevant officials from the Foreign and Commonwealth Office and the Northern Ireland Office. The Insular Authorities welcomed this. Before being in a position to respond to a formal invitation to participate in the British-Irish Council, the Insular Authorities indicated that they would need more information on how the Council would operate and what role the Insular Authorities would be expected to play in the work of the Council. That information was provided at a briefing meeting held in the Home Office on Friday 24th July, 1998.
2. Under the British-Irish agreement there are three bodies proposed -
  - The Northern Ireland Assembly, which is the core of the Agreement;
  - A North/South Ministerial Council;
  - A British-Irish Council.
3. The following reproduces the text of the British-Irish Agreement on the setting up of the British-Irish Council -
  - "1) A British-Irish Council (BIC) will be established under a new British-Irish agreement to promote the harmonious and mutually beneficial development of the totality of the relationships among the people of these Islands.
  - 2) Membership of the BIC will comprise representatives of the British and Irish Governments, devolved institutions in Northern Ireland, Scotland and Wales, when established, and, if appropriate, elsewhere in the United Kingdom, together with representatives of the Isle of Man and the Channel Islands.
  - 3) The BIC will meet in different formats: at summit level, twice per year; in specific sectoral formats on a regular basis, with each side represented by the appropriate Minister; in an appropriate format to consider cross-sectoral matters.
  - 4) Representatives of members will operate in accordance with whatever procedures for democratic authority and accountability are in force in their respective elected institutions.
  - 5) The BIC will exchange information, discuss, consult, and use best endeavours to reach agreement on co-operation on matters of mutual interest within the competence of the relevant Administrations. Suitable issues for early discussion in the BIC could include transport links, agricultural issues, environmental issues, cultural issues, health issues, education issues and approaches to EU issues. Suitable arrangements to be made for practical co-operation on agreed policies.
  - 6) It will be open to the BIC to agree common policies or common actions. Individual members may opt not to participate in such common policies and common action.
  - 7) The BIC normally will operate by a consensus. In relation to decisions on common policies or common actions, including their means of implementation, it will operate by agreement of all members participating in such policies or actions.
  - 8) The Members of the BIC, on a basis to be agreed between them, will provide such financial support as it may require.

- 9) A secretariat for the BIC will be provided by the British and Irish Governments in co-ordination with officials of each of the other members.
  - 10) In addition to the structures provided for under this Agreement, it will be open to two or more members to develop bilateral or multilateral arrangements between them. Such arrangements could include, subject to the agreement of the members concerned, mechanisms to enable consultation, co-operation and joint decision-making on matters of mutual interest; and mechanisms to implement any joint decisions they may reach. These arrangements will not require the prior approval of BIC as a whole and will operate independently of it.
  - 11) The elected institutions of the members will be encouraged to develop inter-parliamentary links, perhaps building on the British-Irish Inter-parliamentary Body.
  - 12) The full membership of the BIC will keep under review the workings of the Council, including a formal published review at an appropriate time after the Agreement comes into effect, and will contribute as appropriate to any review of the overall political agreement arising from the multi-party negotiations”.
4. The British-Irish Council is considered to have the potential to become a significant body, albeit that it is entirely voluntary in its composition. When reference is made to the Council establishing policies and common actions, compliance with those policies and actions will be entirely voluntary.
  5. As stated in the above extract from the British-Irish Agreement, it is intended that the Council would have sectoral meetings. Information on how the Council might work is to be provided by a background note which is in the course of being prepared for the British Government. This will refer to the experience of similar such bodies elsewhere in the world; for example the Nordic Council, which not only involves the Scandinavian countries, but also Islands (e.g. the Faroes and the Aland Islands). Another similar body is the Australian Ministerial Council which brings together the Federal Government of Australia, the New Zealand Government and the Governments of the individual Australian States.
  6. The Northern Ireland Assembly has been established in shadow form awaiting the enactment of the relevant legislation. It is expected that the Assembly will be formally established early in 1999. The intention is that the British-Irish Council should be established in shadow form in September/October 1998. The inaugural meeting will probably take place in London and will agree a work programme for the future. The responsibility for progressing the British-Irish Council will rest with the Cabinet Office team that is also responsible for the arrangements for the establishing of the Scottish and Welsh Assemblies.
  7. It is intended that the British-Irish Council meetings will be attended by political representatives from each of the bodies forming the Council. For the inaugural meeting the Island is invited to send two or three delegates.
  8. In discussion with the Home Office, the Insular Authorities have enquired what the resource impact might be of membership of the Council. The United Kingdom Government officials have indicated that it is expected that much of the work of the Council will be carried out by officials of the British and Irish Governments and the secretariat costs will be covered by the United Kingdom Cabinet Office. The cost to the Island, therefore, would be limited to the travel and accommodation costs incurred by those attending the Council meetings, and the resource costs and the staff time involved in the preparation of papers and participation in any meetings of officials.
  9. The benefit for the Island is that it would be clearly identified as a separate administration participating on equal footing with the British and Irish Governments. The Committee sees in the proposal further recognition by Her Majesty’s Government of the Island’s constitutional status, and in particular the Island’s autonomy in its domestic affairs.
  10. The Committee is of the opinion that it is in the Island’s best interests for the participation in the British-Irish Council to be agreed in principle, and for the invitation to the inaugural meeting to be accepted. The States are asked to support this view. Subject to the States’ approval, it is proposed that the President of the Policy and Resources Committee, together with the Vice-President of that Committee, should attend the inaugural meeting representing the Island, accompanied by the Chief Adviser.