

NR

Constitution Group
Cabinet Office
6 August 2020

TO: CHANCELLOR OF THE DUCHY OF LANCASTER
CC: SECRETARY OF STATE FOR NORTHERN IRELAND

RE: Request of the Northern Ireland Executive to hold an extraordinary BIC Summit

Issue

Irrelevant & Sensitive

Timing

2. Routine.

Recommendation

3. That you respond to NIE's request:
 - Agreeing to an extraordinary virtual BIC Summit and suggesting administrations seek to find a suitable date in September;
 - Noting that UKG officials are already working with member administrations and collectively identifying areas for discussion at the BIC.

Discussion

Considering NIE's request

4. The next scheduled BIC Summit is planned for Friday 6 November 2020 and will be hosted by the Scottish Government. The request to hold an additional extraordinary BIC Summit originated within the NIE and was driven particularly by the deputy First Minister, who has called for Northern Ireland to mirror Ireland's approach of asking travellers from Great Britain to self-isolate for 14 days on arrival. This was rejected by the First Minister.
5. The request has already gained some traction with other member administrations; the Welsh Government, Guernsey and Jersey have responded directly to NIE agreeing to their request and you, on a recent call with First Ministers, have agreed to instruct the BIC Secretariat to make preparations for an early Summit. This will be the first Summit that the NIE have been able to attend since the restoration of the Assembly and Executive in January 2020 and given the significance of the BIC as part of the Belfast agreement it would have been very difficult to turn it down.

6.

I&S

BKL00000303

INQ000372662_0001

7. While we could alternatively propose a ministerial or senior official working group, this is not recommended. **We therefore recommend that you respond to NIE's request agreeing to an extraordinary virtual BIC Summit at a mutually convenient time.** Practically, this is likely to be in September which would enable a more focused discussion from the easing of some of the current restrictions.

Summit agenda

8. There is a risk that a broad discussion on travel and quarantine within the CTA, as NIE have requested, would be unconstructive in a BIC forum and raise disagreements between UKG and Ireland, and between UKG and the DAs. As public health is a devolved matter, each of the member administrations within the CTA is able to decide their own approach and, depending on the specific arrangements, it would be extremely unlikely to undermine or contradict the CTA as an immigration construct. Since the BIC operates on consensus and information sharing and is not a decision-making body, it would not be appropriate to seek to resolve differences in this forum.
9. We therefore recommend using the UKG response to steer the Summit on to a practical discussion of operational aspects of implementing health measures associated with travel/the border within the CTA. This is in line with the NIE's request to 'share knowledge and information'. This could cover the sharing of approaches on some or all of the following:
 - Information collected from Passenger Location Forms - how this is passed from the border to health services, and where it would be appropriate to share these between CTA members including Ireland;
 - Sources and use of evidence from abroad to develop internal advice and guidance, including on track and trace, data on prevalence of C-19, and approach to hotspots;
 - Work on an approach based on testing rather than 14 days self isolation;
 - Wider approaches to travel, including considering a sub-national approach based on areas rather than countries
 - Explore potential next steps for opening with economically important countries with poor Covid records eg United States
10. If extended to all BIC member administrations, and sufficiently advanced by the time of a future Summit, this operational approach could provide a more positive basis for discussion. **We therefore recommend referring to this in your response and offering it as the basis for an extraordinary Summit.**
11. UKG aims should be to avoid raising more controversial topics less suited to the BIC format, including:
 - The countries external to the CTA from which travel should be permitted without self isolation or other restrictions; the UK and Ireland currently have different methodologies for determining this and UKG is not ready to share its approach

- Self isolation requirements applying to travel within the CTA, including the possibility of administrations advising against or acting to restrict travel to different parts of the CTA. You have received separate advice on the potential for the devolved administrations to restrict intra-UK travel as part of the Covid response. We should avoid discussing DA disagreements in front of Ireland.

Summit attendance

12. An extraordinary Summit would be chaired and hosted online by the NIE.
13. The Prime Minister has previously indicated his intention to attend a British Irish Council; should a Summit be arranged, we would need to test with no 10 if he wished to attend this one.

Annex A - Draft response

August 2020

Thank you for your letter of 27 July 2020 proposing an extraordinary virtual Summit of the British-Irish Council.

I would be happy to join a virtual Summit discussing member administrations' approaches to implementing public health measures and travel within the Common Travel Area and propose that the Secretariat is requested to find a mutually convenient date for this to be arranged. Given the ongoing changing circumstances and diary commitments an early September date may be most practicable for all Heads of Administrations.

I am copying this letter to the other Heads of Administration and to the BIC Secretariat.

With every good wish,