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International & Planning Division  
18 March 1999

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Treaty  
  
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PS/Mr Murphy (B&L)

**BRITISH-IRISH AGREEMENTS: EXPLANATORY MEMORANDA**

**Issue: Laying British-Irish Agreements before Parliament**

**Timing: Urgent - treaties and signed memoranda need to be in Parliament by 11.00am tomorrow (Friday), to be tabled that afternoon.**

**Recommendation: That the Minister approves the tabling of the treaties as Command Papers and signs the explanatory memoranda.**

Detail

On 8 March the Secretary of State and the Irish Minister for Foreign Affairs signed the four additional treaties which were required to establish formally the North-South Ministerial Council, the six initial implementation bodies, the British-Irish Council and the British-Irish Intergovernmental Conference.

2. Although there is no need for formal Parliamentary approval, these treaties, together with the British-Irish Agreement of 10 April 1998 which underpins the two Governments' commitments under the Belfast Agreement, need to be placed before Parliament as Command Papers for 21 days before coming into force. (There is a procedure which would enable this to be cut short if the Secretary of State were to designate the Appointed Day for

devolution before the 21 days were completed.) When laying before Parliament, it is customary to provide explanatory memoranda which are factual documents setting out the background and the purpose of the treaties.

3. Since the treaties follow on from the Belfast Agreement, it falls to the Northern Ireland Office to lay them before Parliament. I therefore attach copies of the five explanatory memoranda which have been agreed with the Foreign and Commonwealth Office and which we intend to pass to the Irish for information.

4. It is recommended that the Minister approves the tabling of the treaties and signs the five attached explanatory memoranda.

*William Keown*

**POLITICAL PLANNING UNIT  
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19 March 1999

**EXPLANATORY MEMORANDUM ON AN AGREEMENT BETWEEN THE UNITED KINGDOM AND IRELAND TO IMPLEMENT THE AGREEMENT REACHED IN THE MULTI-PARTY NEGOTIATIONS CONCLUDED ON 10 APRIL 1998**

**Title of Treaty**

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland.

**Command Paper No 4292**

**Subject Matter**

The purpose of this Agreement is to underpin the commitments made by the British and Irish Governments as participants in the multi-party negotiations concluded in Belfast on 10 April 1998. The British and Irish Governments recognise the principle of consent in relation to the right of the people of Northern Ireland to choose the future status of Northern Ireland, noting the present wish of a majority that it should remain part of the United Kingdom, while affirming that if a majority there should exercise their right of self determination to bring about a united Ireland, both Governments would introduce and support legislation to give effect to that wish. Whatever choice is made by the people of Northern Ireland in this respect, the power of the sovereign government will be exercised with impartiality and with full respect for a wide range of specific rights and equality of treatment. The two Governments undertake to carry out the terms of the Multi-Party Agreement, in particular establishing a North/South Ministerial Council, north/south implementation bodies, a British-Irish Council, and a British-Irish Intergovernmental Conference. This Agreement replaces the

Anglo-Irish Agreement of 15 November 1985.

This Agreement applies in the case of the United Kingdom to Great Britain and Northern Ireland; and, in respect of the proposed British-Irish Council, also to the Isle of Man, Jersey and Guernsey.

### **Ministerial Responsibility**

The Secretary of State for Northern Ireland has the main responsibility within the United Kingdom Government for policy under this Agreement and for implementing its provisions in the United Kingdom. The Foreign and Commonwealth Secretary and the Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster also have responsibilities within the United Kingdom Government in respect of this Agreement. Upon devolution to Northern Ireland, certain responsibilities under this Agreement will be taken on by the Northern Ireland administration. After devolution to Scotland and Wales their devolved administrations will have responsibility for their involvement in the British-Irish Council; and the administrations of the Isle of Man, Jersey and Guernsey have responsibility for the involvement of the Crown Dependencies.

### **Policy Considerations**

#### **(i) General**

This Agreement includes, as an Annex, the text of the Multi-Party Agreement concluded on 10 April 1998. The two Governments undertake in this Agreement to implement their commitments under the Multi-Party Agreement. On the United Kingdom side these include arrangements for the establishment of democratic institutions in Northern Ireland, for a North/South Ministerial Council involving the new Northern Ireland administration and the Irish Government (including the establishment of north/south implementation bodies); a British-Irish Council comprising 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, Jersey and Guernsey; and a British-Irish Intergovernmental Conference bringing together the British and Irish Governments.

In respect of Rights, Safeguards and Equality of Opportunity the British Government undertook to establish a new Northern Ireland Human Rights Commission and an Equality Commission and the Irish Government undertook to bring forward measures to ensure at least an equivalent level of protection of human rights in Ireland as will pertain in Northern Ireland. The British Government undertook to establish an independent Commission to make recommendations for future policing arrangements in Northern Ireland and to review criminal justice arrangements. The British Government and the Irish Government undertook to take all necessary steps to facilitate the commitment of the talks' participants to the total disarmament of all paramilitary organisations; and to bring relevant schemes for this facilitation into force. The British Government undertook to make progress towards as early a return as possible to normal security arrangements in Northern Ireland consistent with the level of threat. The British and Irish Governments both undertook to put in place mechanisms to provide for an accelerated release programme for prisoners convicted of scheduled offences in Northern Ireland or of similar offences elsewhere.

**(ii) Financial**

This Agreement, and the Multi-Party Agreement annexed to it, contains a wide ranging and fundamental package of constitutional, institutional and policy measures, including the new framework for government of Northern Ireland. It is not possible to provide a precise figure for the costs involved. However, as regards the costs arising from the treaty commitments directly affecting the United Kingdom's

relations with Ireland, it is expected that the costs arising for the United Kingdom from the administration of the British-Irish Council and British-Irish Intergovernmental Conference, including their secretariat costs, will be contained within existing provisions. The corresponding costs arising in respect of the North/South Ministerial Council will be paid from money voted by the Northern Ireland Assembly. The expected running costs, on the United Kingdom side, of the North/South implementation bodies, once fully operational, will be in the region of £12 million per annum, also to be provided from money voted by the Northern Ireland Assembly.

### **Implementation**

This Agreement will enter into force when each government has notified the other in writing of the completion, so far as it is concerned, of its requirements under this agreement. Legislation has already been passed in respect of elections to a Northern Ireland Assembly and of a referendum on the contents of the Multi-Party Agreement. The Northern Ireland Act 1998, the Northern Ireland (Sentences) Act 1998 and the North/South Cooperation (Implementation Bodies) Northern Ireland Order 1999 provide for the implementation of further aspects of the Multi-Party Agreement. This Agreement will be implemented following an Order in Council to be made under the Northern Ireland Act 1998.

### **Consultations**

The Multi-Party Agreement, to which this Agreement was

annexed, was concluded by the participants in the multi-party negotiations on 10 April 1998; and subsequently presented to Parliament as Command Paper 3883. Within Northern Ireland it was endorsed by referendum.

Paul Murphy  
Minister of State  
Northern Ireland Office

19 March 1999

**EXPLANATORY MEMORANDUM ON AN AGREEMENT BETWEEN THE UNITED KINGDOM AND IRELAND ESTABLISHING A NORTH/SOUTH MINISTERIAL COUNCIL**

**Title of Treaty**

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland Establishing a North/South Ministerial Council.

**Command Paper No 4294**

**Subject Matter**

The purpose of this Agreement is to establish a North/South Ministerial Council in accordance with the provisions of Strand 2 of the Multi-Party Agreement concluded in Belfast on 10 April 1998. The Multi-Party Agreement committed the British and Irish Governments to establish a North/South Ministerial Council "to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, cooperation and action within the island of Ireland - including through implementation on an all-Ireland and cross-border basis - on matters of mutual interest within the competence of the Administrations, north and south".

This Agreement applies in the case of the United Kingdom only to Northern Ireland.

**Ministerial Responsibility**

The Secretary of State for Northern Ireland has responsibility for the policy under this Agreement on behalf of the United Kingdom Government; but following devolution in Northern Ireland its implementation would be primarily the responsibility of Northern Ireland Ministers.



## **Policy Considerations**

### **(i) General**

The operation of the North/South Ministerial Council will be a matter on the United Kingdom side for the Northern Ireland administration. Northern Ireland will be represented by the First Minister, Deputy First Minister and any relevant Ministers, all operating in accordance with the rules for democratic authority and accountability in force in the Northern Ireland Assembly. The Council will meet in different formats: in plenary format twice a year; in specific sectoral formats with each side represented by the appropriate Minister; and in an appropriate format to consider institutional or cross-sectoral matters (including in relation to the EU and to resolve disagreement). It will be supported by a secretariat drawn from the Irish Civil Service and the Northern Ireland Civil Service.

### **(ii) Financial**

The cost of the supporting secretariat will, on the Northern Ireland side, be met from money voted by the Northern Ireland Assembly.

## **Implementation**

This Agreement will be implemented following the coming into force of the British-Irish Agreement signed on 10 April 1998 following an Order in Council to be made under the Northern Ireland Act 1998.

## **Consultations**

The establishment of the North/South Ministerial Council was agreed in the Multi-Party Agreement concluded by the

participants in the multi-party negotiations on 10 April 1998,  
and presented to Parliament as Command Paper 3883. The  
Multi-Party Agreement was also endorsed in a referendum held  
in Northern Ireland on 22 May 1998.

Paul Murphy  
Minister of State  
Northern Ireland Office

19 March 1999

**EXPLANATORY MEMORANDUM ON AN AGREEMENT BETWEEN THE UNITED KINGDOM AND IRELAND ESTABLISHING IMPLEMENTATION BODIES**

**Title of Treaty**

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing Implementation Bodies.

**Command Paper Number 4293**

**Subject Matter**

The purpose of this Agreement is to establish implementation bodies relating to inland waterways, food safety, trade and business development, special EU programmes, language, and aquaculture and marine matters to operate under the proposed North/South Ministerial Council in accordance with the provisions of the Multi-Party Agreement concluded in Belfast on 10 April 1998. This committed the British and Irish Governments to the establishment of at least six north/south implementation bodies to operate on a cross-border or all Ireland basis and to function upon the entry into force of the Multi-Party Agreement. The present Agreement carries out this undertaking in relation to the six implementation bodies agreed by the First Minister (Designate) and the Deputy First Minister (Designate) and reported to the Northern Ireland Assembly on 15 and 16 February 1999.

This Agreement applies in the case of the United Kingdom only to actions relating to Northern Ireland.

## **Ministerial Responsibility**

The Secretary of State for Northern Ireland has responsibility for the policy under this Agreement on behalf of the United Kingdom Government; but, following devolution in Northern Ireland, its implementation will be primarily the responsibility of Northern Ireland Ministers.

## **Policy Considerations**

### **(i) General**

This Agreement establishes the six designated implementation bodies and sets out how the various bodies will operate, including their functions, and the exercise of those functions, accountability, finance (including grants), staffing and other issues.

### **(ii) Financial**

The costs on the Northern Ireland side, additional to current expenditure, arising from the operation of the new implementation bodies are likely to be in the region of £12 million per year, when they are fully operational. These costs will be met from money voted by the Northern Ireland Assembly.

## **Implementation**

This Agreement will be implemented by an Order of the Secretary of State for Northern Ireland under the North/South Cooperation (Implementation Bodies) (Northern Ireland) Order 1999.

## **Consultations**

The concept of implementation bodies was contained in the Multi-Party Agreement which was concluded by the participants in the Multi-Party negotiations on 10 April 1998, and subsequently presented to Parliament as Command Paper 3883. Within Northern Ireland it was endorsed by referendum on 22 May 1998. The identification of the first six bodies to be established was agreed on 18 December 1998 by the First Minister (Designate) and Deputy First Minister (Designate) of Northern Ireland, in consultation with the Irish Government; and subsequently reported on 15 and 16 February 1999 to the Northern Ireland Assembly.

Paul Murphy  
Minister of State  
Northern Ireland Office

19 March 1999

**EXPLANATORY MEMORANDUM ON AN AGREEMENT BETWEEN THE UNITED KINGDOM AND IRELAND TO ESTABLISH A BRITISH-IRISH COUNCIL**

**Title of Treaty**

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a British-Irish Council.

**Command Paper No 4296**

**Subject Matter**

The purpose of this Agreement is to establish the British-Irish Council in accordance with the Multi-Party Agreement concluded in Belfast on 10 April 1998. The Council will comprise the Governments of the United Kingdom and Ireland; the devolved administrations in Scotland, Wales and Northern Ireland, and as appropriate, elsewhere in the United Kingdom; and the Isle of Man, Jersey and Guernsey. Strand 3 of the Multi-Party Agreement stated that the British-Irish Council would "promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands"; and "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 administration".

This Agreement applies in the case of United Kingdom to Great Britain, Northern Ireland, the Isle of Man, Jersey and Guernsey.

**Ministerial Responsibility**

The Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster has responsibility within the United

Kingdom Government for policy under this Agreement and for implementing its provisions in the United Kingdom. The administrations of the Isle of Man, Jersey and Guernsey have responsibility for the involvement of the Crown Dependencies. After devolution the involvement of Northern Ireland, Scotland and Wales will be the responsibility of the devolved administrations.

### **Policy Considerations**

#### **(i) General**

It is envisaged that the British-Irish Council will meet twice a year at summit level and in sectoral formats on a regular basis with appropriate representation by each member. In the Multi-Party Agreement it was suggested that suitable issues for early discussion could include transport links, agricultural issues, environmental issues, cultural issues, health issues, education issues and approaches to EU issues. It was agreed that the Council would normally operate by consensus. In relation to decisions on common policies or common actions, including their means of implementation, it would operate by agreement of all members participating in such policies or actions.

#### **(ii) Financial**

Under the Multi-Party Agreement a secretariat for the Council is to be provided by the British and Irish Governments in coordination with officials of each of the other members. The present intention is that, on the British side, the secretariat will be provided from within existing financial resources. The Multi-Party Agreement states that "the members of the British-Irish Council, on a basis to be agreed between them, will provide such financial support as it may require".

### **Implementation**

The Council will not require legislation in order to function. This Agreement will be implemented following the coming into

force of the British-Irish Agreement signed on 10 April 1998 following an Order in Council to be made under the Northern Ireland Act 1998.

### **Consultations**

The concept of the British-Irish Council was agreed in the Multi-Party Agreement which was concluded by the participants in the Multi-Party negotiations on 10 April 1998; and presented to Parliament as Command Paper 3883. Within Northern Ireland, it was endorsed by referendum on 22 May 1998. Consultations have taken place with representatives of the Isle of Man, Jersey and Guernsey.

Paul Murphy  
Minister of State  
Northern Ireland Office



19 March 1999

**EXPLANATORY MEMORANDUM ON AN AGREEMENT BETWEEN THE UNITED KINGDOM AND IRELAND TO ESTABLISH A BRITISH-IRISH INTERGOVERNMENTAL CONFERENCE**

**Title of Treaty**

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing a British-Irish Intergovernmental Conference.

**Command Paper No 4295**

**Subject Matter**

The purpose of this Agreement is to establish the British-Irish Intergovernmental Conference in accordance with the Multi-Party Agreement concluded in Belfast on 10 April 1998. The Conference will bring together the British and Irish Governments to promote bilateral cooperation at all levels on all matters of mutual interest within the competence of both Governments, as set out in Strand 3 of the Multi-Party Agreement. Within the framework of the Conference there will be regular and frequent meetings concerned with non-devolved Northern Ireland matters, co-chaired by the Irish Minister for Foreign Affairs and the Secretary of State for Northern Ireland.

This Agreement applies in the case of the United Kingdom to Great Britain and Northern Ireland.

**Ministerial Responsibility**

The Foreign and Commonwealth Secretary has overall responsibility within the United Kingdom Government for the bilateral relationship with Ireland. Other United Kingdom

Ministers are involved when matters for which they are responsible are the subject of discussion and co-operation. The Secretary of State for Northern Ireland has a particular responsibility for the activities of the Conference concerning issues arising in relation to Northern Ireland.

### **Policy Considerations**

#### **(i) General**

The British-Irish Intergovernmental Conference will subsume both the Anglo-Irish Intergovernmental Conference established in 1985 and the earlier Anglo-Irish Intergovernmental Council. It will meet as required at Summit level; otherwise Governments will be represented by appropriate Ministers. The Multi-Party Agreement provides that relevant Executive Members of the Northern Ireland administration will be involved in meetings of the Conference relating to non-devolved Northern Ireland matters. It also provides that the Conference will be supported by officials of the British and Irish Governments, including by a standing joint Secretariat dealing with non-devolved Northern Ireland matters. The Conference will keep under review the workings of British-Irish Agreement agreed on 10 April 1998 and the machinery and institutions established under it, including a formal published review three years after the Agreement comes into effect.

#### **(ii) Financial**

The Secretariat will be provided from within existing financial resources.

### **Implementation**

The Conference will not require legislation in order to function, though provision for the involvement of representatives of the

Northern Ireland administration is made by the Northern Ireland Act 1998. This Agreement will be implemented following the coming into force of the British-Irish Agreement signed on 10 April 1998 following an Order in Council to be made under the Northern Ireland Act 1998.

### **Consultations**

The Conference was agreed in the Multi-Party Agreement concluded by the participants in the multi-party negotiations on 10 April 1998; and presented to Parliament as Command Paper 3883. The Multi-Party Agreement was subsequently endorsed by referendum in Northern Ireland on 22 May 1998.

Paul Murphy  
Minister of State  
Northern Ireland Office