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Monday 15 February 1999

THE NEW NORTHERN IRELAND ASSEMBLY

Matters Referred By The Secretary of State

REPORT FROM THE FIRST MINISTER (DESIGNATE) AND THE DEPUTY FIRST MINISTER (DESIGNATE)

Report No: NNIA 7

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MATTERS REFERRED TO THE ASSEMBLY BY THE SECRETARY OF STATE: REPORT BY THE FIRST MINISTER (DESIGNATE) AND THE DEPUTY FIRST MINISTER (DESIGNATE)

1. **Introduction**

1.1 On 18 January 1999 we tabled a further report on matters referred to the Assembly by the Secretary of State, pursuant to the Assembly's resolution of 1 July 1998 asking us to make proposals and report.

1.2 This report fulfils our commitment on 18 January to produce a final report incorporating:

a. our comprehensive determination of the number of Ministerial offices to be held by Northern Ireland Ministers and the functions which would be exercisable by the holder of each such office after the appointed day;

b. further proposals in relation to establishing:

i. the North/South Ministerial Council;

ii. the British-Irish Council;

iii. the consultative Civic Forum.

2. **Departmental Structures**

2.1 We have continued with our work on Departmental structures following the agreement reached on 18 December and subsequently approved by the Assembly on 18 January. In

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particular, we have been giving further consideration to Departmental functions and we have commented on draft legislation and other related material that will be required to set up the new Departments.

2.2 In light of that work, we have made some additions to the list of functions within each Department, including the proposed Office of the First Minister and Deputy First Minister, contained in our 18 January report. The expanded list is at Annex 1 and the text of the agreement of 18 December 1998 is reproduced at Annex 2.

2.3 The discussions with officials have also helped us focus on important linkages which we believe must be in place in some areas to ensure cohesion. These linkages will be reflected in the Programme of Government.

2.4 Our agreement on the number of Departments has since been provided for in legislation in the form of a Departments (Northern Ireland) Order. This was made at the Privy Council on 10 February and will come into effect on the appointed day for devolution. Work is also well advanced on making a Transfer of Functions Order under the Ministries Act (Northern Ireland) 1944, again to come into effect from the appointed day.

2.5 Alongside this, and further to our commitment in our 18 January report, we attach at Annex 3 for the Assembly's approval, in accordance with standing order 21 of the Initial Standing Orders, a copy of the formal determination of the number of Ministerial offices and of the functions which would be exercisable by the holder of each such office after the appointed day for devolution.

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2.6 Finally in this section, we recognise that increasing the number of Departments inevitably involves some dislocation and diseconomies. We share the firm view expressed during our consultations with Parties that the additional costs should be offset by rationalising the remainder of public administration in Northern Ireland.

3. North/South Co-operation

3.1 During the intensive series of consultative meetings with Parties and between ourselves and our senior representatives, starting in September and running through to Christmas, the main focus was on areas for North-South co-operation and on implementation bodies, in addition to Departmental structures. We reported on the outcome on 18 January, following our agreement on 18 December. Detailed work has since continued to ensure that the necessary legislative and other arrangements are in place to give effect to the Assembly's approval of our agreement from the appointed day for devolution, subject to formal, joint endorsement with the Irish Government in the North/South Ministerial Council.

3.2 On practical matters, we have had further consultation with Parties on:

- the location of Council meetings;
- the timing of meetings;
- agendas for meetings;
- papers for meetings;
- procedural rules;
- the secretariat.

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3.3 We report on the outcome of these discussions immediately below.

Venue/Location

3.4 Armagh has emerged as a favoured venue, at least for the inaugural meeting of the Council. We understand that the Irish Government have no objections to this proposal. We have therefore asked officials to start work on making the appropriate arrangements.

3.5 For the medium to longer term, we have also asked officials to look at options for a permanent location for the Council in Armagh, without prejudice to other possible locations in Northern Ireland.

Timing

3.6 We anticipate that the inaugural meeting of the NSMC will take place shortly after a shadow Executive Committee is formed and before the appointed day for devolution.

Agendas

3.7 The multi-Party Agreement provides that the agendas for all meetings are to be settled in advance between the two sides, although it will be open to either side to propose any matter for consideration or action.

3.8 We propose the following agenda for the inaugural meeting:

- opening statements;

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- implementation bodies and areas for co-operation;
- further work programme and future meetings;
- draft memorandum on procedural arrangements;
- draft communiqué.

Papers

3.9 We anticipate that the main papers for the inaugural meeting will relate to progress on the work programme on North/South co-operation recorded in our report to the Assembly on 18 January, to the draft memorandum on procedural arrangements for the operation of the Council (see below) and to a further work programme.

Procedural Arrangements

3.10 There have been preliminary discussions at official level on drafting a memorandum on procedural arrangements, for which provision is made in the Agreement. In outline the draft might cover (paragraph references in the Strand Two section of the Agreement are in brackets):

- participation in the Council (paragraph 1);
- accountability to the Northern Ireland Assembly and the Oireachtas (paragraph 2)
- decision-making in the Council (paragraph 2);
- format of Council meetings (paragraphs 3 and 14);
- agendas and work programme (paragraph 4 and 5(i));
- implementation bodies (paragraphs 5(iv) and 11);
- funding of the Council and the Secretariat (paragraph 15)
- the Secretariat (paragraph 16);
- EU matters (paragraph 17);

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- an independent consultative forum (paragraph 19).

3.11 As noted above, all of these elements of the draft memorandum have their source in the Agreement. We would propose having further consultations with the Parties on the draft before it is finalised in the NSMC.

3.12 It should also be noted that the Agreement (Strand 2, paragraph 18) specifies that the Northern Ireland Assembly and the Oireachtas should consider developing a joint Parliamentary forum.

Secretariat

3.13 The Agreement provides for the Council to be supported by a standing joint Secretariat, staffed by members of the Northern Ireland Civil Service and the Irish Civil Service. This will require a number of administrative and other issues around the staffing, organisation and functions of the Secretariat to be considered.

3.14 In terms of functions, it is envisaged that the work of the Secretariat will include:

- preparing agendas for meetings and drafting records of decisions of the Council, for approval and use by relevant Ministers;
- preparing papers for meetings of the Council, including in relation to its work programme;
- drafting communiqués;
- ensuring and monitoring follow-up on decisions of the Council;

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- drafting an annual report on the proceedings of the Council.

3.15 These issues will be covered as necessary in the proposed memorandum on procedural arrangements.

4. **British-Irish Council**

4.1 During the course of our recent round of consultations with Parties we noted broad acceptance for the first meeting of the British-Irish Council (the BIC) being held in London at approximately the same time as the first meeting of the North/South Ministerial Council.

4.2 The British and Irish Governments are taking forward arrangements for the establishment of the Council. Both Governments are preparing a number of working papers for consultation purposes, including the following:

a. a draft Treaty to bring the BIC formally into being;

b. draft procedural guidance setting out a proposed set of ground rules on how the BIC will operate; and

c. a draft work programme setting out a range of issues of mutual interest which members of the BIC may wish to begin to address in the early stages of the Council's work.

4.3 In relation to the latter, paragraph 5 of the Strand Three section of the Agreement suggests that suitable issues could include:

- transport links;

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- agricultural issues;
- environmental issues;
- cultural issues;
- health issues;
- education issues; and
- approaches to EU issues.

4.4 We propose consulting further with the Parties to identify common ground in relation to the establishment of the British-Irish Council. In particular, we are keen to achieve a consensus on the key priorities to be included in the initial work programme and to invite officials to prepare relevant papers.

5. **Consultative Civic Forum**

5.1 Arising from the round-table consultations with six of the Assembly Parties (UUP, SDLP, SF, All, NIWC and PUP) last November a study group was established to produce a report that would offer advice on steps we should take to establish the consultative Civic Forum. We received the study group's report on 3 February 1999 and have since placed a copy of the Report in the Assembly Library.

5.2 We wish to record our appreciation for the work of the study group. We also wish to place on record our appreciation of the contribution of a wide range of individuals and organisations who have made written submissions on the possible role and functions of the Civic Forum. The study group's report formed the basis of a further round of consultations which we had with Parties over the past 10 days.

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5.3 We have carefully considered the various written submissions, the study group's report and the views expressed to us by Assembly Parties; and, having done so, we outline below a set of proposals for the establishment of the Civic Forum.

5.4 Paragraph 34 of Strand One of the Agreement provides that the Civic Forum will act as a consultative mechanism on social, economic and cultural issues. We will make arrangements for obtaining from the Civic Forum its views on such matters. These arrangements will not take effect until after they have been approved by the Assembly.

5.5 Arising from paragraph 19 of the Strand Two section of the Agreement, the Civic Forum may be asked to offer its views on any independent consultative forum established by the two Administrations.

5.6 The Civic Forum should comprise 60 members plus a chairperson, with nominations processed under the following headings:

• business	7
• agriculture/fisheries	3
• trade union	7
• voluntary/community	18
• churches	5
• culture	4
• arts and sport	4
• victims	2
• community relations	2
• education	2
• First and Deputy First Ministers	6

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5.7 The approval of the First and Deputy First Ministers will be required as to the arrangements for securing the nominations from the consortia and the other sectors specified below. Specifically, all nominating bodies should adhere to the following guidelines:

a. a gender balance;

b. a community background balance;

c. a geographic spread across Northern Ireland; and

d. a balanced age profile to include young people and older people.

5.8 Business: The Northern Ireland Chamber of Commerce, the Institute of Directors, the Confederation of British Industry and the Federation of Small Businesses should be invited to form a consortium for the purpose of nominating 7 individuals reflecting the interests across the business community (including tourism).

5.9 Agriculture/Fisheries: The Ulster Farmers' Union, the Northern Ireland Agricultural Producers' Association and representative organisations from the fishing sector should be invited to form a consortium for the purpose of nominating 3 individuals.

5.10 Trade Union: The Northern Ireland Committee of the Irish Congress of Trade Unions should be invited to nominate 7 individuals representative of the widest possible spectrum of

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the trade union movement, including representation from the unemployed affiliated to the trade union movement.

5.11 Voluntary/Community: A number of umbrella voluntary organisations, including the Northern Ireland Council for Voluntary Action, the Rural Community Network, Disability Action and the Women's Resource Development Agency, should be invited to assist in bringing forward a set of proposals on how 18 nominations from the voluntary/community sector can be achieved. The process should ensure in particular that:

a. a range of sub-sectoral groups (see below) are able through the formation of consortia to put forward nominations from within their own sub-sectoral groupings;

b. the sub-sectoral groups are representative groups of older people, youth, people with disabilities, women's groups, ethnic minorities, carers, families and children, and community development, community health, community education and environmental groups;

c. nominations are sought through a public advertisement campaign to maximise the transparency of the process;

d. non-affiliation to/association with any of the umbrella bodies does not prevent sub-sectoral groups from making nominations.

5.12 Churches: The churches should be invited to form a consortium for the purpose of nominating 5 individuals representing a broad spread of religious belief within the community.

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5.13 Culture: The Cultural Traditions Group of the Community Relations Council and major cultural organisations should be invited to form a consortium for the purpose of nominating 4 individuals.

5.14 Arts & Sports: The Northern Ireland Arts Council and the Northern Ireland Sports Council should be invited to nominate 2 individuals each.

5.15 Victims: Organisations working with victims should be invited to assist in ensuring that the concerns of victims are represented on the Civic Forum through 2 nominations.

5.16 Community Relations: The Community Relations Council should be invited to nominate 2 individuals who have made a significant contribution to working across the community divide in Northern Ireland.

5.17 Education: The Queen's University of Belfast and the University of Ulster should be invited to form a consortium across the broad education sector for the purpose of nominating 2 individuals who have a thorough knowledge and direct experience of the educational challenges confronting the Northern Ireland community.

5.18 Nominations by the First Minister and Deputy First Minister: The First and Deputy First Ministers should appoint 6 individuals who, in their assessment, have a range of insights, expertise and experiences that will inform the deliberations of the Civic Forum.

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5.19 All nominations to the Civic Forum should adhere to the principles of public appointments being based on equality of opportunity, merit, openness and transparency of process.

5.20 Members should normally serve for 3 years. The initial membership should retire on a staggered basis and casual vacancies should be filled by the nominating bodies or other nominating processes agreed upon.

5.21 The chairperson of the Civic Forum should be appointed by the First and Deputy First Ministers following a process of consultation and public advertisement. The chairperson should receive an appropriate honorarium and normally serve for a 3-year term.

5.22 Up to two vice-chairpersons should be appointed by the membership of the Civic Forum.

5.23 The Civic Forum should operate under the aegis of the Office of the First Minister and Deputy First Minister, which will provide administrative support consisting of a secretariat and operating expenses, including members' expenses and consultancy fees.

5.24 The initial membership, assisted by the secretariat, should draw up procedural guidance for the operation of the Civic Forum for approval by the Assembly.

5.25 We have agreed that the arrangements outlined above should be completed and that the Civic Forum should be fully operational no later than 6 months after the appointed day for devolution.

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5.26 The First Minister and the Deputy First Minister shall arrange a formal review, to be carried out in close consultation with the membership of the Civic Forum, with a view to reporting within 12 months of the Forum becoming operational. The review should consider all matters relating to the structure and effective operation of the Civic Forum.

6. Conclusion

6.1 We commend this report to the Assembly, including our Determination of the number of Ministerial offices and their functions (Annex 3).

RT HON DAVID TRIMBLE MP **SÉAMUS MALLON MP**

15 February 1999

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