

NORTH/SOUTH MINISTERIAL COUNCIL

MEMORANDUM OF UNDERSTANDING ON PROCEDURE

1. Introduction

- 1.1 This Memorandum is made between both sides of the Council and sets out supplementary procedural arrangements relating to the proceedings and operation of the Council.
- 1.2 The Memorandum is an informal understanding and is not legally binding. Nothing in it overrides the Multi Party Agreement reached in Belfast on 10 April 1998. Subject to that understanding, both sides will act in accordance with the procedures set out in the Memorandum.
- 1.3 For clarity and ease of reference, the Memorandum reproduces **(in bold type)** relevant paragraphs of the Strand Two section of the Agreement relating to the Council, where appropriate.

2. Purpose of the Council and Membership

Paragraph 1 (extract): [A] North/South Ministerial Council to be established to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland.

Purpose

- 2.1 The purpose of the Council will be to develop consultation, co-operation and action within the island of Ireland, including through implementation on an all-island and cross-border basis, on matters of mutual interest within the competence of both sides.

Membership

- 2.2 Membership of the Council will comprise representatives of the Northern Ireland Executive and the Irish Government. The Northern Ireland Executive shall be represented in the Council by the First Minister and Deputy First Minister, members of the Executive Committee and Junior Ministers in the Northern Ireland Assembly, and the Irish Government by the Taoiseach, Ministers of the Irish Government and Ministers of State.

3. Frequency and Format of Meetings

Paragraph 3: The Council to meet in different formats:

- (i) in plenary format twice a year, with Northern Ireland representation led by the First Minister and Deputy First Minister and the Irish Government led by the Taoiseach;
- (ii) in specific sectoral formats on a regular and frequent basis with each side represented by the appropriate Minister;

- (iii) in an appropriate format to consider institutional or cross-sectoral matters (including in relation to the EU) and to resolve disagreement.

Plenary

- 3.1 In the Council's meetings in plenary format, those leading on each side will be accompanied by relevant Ministers concerned with North/South co-operation on matters within the competence of both administrations.
- 3.2 At each plenary meeting, the Council will review and as necessary agree a provisional schedule of plenary meetings, including venues, on the basis of one meeting being held in each six-month period. Additional plenary meetings may be held by agreement.
- 3.3 At each plenary meeting the Council will, in conjunction with the determination of an overall work programme for the Council (see paragraph 6.1 below) and with reference to the demarcation of functions within the two administrations, review and as necessary agree upon a list of specific sectoral formats in which meetings of the Council are to be held.

Sectoral

- 3.4 Council meetings in each of these specific sectoral formats will be held on a regular and frequent basis. It is envisaged that this will be at least once each quarter, but it will be subject to review after 12 months.
- 3.5 At each meeting in each sectoral format the council will agree a provisional schedule of meetings in that format, to be

reviewed and updated at successive sectoral meetings.

Additional meetings may be held by agreement.

Cross-Sectoral

- 3.6 The Council may from time to time decide as appropriate, in the light of its overall work programme, to arrange meetings on cross-sectoral issues involving a number of Ministers on at least one side. Meetings in these formats will occur as frequently as may be deemed necessary.

Institutional/Procedural Matters

- 3.7 The Council will meet by agreement as necessary to consider institutional or procedural matters and to resolve disagreement on these matters between the two sides, in particular where they affect more than one sector or may have implications for the workings of the Council as a whole.
- 3.8 The Irish Government will be represented at such meetings by the Minister for Foreign Affairs and the Northern Ireland Executive by the First Minister and Deputy First Minister or their nominees.

Venue/Chair

- 3.9 Meetings of the Council in all formats will alternate between North and South, except where it may otherwise exceptionally be agreed, with the venue to be confirmed through the Secretariat as early as possible in advance.
- 3.10 Meetings of the Council will in each case be chaired by a representative or representatives of the host administration.

Support/Servicing

3.11 Ministers may be accompanied at Council meetings by their officials and professional/special advisers.

3.12 In respect of each format of the Council, there will be close and structured liaison between the Secretariat and the officials of relevant Departments, North and South, with a view to the efficient preparation of meetings of the Council and the discharging of such other tasks as may be assigned.

4. Decision-making

Paragraph 2 (extract): All Council decisions to be by agreement between the two sides.

4.1 Any decision by the Council will require the express agreement of the two sides.

4.2 Representatives of the two sides will take decisions within the defined authority of those attending, through arrangements in place for co-ordination of executive functions within each jurisdiction.

1.3 All decisions will be minuted in an agreed record. A communiqué, reflecting any decisions reached, may be issued after each meeting

1.4 Unless otherwise agreed between them in the Council, each side shall be separately responsible for taking whatever action may be necessary to ensure the implementation in its own jurisdiction of a decision of the Council.

5. Agendas

Paragraph 4: Agendas for all meetings to be settled by prior agreement between the two sides, but it will be open to either to propose any matter for consideration or action.

- 5.1 Agendas for each meeting will be agreed in advance through the Secretariat.
- 5.2 It will be open to either side to propose any matter for consideration or action at any time, and each shall, as a minimum, permit the other side to state its view or outline its proposals in regard to any matter of concern to it.
- 5.3 Notwithstanding paragraph 5.2 above, agendas will primarily be prepared in the light of an agreed Council work programme (see immediately below).

6. Work Programme

Paragraph 5: The Council:

- (i) to exchange information, discuss and consult with a view to **co-operating on matters of mutual interest** within the competence of both Administrations, North and South;
- (ii) to use **best endeavours to reach agreement on the adoption of common policies, in areas where there is a mutual cross-border and all-island benefit**, and which are within the competence of both Administrations, North and South, making determined efforts to overcome any disagreements;

- (iii) to take decisions by agreement on policies for implementation separately in each jurisdiction, in relevant meaningful areas within the competence of both Administrations, North and South.

6.1 The Council in its plenary format will take an overview of co-operation and set its overall parameters. Within that context, the Council at its meetings in each sectoral format will review and agree a work programme for that format, covering matters of mutual interest within the competence of both administrations.

6.2 Each side in the Council will, as far as possible, keep the other side informed of significant developments in its jurisdiction in regard to matters relevant to the work of the Council.

7. Funding

Paragraph 15 (extract): Funding to be provided by the two Administrations on the basis that the Council constitute[s] a necessary public function.

7.1 The costs of meetings of the Council will be borne by the host administration, with travel and subsistence costs for Ministers and officials being borne by their administrations.

7.2 Staff costs arising from the allocation of officials to the Secretariat will be met by their parent administrations.

7.3 All other costs associated with the Secretariat or the Council will be divided equally between the two administrations.

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7.4 The Council will, meeting in its dedicated institutional format, consider and agree, in advance of each financial year, an overall financial allocation for such other costs.

8. **Secretariat**

Paragraph 16: The Council to be supported by a standing joint Secretariat, staffed by members of the Northern Ireland Civil Service and the Irish Civil Service.

8.1 The Standing Joint Secretariat will be headed by Joint Secretaries, one appointed by each administration.

8.2 Each side will also nominate a deputy Joint Secretary and such other senior administrative and clerical support staff as necessary to carry out the Secretariat's functions, as may be agreed by both sides.

8.3 Officials from the two sides of the Secretariat will work alongside one another in shared office accommodation. The Joint Secretariat will be located in Armagh.

8.4 The functions of the Secretariat will include:

- arranging the schedule of Council meeting in different formats;
- securing prior political/Ministerial agreement to agendas for meetings of the Council;
- preparing or commissioning papers for meetings of the Council, including in relation to its work programme;

- drafting communiqués and records of decisions of the Council;
- communicating decisions of the Council and monitoring their implementation;
- drafting an annual report on the proceedings of the Council;
- acting as a channel of communication with Implementation Bodies;
- liaising, where appropriate through the designated Department or Office in either jurisdiction, with the Secretariat of the British-Irish Intergovernmental Conference, with the Secretariat of the British-Irish Council, and with the North/South joint parliamentary forum and independent consultative forum when established;
- carrying out such other tasks as the Council may direct.

8.5 Each side will provide all necessary information to the Secretariat and to implementation bodies. All information supplied to the Secretariat will be treated as confidential unless otherwise stated or covered by any Code of Practice on access to information approved by the Council.

9. EU Matters

Paragraph 17: The Council to consider the European Union dimension of relevant matters, including the implementation of EU policies and programmes and proposals under consideration in

the EU framework. Arrangements to be made to ensure that the views of the Council are taken into account and represented appropriately at relevant EU meetings.

- 9.1 The Council's work programme and the agendas of its meetings will take due account of the European Union dimension of relevant matters.
- 9.2 The views of the Council on any such matter will be conveyed by the Secretariat to the British Government, with a request that it take full account of these views in formulating its own policy and reflect them, as far as possible, in the stance it takes at EU meetings. The Irish Government will reflect the views of the Council in its stance at all meetings.

10. Dispute Resolution

Paragraph 3 (iii) (extract): The Council to meet in an appropriate format to resolve disagreement.

Paragraph 14: Disagreements within the Council to be addressed in the format described at paragraph 3(iii) above or in the plenary format. By agreement between the two sides, experts could be appointed to consider a particular matter and report.

- 10.1 The Council will meet by agreement as necessary to resolve disagreements between the two sides, in particular where issues affect more than one sector or may have implications for the workings of the Council as a whole.
- 10.2 The Irish Government will be represented at such meetings by the Minister for Foreign Affairs, and the Northern Ireland

Executive by the First Minister and Deputy First Minister or their nominees.

11. Amendment

- 11.1 Amendments to this Memorandum may be proposed at any time by either side and will take immediate effect by mutual agreement unless otherwise specified.

12. Review

- 12.1 Any aspect of the work of the Council may be reviewed at any time by agreement between the two sides. The Council will contribute as appropriate to any relevant review under the Agreement.