



**BRITISH-IRISH
INTER-PARLIAMENTARY BODY**

**COMHLAHT IDIR-PHARLAIMINTEACH
NA BREATAINE AGUS NA hÉIREANN**

**THE FUTURE OF THE BODY:
A DISCUSSION PAPER**

Introduction

1. The successful outcome to the talks process and the endorsement of the Belfast Agreement by the electorate both in Northern Ireland and in the Republic has obvious implications for the future of the Body, since, as well as an East-West strand, it is also proposed that there should be North/South Ministerial Council to bring together those with executive responsibilities in Northern Ireland and the Irish Government [Strand II, paragraph 16], and a British-Irish Council which will bring together the two sovereign Governments, the devolved Executives in Northern Ireland, Scotland and Wales, and possibly the Governments of the Channel Isles and the Isle of Man as well [Strand III, paragraph 1].

2. Answering Parliamentary Questions at the Fifteenth Plenary Session of the Body, the Taoiseach, Mr Ahern, said that the Body would provide the parliamentary dimension of the East-West strand. Similarly, in reply to a supplementary question in the House of Commons from Mr Roger Stott on 17 June, the Secretary of State for Northern Ireland, Dr Mowlam, said that she was sure that the role of the Body would continue to be a positive one. The question arises, however, as to how the existing Body is going to fit into the new structure. The purpose of this paper is to assist the Body in formulating a view as to how matters might be taken forward - though in a situation where two of the three devolved institutions do not yet exist and the third has just been established, it is impossible to be prescriptive. The situation will no doubt evolve as the new institutions take shape.

The problem of numbers

3. At present, the Body consists of 25 Members and 20 Associates from each side. It is assumed for the purposes of the following discussion that the system of Full Members and Associates would continue. It is also assumed that there will be a consensus for creating parliamentary counterparts to the North/South Ministerial Council under the proposal in Strand II, paragraph 18 and to the British-Irish Council under Strand III, paragraph 11 - where specific reference is made to the Body as a possible basis for the new institution.

4. The arrangements under Strand II might appear to concern the Body only tangentially; but it may well be the case that the Irish side of the Body might wish to have the members of any North/South parliamentary tier (referred to in the Agreement and hereafter as the "Joint Parliamentary Forum") drawn from their existing members on the Body because of the potential synergies between the Body and the Joint Parliamentary Forum, at least in the early years. This matter has yet to be resolved, but given both the importance of Northern Ireland matters to the Body and the potential for future problems, it might be important to have some feedback to the Body from the Parliamentary Forum - and such feedback might best be achieved from common membership. However, with regard to the possibility of creating a single organisation to provide the parliamentary dimension both for East-West relations and for the British-Irish Council, it seems probable that this would cause representational difficulties, since any attempt to expand the Body so as to

bring in the devolved assemblies and the small islands will create serious problems in organising representation so as to meet the legitimate aspirations of all parties.

5. In a new, all-embracing Assembly subsuming the existing Body, there would be two sovereign Parliaments, Westminster and the Oireachtas, and possibly six devolved assemblies and small islands: but the territory of all the devolved assemblies would be within the United Kingdom and its associated islands. It might well be argued, therefore, that the Oireachtas should have half of the total representation since it brings fifty per cent of the sovereignty to the new organisation - a point which was made by Senator Paschal Mooney in the debate on the future of the Body which was held at the Fifteenth Plenary.

6. Even if the Oireachtas were prepared to cede representation below this level, however, there would still be a mathematical problem. Let us assume that, in order to provide adequate representation to all parties in each of the devolved assemblies, Northern Ireland, Scotland and Wales was each to have eight seats in a new Assembly, with one representative from each of the three island legislatures. The new Assembly would therefore have 27 members from the subordinate legislatures before a single member was added from the two sovereign Parliaments.

7. An incidental point of some significance is the likely effect on debate of enlarging the existing Body much beyond its present size. At the Extraordinary Sixteenth Plenary after the conclusion of the Belfast Agreement almost every Member present wished to speak; they were only accommodated by the imposition of a strict four-minute time-limit on "back-bench" contributions. The larger the Body, the more difficult will it be for everyone to contribute.

The alternative models

8. There would appear to be a number of possible ways in which matters might be taken forward:

- the Body continues much as at present, with representation from each of the subordinate legislatures and an acceptance by the Oireachtas that it would not have a precise equality of membership;
- the Oireachtas continues to occupy half the seats and the remainder are divided between Westminster and the subordinate legislatures (but this would involve either a very small Westminster contingent or a significant increase in the size of the Body which the Oireachtas, as a fairly small institution, might not be able to sustain);
- the Body continues as at present as the parliamentary expression of East-West relations and an entirely new, free-standing "British-Irish Parliamentary Assembly" is instituted to bring together representatives from the subordinate legislatures; or

- a new "British-Irish Parliamentary Assembly" (possibly with token representation from the two sovereign Parliaments) is instituted, formally linked with *but not subordinate to* the existing British-Irish Inter-Parliamentary Body.

9. This last alternative might offer one way forward. The Body and its Committees could continue to provide an East-West parliamentary dimension to the Agreement and keep under review matters of common concern to the two sovereign Governments, while the "British-Irish Parliamentary Assembly" could provide links between the various devolved administrations. Since many of the matters of concern to the Body will also be of concern to the Assembly, it would be as well to provide a formal mechanism whereby each of the entities would refer its reports to the other for debate and comment. One possibility for linking the two together might be by means of "observer status", under which the subordinate legislatures could send representatives to the Body, while the Body could send representatives - possibly Associate Members, or possibly the Steering Committee - to the Assembly; in both cases the observers would be able to speak but not to vote. It should be said, however, that although such an arrangement is common in organisations such as the Council of Europe, it would be entirely novel to the practice both of Westminster and of the Oireachtas.

10. There is, however, an alternative view: that a separate British-Irish Parliamentary Assembly involving the devolved legislatures and linked with the existing Body, while surmounting a number of representational difficulties, maintains too great a distance between the two Parliaments on the one side and the new institutions on the other. Separating the sovereign Parliaments from the devolved institutions would ignore the distinct benefits to be gained by members of the newly-devolved Assemblies and Parliaments from mixing in a parliamentary setting with experienced colleagues who have a long tradition of running their own legislatures. Perhaps less important - but by no means to be discounted - is the possibility that such a distancing might be perceived by the newly-devolved institutions as somewhat dismissive of their own aspirations.

11. Furthermore, the British-Irish Council will bring together the two Governments and the Executives of the devolved institutions on an equal footing, despite their differences in status. It might seem appropriate, therefore, for any parliamentary counterpart to follow the same logic.

12. In addition, once the Joint Parliamentary Forum is established, it would seem appropriate for the Body to concentrate more on East-West matters, given that North/South issues will fall to the Strand II Parliamentary Forum and most Northern Ireland matters will be devolved. We would expect, however, that the Body would continue to take a keen interest in Northern Ireland, both on the grounds of its importance to British-Irish relations generally, and the fact that, notwithstanding devolution, sovereignty will remain at Westminster.

A possible way forward?

13. The best arrangement might simply be to bring together representatives from all the legislatures and to alter the numbers on the new Body accordingly. The inevitable imbalance between the British and Irish sides might not present an insuperable problem in what is, after all, primarily a consultative body; and new rules could surely be devised to protect the interests of the two sovereign Parliaments (eg, provision for a veto and/or the formal recording of minority views). Moreover, it should not be assumed that, where votes or a difference in approach are concerned, the division will necessarily be between the Irish on one side and the British on the other. In this new environment it is more rather than less likely that new groupings of particular interests will evolve over time, both between different national groups and within them.

14. In a scenario involving representatives from all the legislatures, the current numbers on the Body would probably have to be increased, though an enlargement would cause difficulties over the allocation of speaking-time. The allocation of time could undoubtedly be dealt with by the adoption of appropriate procedures (eg, Co-Chairmen, Vice-Chairmen, leaders of delegations and Committee Chairmen to have priority in speaking, with an element of proportionality or selection by the leaders of the delegation). Inevitably, however, there would have to be pressure for shorter speeches, possibly by adopting time-limits as a matter of course. Nevertheless, it would probably be desirable if the enlargement option is pursued to have a bigger Body in order to achieve a "critical mass" from each legislature. Care would have to be taken, however, to ensure that the new Body was not so large as to be impersonal. An expanded Body might look something like this:

| | |
|----------------------|----|
| Westminster: | 15 |
| Oireachtas: | 15 |
| Scotland: | 9 |
| Wales: | 9 |
| Northern Ireland: | 9 |
| Small Islands: | 3 |
| | |
| TOTAL | 60 |

OR

| | |
|--------------|----|
| Westminster: | 20 |
| Oireachtas: | 20 |

| | |
|----------------|----|
| Scotland: | 9 |
| Wales: | 9 |
| Northern | 9 |
| Ireland: | |
| Small Islands: | 3 |
| | |
| TOTAL | 70 |

OR

| | |
|----------------|----|
| Westminster: | 13 |
| Oireachtas: | 13 |
| Scotland: | 13 |
| Wales: | 13 |
| Northern | 13 |
| Ireland: | |
| Small Islands: | 6 |
| | |
| TOTAL | 71 |

Obviously, the precise numbers from each institution would have to be negotiated, and there would have to be a corresponding change in the number of Associate Members.

15. This scenario raises interesting issues such as what happens to the current system of control: the Steering Committee, which has been an essential mechanism for the smooth running of the Body. One option would be to retain the existing system of two Co-Chairmen from the Oireachtas and Westminster, with four Vice-Chairmen from each of Northern Ireland, Scotland, Wales and the Small Islands. Alternatively, the number of Vice-Chairmen could be increased to allow for proper representation of the Opposition from each institution. The danger is, of course, that such an arrangement renders the whole thing unwieldy. But however the Body develops, we would argue that it is absolutely vital that the Steering Committee retain its existing level of control while bringing all sides on board; and this will need very careful consideration as it is likely to contribute significantly to the success or otherwise of any new Body. It may be that interim arrangements might be applied and could be reviewed after a number of years.

16. Perhaps the more intractable problem is going to be the functioning of Committees. Even now, with Committees drawn from the four Houses of the Oireachtas and Westminster, it is sometimes difficult to arrange meetings at times which are convenient for all the participants: with five major players, it may prove to be impossible.

17. A subsidiary difficulty will be the provision of a secretariat. If the existing Body develops to include representation from all the parliamentary institutions in the islands, then it will probably need a small dedicated secretariat to service it. At the outset, however, we would suggest that the Body continue to be serviced from Dublin and Westminster.

18. Inevitably, under any new arrangement the work of the Body is going to change. If there are to be two entities meeting separately, then presumably the exigencies of the parliamentary timetables would mean that each might meet only once each year - which would imply a consequently greater role for the Committees of the Body. Alternatively, if there is to be a new Body embracing all the parliamentary institutions, then other problems will arise; but none of them are necessarily insurmountable, given goodwill and the adoption, perhaps, of interim arrangements. A rolling process of reform over a period of five years or so might be adopted in order to allow the new Body to alter both its structure and procedures as it became more mature and stable. Such an arrangement could allow for an imbalance in representation between the various institutions, with the sovereign Parliaments, at least in the initial stages, having a greater influence. In any event, no matter what structure is ultimately adopted, it is going to have to be more flexible than parliamentary institutions are normally accustomed to, because change is going to be an ongoing feature of the new dispensation.

The Steering Committee