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CROSS-BORDER BODIES AND THE NORTH-SOUTH RELATIONSHIP
—LAYING THE GROUNDWORK
Martin Mansergh

—IMPLEMENTING STRAND TWO
Andy Pollak

IBIS working paper no. 12
CROSS-BORDER BODIES AND THE NORTH-SOUTH RELATIONSHIP
— LAYING THE GROUNDWORK
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No. 2 in the lecture series “Institution building and the peace process: the challenge of implementation” organised in association with the Conference of University Rectors in Ireland

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ABSTRACTS

CROSS-BORDER BODIES AND THE NORTH-SOUTH RELATIONSHIP—LAYING THE GROUNDWORK

The new North-South institutions established under the Good Friday agreement need to be seen in both historical and contemporary political contexts. Their roots are as old as partition: efforts to overcome some of the more negative consequences of the division of Ireland date back to 1918, when the idea of a Council of Ireland was first raised, and found more concrete form in 1920 and 1973. The inclusion of an important set of North-South bodies in the Good Friday agreement arose from a need to respond to certain practical considerations, but was also intended to provide a balance to the devolved institutions within Northern Ireland and the strong British link. Notwithstanding difficulties in several other sensitive areas, the North-South bodies have managed to function in a positive atmosphere of cooperation between ministers from very different political backgrounds, and it is possible to be relatively optimistic about their future development.

CROSS-BORDER BODIES AND THE NORTH-SOUTH RELATIONSHIP—IMPLEMENTING STRAND TWO

The development of the new North-South institutions has been one of the more surprising success stories of the Good Friday agreement. At their apex is the North/South Ministerial Council, which in principle meets in three formats, but in practice has so far met in two: plenary and sectoral. The council oversees the work of six implementation bodies, which are responsible for policy implementation throughout Ireland in specific sectors, each of which has its own staff and budget. It also supervises cooperation in other areas designated by the Good Friday agreement. The council has a small but very active staff in Armagh, and owes much of its success to the willingness of politicians to agree on measures of cooperation that are of practical benefit, even in the face of significant political difficulties.

Publication information

This contains the revised text of two lectures presented as part of the seminar series “Institution building and the peace process: the challenge of implementation”, organised jointly by the Conference of University Rectors in Ireland and the Institute for British-Irish Studies. The lectures were presented in UCD on 28 May 2001.
BIOGRAPHICAL INFORMATION

**Martin Mansergh** is special advisor to the Taoiseach. He was educated at Oxford University and wrote his doctoral thesis on late eighteenth century French history. He joined the Department of Foreign Affairs in 1974, moved to the Taoiseach’s department in 1980 and since then has worked closely with leaders of Fianna Fail as advisor on Northern Ireland. He played a major role in the negotiations that led to the Good Friday agreement.

**Andy Pollak** is Director of the Centre for Cross-Border Studies in Armagh. He is on leave of absence from his job as a journalist with the *Irish Times*. With Ed Moloney, he co-authored a biography of Ian Paisley (Poolbeg, 1986). He was coordinator of the Opsahl commission on Northern Ireland, and edited its report, entitled *A citizens’ enquiry: the Opsahl report on Northern Ireland* (Lilliput Press, 1993).
SOME NECESSARY DISTINCTIONS

In describing institutions, it is always necessary to keep a balance between how they are supposed to function in an ideal world, and how they are actually functioning in the real world.

The North-South institutions, established under the Good Friday agreement, are situated in what I shall call vertical and horizontal contexts. The vertical context is their long prehistory. The horizontal context refers to the fact that they exist alongside other interlocking institutions.

Notwithstanding the title of the lecture, I would draw attention to the variable and fluid nomenclature used in the strand two section of the agreement. While the heading is North/South Ministerial Council, the language refers to implementation on an all-island and cross-border basis. I tend to associate the term cross-border mainly with co-operation affecting the border counties North and South, whereas North-South co-operation would tend to involve the island as a whole. North-South co-operation may imply co-operation between the two jurisdictions acting jointly or in parallel. All-island implementation may imply an integrated policy implementation across the island, for example through an implementation body having sectoral responsibility for the island as a whole. But, while the three terms “cross-border”, “North-South” and “all-island” may tend to have particular connotations, they are in practice often used loosely and almost interchangeably, and they draw attention to different categories of co-operation.

There is another factor. In an EU context, cross-border co-operation tends to mean co-operation between one region and another across a national boundary. Ireland has been one region—though it is now two—and Northern Ireland another, so that in that sense cross-border and North-South are terms that collapse into each other.

One other preliminary distinction that I would like to make is that, while North-South bodies are an expression of the North-South relationship, they are not the totality of it, and indeed it is necessary to view them against the background of the whole of this relationship.

NORTH-SOUTH BODIES: THE HISTORICAL BACKGROUND
( THE “VERTICAL CONTEXT”)

Historical perceptions have done much to determine the place of North-South bodies in the framework of the Good Friday agreement.
The issue of what North-South co-operation would continue first arose in 1918, when partition began to look inevitable. It is not widely known that the Council of Ireland which would supervise certain continuing economic functions in common was originally a proposal of Sir Edward Carson’s in the Irish Convention, which tried to find an agreed solution in circumstances that had much altered since 1914. Carson was under pressure not just from constitutional nationalists but from southern unionists, who did not want partition, and it would not be unfair to describe the proposal as a sop. It resurfaced in the Government of Ireland Act, 1920, which sought to establish devolved parliaments and governments North and South. That act, known in Northern Ireland as the “partition act”, while establishing and entrenching Northern Ireland, purported to point in the other direction, with the Council acting as an instrument of reunification, but, one must emphasise, in the context of a single devolved parliament within the UK. Nevertheless, that purpose tended to give it a bad reputation among later generations of unionists.

The Council survived as a Treaty provision, but shorn of any explicit unification mission. The symmetry of the 1920 act was gone, with the Irish Free State assuming the status of a self-governing dominion, whereas Northern Ireland remained a devolved government within the UK, though Craig would also have liked dominion status.

The Council never met, was a dead letter, and was scrapped by mutual agreement in the Boundary agreement of 1925. Northern Ireland did not want to be trammelled by it, but the South had not the slightest interest in it either. Events like the Belfast boycott and the civil war had broken up the all-Ireland economy, such as it had existed under the union. Unionism wanted as little as possible to do with the South, but there was also the whole question of non-recognition which got in the way of intergovernmental contact for 40 years from 1925 to 1965.

I would tend to argue that the partition settlement of 1920-21 failed to provide longer-term stability because the balances built into it were systematically ignored. There were four of these. The Council of Ireland was one. Proportional representation in Northern Ireland was another. Non-discrimination was a third safeguard. The fourth was the boundary commission. As a result, the settlement in Northern Ireland became entirely lopsided.

Economically, both parts of the island experienced difficulties in the depressed interwar years. The South had to manage without the most industrialised part of the island. The North had to manage with much reduced access to the markets of the South and West. From the late 1940s, some very limited co-operation was agreed on the Lough Foyle Fisheries, the management of Lough Erne, and the Belfast-Dublin railway. In the 1960s, the meetings of Lemass and Lynch with O’Neill opened the way for the first time to extensive ministerial and official contacts on issues of mutual economic interest. The political perspectives were very different. For Lemass and Whitaker, it was part of a long-term and gradualist policy for peaceful reunification, but also something that could be justified for now in its own right. For O’Neill, it was a gesture to good neighbourliness, but involved at least de facto recognition by the South, and might assist in containing rising pressures from the na-
nationalist community. Looking back at the files, the amount of work and co-operation at official level from 1965 to about 1968 was quite impressive, and there was a degree of enthusiasm on both sides. But the initiative, which did not address the civil rights issues, was overtaken by events on the streets. Gradualism was simply too slow.

When the dam burst, a trawl of ideas on the southern side brought out once again the Council of Ireland. This was in due course incorporated in the Sunningdale agreement in quite an ambitious form. This was credited with destroying its prospects, as being a bridge too far, partly because of its historical associations and baggage. Whether unionism was ready for power-sharing either is a moot point.

Low-key North-South co-operation, conducted mainly at official level, continued, because it was necessary, with non-governmental organisations like Co-operation North pointing out the potential in many different sectors. The ostensible East-West framework of British-Irish discussions in the 1980-81 period between Mrs Thatcher and Mr Haughey and Dr FitzGerald gave way four years later to a much more concentrated focus on North-South relations in the Anglo-Irish Agreement. Two very notable projects of the early 1990s were the restoration of the Ballinamore-Ballyconnell canal, which was pushed by Mr Haughey, and the upgrading of the Dublin-Belfast railway, the impetus for which came primarily from the North.

There is no doubt that in the years preceding the Good Friday agreement there was a good deal of focus on the potential of both North-South and cross-border co-operation. Cross-border regional groups were established all along the border. Both the International Fund for Ireland and the INTERREG Programmes involved Northern Ireland as a whole plus the six northern border counties. Mr Haughey was invited as President of the European Council in the first half of 1990 to address the Institute of Directors in Belfast, which led to a limited rooftop protest. Both the Confederation of British Industry and the Confederation of Irish Industry, later the Irish Business and Employers Confederation, argued that there was a much greater potential for increased trade and business linkages.

Politically, constitutional Nationalism in the 1980s, as for example in the New Ireland Forum, moved decisively away from contemplating any purely internal settlement. Recognition of an Irish dimension or identity was deemed essential to win nationalist support for a settlement. In the Brooke talks from 1991, the three strand process explicitly included North-South relations. There was considerable unionist hesitation about this, with reactions varying from a minimalist inter-Irish relations committee in an Assembly to a denial that the North-South dimension mattered at all, compared with (a) internal responsibility-sharing (b) the East-West dimension. In other words, the three strands should be reduced to two. There was also a period when unionists sought to denigrate the existence of the “Celtic tiger” economy, as for example in Roche and Birnie’s *An economics lesson for Irish nationalists and republicans* published in 1996. The authors have since gone their separate political ways.
Of course, the British-Irish relationship, in a North-South context, had become more and more central to a resolution of the problem, other more unilateral approaches having failed. The relationship also provided a constitutional channel for nationalists. The British-Irish relationship on Northern Ireland was political and also covered security co-operation, with economic co-operation being important but secondary. Arguably, one of the reasons for the Anglo-Irish Agreement of 1985 was the reluctance of unionists to become involved either in power-sharing or North-South co-operation, and, in the case of the latter, the British with the help of the Northern Ireland civil service, and in matters of security the RUC, moved to fill the gap. So, when we came to the Good Friday agreement, it is against the background of 30 years of North-South co-operation, not starting from a blank sheet.

The prospect of a dynamic North-South relationship was an important influence on the peace process. The Framework Document was in gestation well before the first IRA ceasefire, showing that the two governments were squaring up for serious negotiations. But unionists rejected the Framework Document as unacceptable, partly because they perceived North-South bodies with executive powers as institutions that could acquire a life of their own. Nationalists, on the other hand, were inclined, partly on the basis of the European integration analogy, to see a single island economy as a stepping-stone that could facilitate an eventual united Ireland. North-South institutions were seen as an essential counterpart to the rewording of articles 2 and 3 of the Irish constitution, which was only partly offset by repeal of the Government of Ireland Act, 1920, if the electorate in the South were to be persuaded to endorse an agreement.

Privately, the unionist leadership understood the necessity for some North-South dimension of this kind, but in public indicated that the issue could be a breaking point in negotiations. On the other hand, David Ervine of the PUP expressed the view that North-South co-operation could be the most interesting part of a settlement, while Garret FitzGerald on the basis of earlier experience predicted institutional resistance in the South.

THE PLACE OF THE NORTH/SOUTH MINISTERIAL COUNCIL IN THE INSTITUTIONAL SET-UP OF THE GOOD FRIDAY AGREEMENT (THE “HORIZONTAL CONTEXT”)

The North-South or Irish dimension was always seen in part as a counterweight to the internal Northern Ireland dimension, where even with power-sharing the majority status of the unionist community and the British constitutional framework puts nationalists at something of a disadvantage. It was also a counterweight to the much stronger and exclusive constitutional link that exists between Northern Ireland and the UK.

The unionist concern has been to ensure that the North-South or Irish dimension does not acquire a momentum of its own that will undermine the union. Passages in the Framework Document that seemed to suggest that North-South bodies could be free-standing and autonomous, in the event of the breakdown of other institu-
tions, were seen as threatening, though in fact I do not believe that anything signifi-
cantly more ambitious than what has actually been agreed was intended. In addi-
tion, the unionist view of the world is that North-South relations, worthy though they
may be, are of much lesser importance than the relations that both parts of the is-
land have with Great Britain on an East-West basis.

Midway during the 1997-98 negotiations, the two governments produced an outline
agreement, the so-called “propositions document” of January 1998, which specified
for the first time an East-West body, which became the British-Irish Council, some-
times more popularly called the “Council of the Isles”. Unionists may have been
surprised that the Irish government did not make more of an issue of this. But that
was because the government did not see a loose consultative body, that would
have less specific functions than the North/South Ministerial Council, as a threat,
and, secondly, because it positively welcomed the opportunity to develop bilateral
relations with the devolved institutions in Edinburgh and Cardiff, as shown by the
early establishment of Consulates in both capitals.

The North-South dimension was at the centre of negotiations in the last four weeks
before the agreement. A good deal of time was spent in tying down the exact terms
of accountability and legal basis of the bodies. Essentially, they had to proceed by
consensus, both within the North, and between North and South, so that there was
no question of unionists being outflanked or outvoted by any North-South national-
ist combination. While the potential for co-operation covers practically any sector
North and South, no agreement would have been possible on an explicitly compre-
hensive or open-ended basis. It was agreed to proceed on the basis of six imple-
mentation bodies, and six areas for co-operation using existing structures. The Irish
government would have been concerned that taken together the areas contained
significant substance. Unionist concerns would have been more about control of
the process.

What is remarkable, though, is that, while it was an area of greatest difficulty in the
negotiations, it has not figured since to anything like the extent that, say, decom-
missioning, prisoners or policing have. While there were tough negotiations on the
exact remit of the North-South bodies and identification of the areas of co-
operation, this was something agreed fairly early on in the process by March 1999.
There have, of course, been external difficulties, caused by the suspension of the
institutions between February and June 2000, by the absence of DUP ministers
from the Transport Council in particular, and latterly by the refusal of the First Minis-
ter to nominate Sinn Féin ministers to North/South Ministerial Council Meetings,
which is the subject of ongoing legal action. While the Executive and North-South
institutions have been functioning continuously for a year, certainty and complete
confidence about the future stability of the agreement and its institutions have yet to
be achieved, because of overhanging issues that are of central importance to the
agreement, namely policing and putting arms beyond use.

A great deal of progress has been made in terms of appointing boards and person-
nel and in getting everything up and running. There have been regular, useful and
harmonious meetings of the North/South Ministerial council, both in plenary and in
sectoral format. But the institutions need to be able to concentrate on their work without external distraction and to be able above all to engage in long-term planning. During the period of suspension in 2000, the bodies survived, but on a care and maintenance basis.

If I were to highlight some of the excellent work being done, I would point to the preparations for starting up the Tourism Ireland Company for the 2002 season. The South has entrusted one of its major industries to an all-Ireland body. The Trade and Business Development Board has established a venture capital fund for small and medium enterprises, and has brought together, in a facilitating role, business bodies North and South that previously had little contact. There has also been a travelling roadshow.

The Language Body has promoted the Irish language on an all-Ireland basis, and provided support for many community groups. The Ulster-Scots tradition has been given a new profile. Waterways Ireland has assumed responsibility for 1,000 kilometres of canal, and is preparing plans for restoration of the Ulster Canal, which flows through North Monaghan on its way to Lough Neagh. The EU Programmes Body is working on details of a Peace 2 and an INTERREG 3 programme, and its office in Omagh was opened last week by the Minister for Finance and Personnel, Mark Durkan. All of this is testing and stretching not just political commitment, but public administration North and South of the border. Everything indicates that they are well up to the challenge, and that the work of the Executive, the Assembly and the North-South institutions is positively supported by most people in Northern Ireland.

A good example of North-South co-operation at its best has been the close consultation between ministers Joe Walsh and Bríd Rodgers and civil servants dealing with the foot-and-mouth crisis, which has so far succeeded in limiting the damage and preventing the spread of a full-blown outbreak. There have been good meetings between Arts Minister Síle de Valera and Michael McGimpsey, and Trade and Industry ministers, the Tánaiste Mary Harney and Reg Empey. Environment ministers Noel Dempsey and Sam Foster are discussing waste management and recycling strategies. There have been useful and important consultations on energy, which was not formally designated as an area for close co-operation, between ministers O’Rourke and Empey. Health and Education (below third level) meetings have been complicated by the nomination issue, which is seen as something that has to be resolved along with other issues rapidly in the immediate post-election period, but there was a somewhat controversial informal meeting last week between Education and Health ministers Woods and Martin with de Brun and McGuinness.

The nomination dispute, which poses an obstacle to progress, has however had an even greater impact on the British-Irish Council, which has met once in Inaugural Plenary Session in December 1999. Much of the speculation about its potential rested on the assumption that it would be a co-ordinating mechanism for the devolved parts of the UK and the autonomous islands, but, in fact, that is being driven by the Joint Ministerial Conferences internal to the UK, so that the BIC is something
of a spare wheel, in that regard at any rate. Some of its real value from an Irish point of view to date has been the strengthening of bilateral relations with Wales and Scotland, with all of us having much to learn from each other.

Unionists probably had the same ambitions for the British-Irish Council, as nationalists had for the North-South bodies, namely that it would nudge the other side closer to their view of the world. Thus, David Trimble on his election stump speaks of Ireland returning to “the British family of nations”. What many people in Northern Ireland underestimate is the extent to which the people in the Republic see themselves as a European nation, with Irish certainly not falling under the umbrella of British, whilst accepting that the situation of people who identify themselves as Irish in Northern Ireland is more complex and not necessarily mutually exclusive. A Foreign Affairs discussion document a couple of years ago even ventured that we are an Atlantic nation as well as a European one, in recognition of our strong ties with the United States. Professor Brendan O’Leary has put forward the speculative argument that both the North-South and the East-West institutions have a confederal element to them, but that is not a matter on which I would care to express an opinion at this stage.

MORE GENERAL REFLECTIONS

The original purpose of European integration was to prevent war through the development of inseparable mutual interest. There is little doubt that the institutions of the Good Friday agreement, assuming that they are functioning properly, make the renewed outbreak of conflict much less likely, particular as the agreement has a strong democratic mandate. Whatever reservations there may be in the unionist community about Sinn Féin participation, there is little doubt that the agreement continues to enjoy substantial public support.

Most unionists no longer perceive the South as threatening, and have taken on board to some extent changing attitudes. The difficulties they face are almost entirely to be found within Northern Ireland.

There are two models of economic development in Northern Ireland. The dominant one remains a growth strategy for a devolved region, with North-South co-operation treated as a positive but minor adjunct. There is a belief that Northern Ireland could replicate the Celtic tiger economy, but in parallel, once the disabilities imposed by the conflict of recent decades are removed. The alternative model, not only preferred by nationalists, but also expressed by one or two senior business figures, puts the emphasis on the single island economy, in other words the development of a domestic market of 5.5 million people as a springboard to exports. The single island economy, to the extent that it has developed, is arguably shaped more by market forces than direct government action. The instruments of North-South cooperation, while capable of much greater development, would not be sufficient of themselves to bring this about at the present time, outside of a few sectors.
The constitutional future is also a separate issue from North-South co-operation. The Ostpolitik did not in any direct way bring about German unity, though it did create the beginning of greater interdependence between the two Germanies. Essentially, the question of unity goes far beyond limited co-operation mechanisms in either case. But improved relations and co-operation are a good in themselves, irrespective of ultimate destinies, and contribute to improve the quality of life for here and now, and should not be dismissed or denigrated as second best.

The other important part of the context is the complete transformation of the economic relationship between North and South. After the war, the Irish economy cut a poor figure in comparison with Northern Ireland, which of course had started in a much stronger position by containing most of the island’s industrial assets. While there was always a case for sectoral co-operation, and the North from time to time secretly envied in certain respects the South’s policy-making autonomy as a sovereign state, it was difficult to make the case with great conviction that the North would be better off from an economic point of view with the South. Indeed, as late as 1984, the economic reports of the New Ireland Forum made it clear that there would be great difficulty in managing that, without substantial transitional aid, perhaps for a 20 year period. External funding to encourage peace did of course come through the International Fund, and the EU’s Peace and Reconciliation monies, but on a modest scale. Today, curiously, in fact, the Exchequer surplus in the South is roughly equivalent to the British subvention in the North.

The backdrop today to the Good Friday agreement, now in its early years, is completely different. The economy in the South has over the past eight years been the most dynamic in the western world, and is fully industrialised. Infrastructure spending is planned on a scale here that is not at the moment feasible in the North. The need for northern involvement and participation as a prop to economic performance in the South is less obviously compelling than it was in the past, but still very important in areas like the North-West. The debate in a sense has shifted to deal also with what, if anything, proximity to and co-operation with the South can do for Northern Ireland (aside from differences on the euro, and energy tax and price differentials). The North-South institutions provide the testing ground for that, without having to involve deeper constitutional commitment.

Opponents of the agreement, including dissidents, are convinced for a whole variety of reasons, some of which are very plausible, that the agreement cannot work. On the other hand, it has the huge weight of opinion, plus the governments, behind it, determined to overcome temporary obstacles, however apparently insurmountable. People are apt to forget that politics is in many ways the art of the impossible, or, perhaps more accurately, the apparently impossible. The possibility of anyone being willing to renegotiate an extremely finely balanced and comprehensive agreement is in my view close to nil. All possible futures lie through its implementation. While there are holding fall-back positions, approximating institutionally to the status quo ante via the British-Irish Intergovernmental Conference, there is no alternative blueprint, and it is difficult to see any political consensus forming round one. In what we have, therefore, we are looking at the future. The only question is
how smoothly and satisfactorily the institutions work, and how quickly they can bring results.
INTRODUCTION

As a semi-detached outsider, the director of a small independent cross-border research centre which happens to share a building and occasional activities with the North/South Ministerial Council (NSMC) secretariat, I have been able to observe the operation of the strand two institutions unfolding at relatively close quarters. Perhaps being an outside observer with regular contact with NSMC and implementation body officials allows me the space to witness that process from the viewpoint of a passionate supporter of the North-South Strand of the Good Friday agreement who is nevertheless able to stand back and see some of the issues—and problems—as they emerge.

So if I venture occasional critical observations this evening, that is because I see this as my most useful role. I hope my NSMC and implementation body friends in the audience will accept these observations in the spirit in which they are offered: as constructive comments in a discussion among people who have one unifying belief in common—that North-South co-operation on practical issues is one of the key tools to help overcome the age-old divisions and start removing the poison of centuries from relationships on this island.

INSTITUTIONAL DEVELOPMENT

I will start with a short chronology and overview of the 18 months (and remember it is a very short period, and one which has been marked by recurring political crises) since the North-South institutions “went live” on 2 December 1999, alongside the Northern Ireland Assembly and Executive. The North/South Ministerial Council’s remit was threefold. It was to meet in plenary format—with delegations of Dublin and Belfast ministers led by the Taoiseach and the First Minister, David Trimble—twice a year (because of a four-month suspension between February and May 2000, and Mr Trimble’s ban on Sinn Fein ministers meeting their southern counterparts in October 2000, it has actually met twice in the past 18 months).

The North/South Ministerial Council (I will henceforth call it NSMC or the Council for short) also meets in 12 sectoral formats, each covering one of the 12 areas for North-South co-operation agreed in the Good Friday agreement. Co-operation in six of these areas—the more specialised ones—is being taken forward by single all-island implementation bodies. These are Waterways Ireland, the Food Safety Promotion Board, the Trade and Business Development Body (now known as InterTrade Ireland), the Special EU Programmes Body, the Foyle, Carlingford and Irish Lights Commission (which operates as two agencies, the Loughs Agency and...
the Lights Agency); and the North/South Language Body (incorporating the Irish
Language Agency, Foras na Gaeilge, and the Ulster Scots Agency, Tha Boord o
Ulster-Scotch).

Co-operation in the other six is by means of decisions by ministers in both jurisdic-
tions, implemented by existing mechanisms in each jurisdiction separately. These
cover aspects of agriculture, education, environment, health, transport and tourism.

There is also a third institutional format, which allows the NSMC to meet to con-
sider cross-sectoral areas and resolve difficulties without having to convene a full
plenary. The Council has not yet met in this format, although it is hoped that one
such meeting will be held before the next plenary.

The first full plenary session was held in Armagh in mid-December 1999, and was
attended by the First Minister, David Trimble, and the non-DUP members of his
new executive, and the Taoiseach, who, understandably, given the historic nature
of the occasion, brought his full cabinet. I believe there were unfortunate elements
of nationalist insensitivity on that occasion, with squads of ministerial Mercedes
sweeping into Armagh from the South, and the few unionist politicians lost in a sea
of nationalist faces in the next day’s press photos. Perhaps a more considered cho-
reography should be instituted for such events when they take place north of the
border in the future. However, on this occasion, I don’t believe any lasting damage
was done.

The small group of civil servants from North and South who make up the secretariat
of the NSMC then worked feverishly over the following weeks to begin the process
of organising sectoral meetings and setting up the implementation bodies. With the
decommissioning crisis always in the background, the spectre of suspension of the
institutions was hanging over them from the beginning. In the event, just 10 weeks
later, on 11 February, the inevitable happened.

A number of the implementation bodies had been able to hold their first board
meetings before suspension, and were therefore able to approve budgets and initial
work programmes. This allowed them to work through the next four months while
the rest of the Good Friday agreement institutions were in limbo. However there
were few board meetings during the suspension period, since it was felt that union-
ist-appointed members and particularly unionist-appointed chairmen—whose party
was treating all the linked institutions as legally suspended—would be put in an im-
possible position if they went ahead.

After government and IRA statements in early May 2000 had allowed the resto-
tion of the institutions at the end of that month, the NSMC officials in Armagh again
went into overdrive to organise sectoral meetings and get the implementation bod-
ies off the ground. Nine inter-ministerial sectoral meetings were held in two and a
half weeks in June and July. Bear in mind that these were complicated affairs: not
only did the respective minister and his officials from each jurisdiction have to be
lined up, but also a “shadow” northern minister from the other tradition. Thus, under
the rules laid down by the Good Friday agreement, if the Unionist Minister of Enter-
prise, Trade and Investment, Sir Reg Empey, is meeting Mary Harney or Mary O'Rourke, he has to be “shadowed” by an SDLP or Sinn Fein minister, and vice-versa if a nationalist or republican minister is meeting their southern counterpart. With only 10 Northern ministers—of whom two DUP ministers are boycotting the proceedings, and, since last October, two Sinn Fein ministers are banned from taking part—this greatly limits the possibility of convening North-South ministerial meetings.

OPERATION OF THE NORTH/SOUTH MINISTERIAL COUNCIL

The meetings themselves are organised on the EU model. Working groups of North-South civil servants—co-ordinated by the NSMC (which thus plays a role comparable to the European Commission) and drawn from the relevant sectoral departments—prepare agendas and papers. The need for transparency and trust-building is reflected in the agenda of every meeting, which is widely known and agreed beforehand. “We hold to the principle of ‘no surprises’”, says the southern joint head of the secretariat, Tim O'Connor.

This sometimes makes southern ministers, in particular, a little impatient. There is inevitably an element of ministers meeting to rubber-stamp decisions already reached after lengthy consultation, and the more spontaneous atmosphere of normal cabinet meetings is largely absent. But this is very often how European Council of Ministers meetings also work. In this, a divided Ireland is learning the difficult business of trust-building from the accumulated wisdom of a formerly divided Europe.

It is striking how much agreement there is about how remarkably good relations are at a human level between the northern and southern ministers who attend these meetings. Senior members of the Ulster Unionist Party use phrases like “they’re working very smoothly and well” and “there’s a degree of co-operation going on that we’ve never seen before.” The leading role of Sir Reg Empey was picked out by a number of unionists and northern civil service “insiders” I talked to last week. One of his officials said that while it was still very early days, the traditional barriers of North-South mistrust were clearly being overcome through the NSMC meetings, and any misunderstandings between civil servants were being sorted out by “practical people” like Empey, Mary Harney and Mary O'Rourke.

Clearly, Reg Empey and Mary O'Rourke talking together is one thing: getting Peter Robinson or Gregory Campbell involved would be quite another matter. NSMC officials also admit that the absence of Sinn Fein ministers since David Trimble's ban on them last October has seriously hampered co-operation in the education and health areas, including the new Food Safety Promotion Board. We in the Centre for Cross Border Studies have direct experience of this. We delivered a 300-page "scoping study" on North-South school, youth and teacher exchanges to the two departments of Education in Dublin and Bangor last November. However it is still hanging there in some kind of limbo because it was commissioned by the relevant joint departmental working group set up under the education sector of the NSMC,
and therefore cannot be formally received by Michael Woods and Martin McGuinness.
Northern Ireland administration

Government of Ireland

NORTH/SOUTH MINISTERIAL COUNCIL

*six areas for co-operation*

*through existing jurisdictional bodies*

- Education
- Transport
- Agriculture
- Health
- Environment
- Tourism

*six areas for all-island co-operation*

*through implementation bodies*

- Inland Waterways
- Trade and Business Development
- Food Safety Promotion
- Language Promotion
- Special EU Programmes
- Aquaculture, Lighthouses, Marine Tourism

*Figure 1: Cross-border structures in Ireland*
Overall the relatively smooth introduction and operation of the North/South Ministerial Council and the implementation bodies is one of the surprise success stories of the Good Friday agreement’s implementation. Nothing in this area should be taken for granted. Remember that it was the North-South strand that brought down the Sunningdale agreement. Remember that four days before the Good Friday agreement UUP deputy leader John Taylor said he would not touch Senator Mitchell’s first draft with “a forty foot pole,” largely because it named a hundred possible North/South bodies.

Yet now Unionist spokesman say the North-South architecture is “about right”. The genius of the Good Friday agreement in this area is in its complex system of checks and balances. “These institutions are as complex as they need to be. They need to cover a lot of bases so that people feel comfortable with them”, said one senior North-South official last week (see figure 1 for an outline of the new institutions).

Much of that success is based on a twofold fundamental principle: firstly, the NSMC is totally accountable to the power-sharing executive, and through it to the Assembly in Belfast, and to the government and the Oireachtas in Dublin. Thus Dick McKenzie, Tim O’Connor’s northern counterpart as joint secretary, reports to David Trimble and Seamus Mallon once a month on his work in the NSMC. The North’s ministers usually report back to the Northern Ireland Assembly within 10 days of meeting their southern counterparts in a sectoral council format, and are open to questions. No southern minister can unilaterally tell Tim O’Connor what to do in an area under the umbrella of the NSMC (although he is an official of the Department of Foreign Affairs)—everything has to be agreed with Dick Mackenzie (an official of the Office of the First Minister and Deputy First Minister).

Secondly, all decisions are based on consensus both among the wide-ranging coalition of parties which make up the northern executive (with the exception of the DUP), and between the administrations in Belfast and Dublin, so that there can be no question of the views of one community or tradition being overridden by the other. We have already seen how this is reflected in the presence of two ministers from the northern side at every sectoral council: the unionist or nationalist/republican minister who holds the relevant portfolio plus a “shadow” minister from the other tradition. I only hope some movement on IRA decommissioning will allow David Trimble to let Sinn Fein ministers back into the North-South house very soon.

Great credit needs to be given to the politicians and officials who are making these complex arrangements work. There are now 27 officials working next door to me in the NSMC secretariat in Armagh, nearly half of them from the South. In the 14 of the past 18 months they have been allowed to operate, they have organised two plenary meetings and no fewer than 28 sectoral meetings to get the North-South co-operation process off to a flying start. Tim O’Connor used last year’s suspension of the institutions (and remember there were grave doubts about whether they would ever be restored) to interview future staff, mostly young Dublin-based civil servants, who were competing to get jobs in the NSMC. There are now 12 such
people living and working five days a week in Armagh, drawn from the Departments of Foreign Affairs, Environment, Health, the Gaeltacht, Social Welfare and even the Ordnance Survey.

All over the island, in fact, there is a quiet movement of civil servants and others going to work in the offices of new cross-border bodies: people may be going to Newry to work for InterTrade Ireland; to Cork for the Food Safety Promotion Board; to Enniskillen and Scariff, Co Clare, for Waterways Ireland; to Coleraine for Tourism Ireland Ltd; to Omagh and Monaghan for the Special EU Programmes Body; to East Donegal for the Ulster Scots Agency. When this process is complete there will be close to 1,000 civil servants working in the implementation bodies with an annual budget of £65 million between them. Even leaving aside for the moment the benefits of North-South co-operation, such a development is surely a good thing for the decentralisation of government on this over-centralised island!

THE IMPLEMENTATION BODIES

The six implementation bodies, as one might expect, have come off the starting blocks at different speeds and have encountered a variety of early problems. Remember that we are in uncharted territory here—these bodies, albeit small, represent the most dramatic new development in this island’s public administration systems for 80 years. The bodies which have come into existence most smoothly are those with well-defined remits which have not had to change their working procedures too much. The Loughs Agency, for example, which as the cross-border Foyle Fisheries Commission had already seen a transformation some years back under a dynamic new chief executive, has adapted to a wider but similar remit quickly and effectively.

Understandably, less focussed organisations like the North/South Language Body, InterTrade Ireland and the Special EU Programmes Body have taken longer to get going. The two-part Language Body has suffered from the circumstances of its birth: as the reluctantly spawned twins of two antagonistic parents, who only brought them into existence for the sake of peace in the wider family. As some will know, it was the result of a last minute political deal in December 1998 under which the Ulster Unionists came up with the idea of linked language bodies both for Irish and a previously little known language (or patois, depending on your viewpoint) called Ulster Scots.

This creation of political expediency was not greeted with universal delight by Irish language enthusiasts north and south. The main body responsible for the promotion of the first official language in the Republic, Bord na Gaeilge has now been dissolved into the new body and has re-emerged as Foras na Gaeilge, which is partly responsible to a Stormont minister, currently a Unionist Stormont minister, albeit a sympathetic one in Michael McGimpsey. However there is some concern in southern language circles that this structure might be overseen in future by a less benign figure.
The new Foras na Gaeilge—the Irish language part of the body—initially found itself having to administer a greatly increased budget with a smaller staff. Its corporate plan and staffing structure have yet to be agreed. But these are perhaps inevitable teething problems for a body which is the only existing southern semi-state body to have been totally subsumed into a new North-South entity. Board members point to the good personal relationships that have been formed on the new Foras board as a reason for optimism that they will be overcome.

The Special EU Programmes Body is another which has had a difficult first 18 months. Again its establishment was not universally welcomed, particularly in the well-established bureaucracies within the two departments of Finance in Dublin and Belfast which were well used to overseeing and monitoring the distribution of EU programme funds (I base my comments here on the findings of the excellent study of the EU’s INTERREG cross-border programme commissioned by the Centre for Cross Border Studies from Professor Brigid Laffan and Dr Diane Payne of the Institute for British-Irish Studies). A stand alone fund-allocating body beyond the control of either jurisdiction is understandably treated with caution by any Department of Finance. Moreover the complex area of often overlapping EU funding programmes is one where the public—in the form of local politicians and community groups seeking funding—has many demands and little understanding. There was concern both among the public and civil servants that the new body would just be another layer of bureaucracy in an already over-bureaucratic area.

The two departments initially adopted very different approaches to the body, with the Department of Finance in Dublin taking a “hands off”, delegated approach while the Department of Finance and Personnel in Belfast was much more directive. The resignation of the first acting chief executive and of the head of the Monaghan office responsible for INTERREG did not help the body move quickly towards an agreed staffing structure and corporate plan. Such problems also did not help to expedite the already long drawn out process of finalising the latest round of EU cross-border and peace programme funding. However there are great hopes that the appointment in February of a dynamic chief executive from a non-civil service background—John McKinney, former chief executive of Omagh District Council—will see the body make a fresh start.

InterTrade Ireland is another body which experienced early difficulties. Many of these stemmed from a problem endemic to most of the implementation bodies: how to liaise with, and avoid duplicating, the work of existing state agencies. InterTrade Ireland had to find a niche in an area already covered by a large number of industrial promotion and development agencies in both jurisdictions. After an uncertain start, it seems to be gaining firmer ground, having identified some glaring gaps in the existing North-South business environment—notably, how to transform the vast array of cross-border business and trade information into some coherent form.

A word before I conclude about the new all-Ireland tourism marketing company, Tourism Ireland Ltd, which will be the most significant all-Ireland economic entity to come out of the Good Friday agreement, with a budget for overseas tourism marketing which will rise to £30 million per year. This is an example of the North want-
ing to move faster than the South, with the unions in Bord Failte proving a particular obstacle to agreement on vital issues like staffing procedures and pensions. However once again, North-South officials are confident that a good board led by Andrew Coppel, a Belfast man (and incidentally a member of that city’s small Jewish community) who heads the Queens Moat Houses hotel chain in Britain, and Anne Riordan, formerly head of Microsoft Ireland, will get this vital cog up and going.

However one should not underestimate the difficulties of persuading key people to move from the security of jobs in the public service to the insecurity of a brand-new sector whose future is linked to the vagaries of the northern peace process. It demands both risk-taking and idealism from those involved. Pensions, for example, have to be painstakingly renegotiated—this is an important issue for more experienced (and therefore often more valuable) staff who are no longer in the careless bloom of youth.

CONCLUSION

I have outlined here a few of the practical difficulties in getting this new North-South house off the ground. But make no mistake about it—despite the admittedly daunting obstacles still facing the peace process elsewhere—this house is being built. Quietly and painstakingly, a growing group of people are putting their sweat and not their blood (to use John Hume’s powerful image) into the daily, practical work of building peace and mutual understanding across the Irish border. The implications are far-reaching for both jurisdictions. As one official put it to me last week, it means that a man walking his dog along the Grand Canal here in Dublin is using a resource whose management is now partly accountable to Ian Paisley in Stormont! Think about that one for a minute.

This is a very exciting and hopeful time for Ireland, the most exciting and hopeful time for 80 years. Implementing strand two is part of that excitement. It is a real privilege to be able to play a small semi-detached role in assisting that process through the Centre for Cross Border Studies. If I could finish with an appeal. I share the disappointment of my friends next door in the North/South Ministerial Council Secretariat that there has not been more academic interest in the extraordinary experiment in institution-building that is going on through the strand two implementation. The media may dismiss it as “small potatoes”, and that is probably just as well given that these fragile plants need some time before they can withstand the sometimes relentless negativity of my own journalistic profession.

What is more surprising is that professors of politics and public administration have not been beating a path to Armagh to look at what is going on. I have had academics and policy people from the US, Belgium, Israel and the Basque country visiting me—but I cannot recall a political scientist from the Republic of Ireland having yet made the short journey across the border to Armagh (with the honourable exception of my friends in the Institute for British Irish Studies). So this is my appeal: Something quite unthinkable a few short years ago is beginning to take shape in
the Irish border region. It is called peace and reconciliation through practical North-South co-operation. Please come and have a look at it.