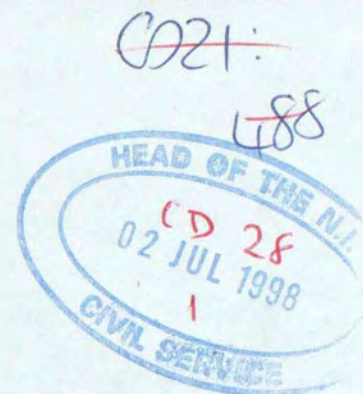


FROM: DAVID BROOKER
HEAD OF IPL DIVISION
1 JULY 1998

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Mr Stephens

BRITISH-IRISH COUNCIL

The present assumption is that the BIC will meet for the first time in its transitional form in the Autumn, probably September, alongside the other new institutions. We have already done some work in preparation for this but we need a clear plan to carry us forward to the launch.

2. We will need to consult with the Irish about our preparations for the establishment of the Council, including the Secretariat arrangements, the location and choreography of the launch and the agenda for the first (and subsequent) meetings. The political parties will also need to be consulted on these issues. Arrangements are being made for Mr Murphy to discuss the Council with senior representatives from the Channel Islands and the Isle of Man on 24 July, although I hope there will be contact with them at official level before then.

3. We also need to keep Whitehall colleagues informed of our thinking and canvass their views on issues which might be discussed at the first meeting of the Council. Since Cabinet Office will take over lead responsibility for the BIC as it becomes established a neat way of consulting colleagues would be for Sir Richard Wilson to write to Permanent Secretaries. I attach a draft of a letter which we propose submitting to him. This both sets out the background to the BIC as well as canvassing views on agenda items. You could use a tailored version of this note to keep the Irish up to speed with our thinking.

4. I should like the text to be with Cabinet Office, in its final form, by the end of the week. I should therefore be grateful for any comments by 11 o'clock Friday morning.

David Brooker

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DRAFT LETTER FROM SIR RICHARD WILSON TO ALL PERMANENT SECRETARIES

July 1998

NORTHERN IRELAND: THE GOOD FRIDAY AGREEMENT

ESTABLISHING THE BRITISH-IRISH COUNCIL

In the weeks since Easter, when the Good Friday Agreement was achieved, the Northern Ireland Office and other Departments have been pressing ahead with the implementation of the Agreement. This is happening under a very tight timetable; there was the referendum on 22 May, elections to the new Assembly on 25 June, and the Assembly had its first meeting on 1 July. On current plans the NIO hopes to introduce a major Bill within a couple of weeks, to give effect to the main provisions of the Agreement, and to complete the Commons' stages before the recess.

As well as the Assembly the Agreement requires the establishment of other new institutions -

- a North/South Ministerial Council bringing together Ministers in the new Assembly with their counterparts in the Irish Government;
- a new Inter-Governmental Conference between the British and Irish Governments; and
- a new British-Irish Council.

I enclose the section from the Agreement relating to the British-Irish Council (BIC). In essence, it will bring together the British and Irish Governments, the Northern Ireland Assembly, and the Scottish Parliament and the Welsh Assembly, as well as the Channel Islands and the Isle of Man, to discuss and, where agreed, take action on matters of mutual interest. Each administration will remain responsible for decisions and actions within its own jurisdiction and the various administrations will be free to enter into bilateral or multi-lateral agreements as they think fit.

In practice, the BIC will give institutional expression to the important relationships within these islands, including between Northern Ireland and the rest of the United Kingdom. This is, of course, particularly important to unionists. As such, the Council is in part a counter-balance to the new North/South Ministerial Council, which is of particular significance to nationalists in Northern Ireland.

Next Steps

The Agreement requires that inaugural meetings of the Assembly, North/South Ministerial Council and British-Irish Council should take place as soon as possible after the Assembly elections. These institutions will operate in shadow form until the transfer of power to the Assembly takes place early next year. In practice, we expect the BIC to have its first meeting in September. The NIO and the Cabinet Office, which will be responsible for the Council, are working up the arrangements for that first meeting. A number of issues need to be settled including the location, Government representation, and items for the agenda.

I should welcome any ideas which you and other colleagues might have for subjects for the first or subsequent meetings. Our preliminary view is that the members might want to give their endorsement to a draft concordat setting down guidelines on how the Council will operate. We also expect that there might be a fairly substantial communiqué at the end of the meeting, but before we can think about that we need to identify substantive issues for consideration. Paragraph 5 of the Strand 3 chapter of the Agreement provides some useful pointers. It mentions that suitable issues for early discussion in the Council could include transport, agriculture, health, education, environmental and cultural issues, and approaches to EU matters.

This list is illustrative rather than comprehensive; there is no theoretical limit to the matters we could put forward for discussion. To give Departments some idea of the type of topics we are looking for, however, we might look for issues with some or all of the broad characteristics -

- they should be of current interest to all the participants - bearing in mind, of course, that the Scottish Parliament and Welsh Assembly do not yet exist and that the level of interest is likely to vary from one jurisdiction to another;
- they should be of a kind which will help to demonstrate that the Council is a serious body which, while primarily focused on exchanging information rather than taking decisions, will nevertheless be able to make a real contribution. We must allow for the possibility that the significance of the body will develop over time, in terms of the decisions and actions it is able to take;
- we should avoid issues, at least in the early stages, that would be likely to cause controversy or open conflict between the different administrations. Depending upon the views of the participants the Council might, in due course, get down to real

business on some hard issues but overall our aim is to create a body which accentuates the positive aspects of cohesion and co-operation within these islands.

It would be helpful to receive views and comments, however preliminary, by (Friday 10 July). We will then sift through them, identify which are the most promising, then co-ordinate our thinking with the Irish Government. There will also be a chance to talk through the latest state of play with representatives of the Channel Islands and the Isle of Man, whom Paul Murphy, the NIO Minister of State, is expecting to meet on 24 July. Once we have the makings of a firm agenda, we will invite the relevant Departments to work up the detail for September.

It would also be helpful if Departments could nominate a single contact point, at Grade 5 level, to deal with BIC issues.

Copies go to Wednesday morning colleagues.