

**THE FUTURE OF THE
NORTH-SOUTH BODIES**

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ABSTRACT

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The North-South bodies established in 1999 represent the third attempt since partition to establish a structured, formal basis for cooperation between the two parts of the island. This paper looks at the bodies from three perspectives. First, it examines the general historical background: the prehistory of Irish partition, the development of partition up to 1998, and the new system agreed at that point. Second, it provides a brief overview of the present arrangements for the North-South bodies. Third, it seeks to generalise about the future prospects of the bodies by examining the presumed long-term goals and priorities of the British and Irish governments and of the Northern Irish parties.

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John Coakley is an associate professor of politics at University College Dublin and director of the Institute for British-Irish Studies. He has edited or co-edited *Changing shades of orange and green: redefining the union and the nation in contemporary Ireland* (UCD Press, 2002); *The territorial management of ethnic conflict* (2nd ed., Frank Cass, 2003); *From political violence to negotiated settlement: the winding path to peace in twentieth century Ireland* (UCD Press, 2004); and *Politics in the Republic of Ireland* (4th ed., Routledge, 2004).

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INTRODUCTION

The skills of the fortune teller may well be needed to help us to predict the future evolution of the North-South bodies established following the Good Friday agreement of 1998. But certain features of the context within which the bodies operate may give some idea of the parameters within which the evolution of these institutions is likely to take place. This paper seeks to explore these parameters, and divides them into three broad areas: the political, cultural and administrative legacy of partition, the institutional realities associated with the bodies established after December 1999, and the probable future pattern of development in political relationships that define the options regarding North-South cooperation.

More specifically, then, this paper seeks to set future developments relating to the probable evolution of the bodies in three contexts. First, the history of partition in Ireland suggests that, while the division of Ireland in 1921 amounted to a rather arbitrary form of recognition of certain long-standing cultural, socio-economic and political realities, it also aggravated these, and ruptured the historical administrative unity of the island. Second, especially since 1998, ambitious attempts have been made to overcome structurally the gap between the two parts of the island. These attempts have to strike a sensitive balance between the demands and expectations of nationalists (whose preference is for strong, over-arching institutions covering a wide range of areas) and the fears of unionists (who would prefer to limit both the scope and the power of these institutions, while welcoming a reinforcement of the "British" dimension). Third, as we seek to predict future trends, certain underlying realities are likely to assert their influence: the complex interests of the existing British and Irish states, and the shifting power relationships within and between blocs in Northern Ireland. These issues are considered in the three main sections of this paper.¹

A SHORT HISTORY OF PARTITION

The partition of Ireland is one of the most fundamental of the realities to which recent political and institutional experiments have been a response. Much of the history of partition is well-known; but there are also important features that are commonly overlooked. This section recalls briefly the acknowledged milestones in the

¹ Some of the points made in this paper are elaborated further in Coakley, 2004, 2005; for background on the North-South relationship in the context of the agreement, see Arthur, 2000; Ruane and Todd, 1999; McGarry and O'Leary, 2004.

history of partition, and draws attention to some of its less well-known characteristics. It does this in three stages, looking at the pre-partition period, the period from partition in 1921 to the 1998 agreement, and the post-agreement period.

Background to partition

The prehistory of Irish partition is so familiar a story that it requires little discussion. As is well known, the line of the border did not appear suddenly on the map of the island. The seventeenth century plantation of Ulster had introduced a strong element of differentiation between the northern province (with a substantial Protestant population made up of English and Scottish settlers) and the rest of the island (where the overwhelmingly Catholic population of Gaelic background accounted for the great bulk of the population outside the landed classes). The industrial revolution, centred in the Lagan valley in the nineteenth century, gave an added edge of economic differentiation to existing cultural differences. This picture of North-South polarisation was completed at the political level: Catholics overwhelmingly supported the Irish Nationalist Party, while almost all Protestants supported the Conservative or Unionist Party. The degree of polarisation will become clear if we compare the six northern counties that were later to comprise Northern Ireland with the rest of the island. In these counties, Unionists won 69.5% of all parliamentary seats over the eight general elections 1885-1910, to the Nationalists' 28.0%; in the remaining counties (those which today comprise the Republic of Ireland), Nationalists won 96.3% of all seats, to the Unionists' 3.7%.²

In addition to this long-acknowledged division, though, there were other, more subtle signs of North-South differences whose significance became clear only in retrospect. Among Protestants, the division between those living in Ulster and their more sparsely distributed co-religionists in the rest of the island was reflected in separate political organisation. For the latter, the Dublin-based Irish Unionist Alliance was the dominant electoral vehicle after the 1880s in the three southern provinces; in Ulster, a succession of provincial organisations led in 1905 to the establishment of the Ulster Unionist Council, whose interests by 1921 had diverged sharply from those of its southern counterpart. On the nationalist side, the distinctiveness of Ulster was less obvious. Nevertheless, it is striking that at the general election of 1918, when a new radical nationalist party, Sinn Féin, swept the electoral boards, the Nationalist Party managed to cling on in the north; and the general elections of 1921 to the two parliaments of the partitioned island confirmed this North-South divergence. No Nationalist was elected in the south; but Nationalists won six seats in the new Northern Ireland House of Commons, with Sinn Féin winning the same number (the Nationalist Party indeed became the main voice of Northern Ireland Catholics subsequently).

In many respects, the divisions between Ireland and Britain have been even more widely acknowledged than those between North and South within Ireland. These

² The Nationalist total includes independent nationalist factions. In addition, Liberals normally won a single seat at each election in the North. On the progress of partition, see Laffan, 1983.

divisions corresponded with those already discussed: a major cultural difference (with adherence to separate churches and, especially in the past, striking linguistic differences); a big gap in level and style of socio-economic organisation, with agrarian Ireland lagging behind increasingly industrial Britain; and entirely distinctive forms of political organisation, with the classical British Tory-Whig competition (and its later variants) failing to take root in the neighbouring island. Furthermore, the East-West border was much more clear-cut than the North-South one: the Irish Sea, and even the North Channel, formed a much more precisely defined barrier than any line drawn from Jonesborough to Cullaville ever could. In this sense, the border that eventually took shape really was an arbitrary line that sought to reduce a complex, multi-dimensional gradient to a linear and categorical jurisdictional (and not even unambiguously North-South) division.

But there is another respect in which the character of the pre-independence Irish-British relationship is imperfectly appreciated. The Act of Union of 1800 can easily be misunderstood as a measure to integrate Ireland seamlessly within the newly created United Kingdom. But it was much less than this: it provided for a union of parliaments and churches, not of administrative systems. A separate Irish government survived after 1800; headed nominally by the Lord Lieutenant, its political leader was the Chief Secretary, an office analogous to that of Secretary of State for Northern Ireland. The small, pre-1800 Irish civil service was never fully absorbed by its British counterpart, and its surviving autonomous agencies were joined by others which expanded significantly in the late nineteenth century. But even in matters of legislation Ireland continued to be treated separately from England-Wales and Scotland. Laws enacted in the domains of law and order, education, poor relief, health, agriculture, economic development and land reform, for instance—those areas most important in the daily lives of Irish people—normally had exclusively Irish application. Though enacted at Westminster, they were formally labelled “Irish” legislation, and were intended to reflect the uniqueness of Irish conditions. Thus, we need to remember that pre-partition Ireland was not just constitutionally and politically separate from Great Britain; it was also administratively distinct. For present purposes, a significant consequence of this needs to be borne in mind. Ireland was not just distinct from Great Britain; its autonomous institutions were also constitutionally, politically and administratively unified, and operated on an all-island basis.

Partition in operation, 1921-98

It follows from the discussion of the nature of pre-1921 Ireland that implementing partition was never going to be straightforward. Quite apart from the obvious political challenges, the new administration in Belfast (unlike that in Dublin) would have to be built from the ground up. This process was assisted by the migration northwards of many Dublin-based civil servants; and the logic of full-fledged partition seems to have been accepted on both sides of the new border, as each of the new administrations sought to cope with civil unrest that at times reached the level of civil war. Each of the new regimes gave priority to the consolidation of its own position—nor surprisingly in the context of the times—over such issues as island-level planning.

Two developments immediately after partition gave added significance to the border. The Government of Ireland Act of 1920 had proposed to devolve authority to two new political entities within the United Kingdom, Southern Ireland and Northern Ireland. When the act came into force in 1921, it resulted in the creation of Northern Ireland (indeed, the act acted as its constitution until 1972); but efforts to establish its southern counterpart failed. It was clear that for southern nationalists devolution within the United Kingdom was insufficient and, as is well-known, the Anglo-Irish treaty of 1921 greatly extended southern autonomy, allowing Southern Ireland to leave the United Kingdom, but constraining it to remain a British dominion, on the Canadian model. This had an effect not only on the relationship between Dublin and London, but also on that between Dublin and Belfast. This shift from devolution within the United Kingdom to dominion status (which took effect when the Irish Free State came into existence in 1922) resulted in the disappearance of certain all-Irish offices and bodies that would otherwise have continued to form a link between North and South: the office of Lord Lieutenant of Ireland and the Irish Privy Council disappeared, as did certain all-Ireland judicial bodies.

The second development completed the process of North-South separation. The Government of Ireland Act had made provision for a Council of Ireland to act as an interparliamentary body linking the two jurisdictions. Its initial functions would be limited (to management of railways, fisheries, and infectious diseases of animals, and to private bill legislation), but it was presented as an embryonic Irish parliament. Although the Northern Ireland parliament duly elected its 20 representatives to this body, the south never followed suit. Instead, in 1925, as part of the package of arrangements designed to put the recommendations of the boundary commission into cold storage, the Irish, Northern Irish and British governments agreed simply to scrap the Council of Ireland, and to divide its functions between the existing Irish authorities.

The hostility of the Irish Free State to the Council of Ireland seems to have been rooted in the notion that it represented an unwelcome recognition of partition—an ironic position, given the enthusiasm that was to emerge for a structure of this kind half a century later. Dublin embarked on the challenging process of state building, culminating in the adoption of a new constitution in 1937. This has been interpreted as a highly nationalist document, and its preamble indeed suggests this. Yet there are at least two points that might call for a modification of this generalisation. The first is a little-known point of fact: although the constitution set up a new elective office, that of President of Ireland, it also provided (obliquely, in article 29.4) for the continuation of the role of the King as head of state. The second is a more speculative point of interpretation. It could be argued that articles 2 and 3 (which defined the “national territory” as the island of Ireland, and implied Dublin’s right to jurisdiction over it) amounted to a creative resolution of the partition problem on paper, thereby allowing the issue to be “parked”, and for “normal politics” to proceed.³

³ This is not to say that these articles were entirely symbolic; their significance in domestic and international law needs also to be taken into account.

Later developments indeed suggested that the south had little appetite for tackling the question of partition. The “anti-partition” campaign that was sparked off by the birth of a new form of party politics in 1948 (and that was linked with the decision in that year to leave the Commonwealth and to end the role of the King as head of state) did little to advance the cause of Irish unity, and arguably had the opposite effect.⁴ Notwithstanding ritualistic denunciations of the evils of partition by northern and southern nationalist leaders and an IRA campaign that began in 1956, it was clear by the mid-1960s that elites on both sides of the border expected partition to continue in the long term. This new attitude was reflected in the meetings between the two sides that began in 1965, when Taoiseach Sean Lemass met Prime Minister Terence O’Neill in Belfast, and by such gestures as the acceptance by Nationalist leader Eddie McAteer of the position of leader of the opposition in the Northern Ireland House of Commons.

The onset of civil unrest in Northern Ireland from 1968 onwards called this new rapprochement into question. As conditions deteriorated, Northern Ireland governments came under increasing pressure from London, which held ultimate power, culminating in March 1972 in the suspension of Northern Ireland’s autonomy and the replacement of the government there by a London-based administration headed by a new “direct rule” Secretary of State for Northern Ireland. Up to this point London had resisted, with varying degrees of determination, the efforts of Irish governments to influence the outcome in Northern Ireland. But it became clear by 1973 that the British was moving to a radical, two-pronged strategy for the government of Northern Ireland—a strategy shared with the new Social Democratic and Labour Party (SDLP, founded in 1970 and effectively replacing the old Nationalist Party) and with the Irish government, and one that since then has had a major impact on attempts to tackle the problem. First, any new structures would have to accept the reality that Northern Ireland is a divided society, and any government would have to be based on the principle of a sharing of power between the two communities; second, they would also have to recognise the Irish identity of one of the communities by making provision for institutionalisation of links with the Republic of Ireland. For its part, the Irish government, moved steadily towards recognition of the right of Northern Ireland to self-determination. As early as 1973, it stated that it “fully accepted and solemnly declared that there could be no change in the status of Northern Ireland until a majority of the people of Northern Ireland desired a change in that status”; it solemnly reaffirmed this in 1985; and developed this further in the Downing Street Declaration of 1993.

The centrality of power sharing and the “Irish dimension” to the Good Friday agreement of 1998 is clear: they were to re-appear there as strands one and two, respectively. But they also appeared before this, in different ways, in three other initiatives designed to replace the institutions that had collapsed in 1972. The first and most ambitious, in 1973-74, sought to implement both principles. Following an election to a new assembly in 1973, a coalition of Ulster Unionists, the SDLP and the Alliance

⁴ On different aspects of the southern perspective, see O’Halloran, 1987, and Kennedy, 2000; and see Kennedy, 1988, for the view from Northern Ireland.

Party was formed under Brian Faulkner; and during negotiations with the British and Irish governments at Sunningdale in December 1973 agreement was reached on a Council of Ireland. But the council—a potentially important body, with a parliamentary tier and a permanent secretariat—never came into existence, and the whole experiment collapsed in May 1974 following a loyalist political strike. The second experiment, in 1982, gave priority to the power sharing principle: provision was made for the phased transfer of power to a Northern Ireland assembly on the basis of cross-assembly agreement, but this proved never to be forthcoming. The third, in 1985, reverted to the “Irish dimension”: the Anglo-Irish agreement created new structures that would give the Irish government a formal say in the internal affairs of Northern Ireland, establishing an Anglo-Irish Intergovernmental Conference in which British and Irish government representatives would meet, and a joint Anglo-Irish secretariat to service this (this was based at Maryfield, near Stormont).

Redefining partition, 1998-2005

The Good Friday agreement has been by far the most ambitious attempt to date to tackle the Northern Ireland problem, and it is differentiated in two important respects from earlier such efforts. First, it was much wider in its reach. In addition to the two strands whose central role has been recognised since 1972, it added a third (the Irish-British relationship); but it also embraced a wide range of other issues that impinged on relations between the communities. Second, it was much broader in its basis of support, including all large parties except the Democratic Unionist Party (DUP), extending in effect even to the major paramilitary groups, and underwritten by referendum on either side of the border.

For purposes of this paper, a full overview of the agreement is not necessary, but there are certain features that are of particular importance for the North-South relationship. Of these, the most central is the whole status of the border itself. In this respect, it is hard to reject the judgement that the agreement solidifies partition in a formal sense (and perhaps not only in this sense), especially by embedding it in the Irish constitution. The wording of the constitution before the agreement was as follows.

Article 2. The national territory consists of the whole island of Ireland, its islands and the territorial seas.

Article 3. Pending the re-integration of the national territory, and without prejudice to the right of the Parliament and Government established by this Constitution to exercise jurisdiction over the whole of that territory, the laws enacted by that Parliament shall have the like area and extent of application as the laws of Saorstát Eireann and the like extra-territorial effect.

The new wording agreed in 1998 and enacted by referendum goes much further than merely dropping articles 2 and 3 (which had been a long-standing unionist demand). It replaces an apparent territorial claim on Northern Ireland by a guarantee that the border will remain until two demanding conditions are satisfied: a majority in Northern Ireland decides that it wants unity (on the basis of a referendum vote) and a majority in the Republic also so decides (presumably by the same

mechanism). This is a much more powerful guarantee of partition than the will of a British government. It is not inconceivable that a British government might at some future stage consider withdrawing from Northern Ireland, as it has done in the past; but the Irish constitution now offers a formidable barrier to unity in these circumstances. The new wording is as follows.

Article 2. It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish Nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.

Article 3.

1. It is the firm will of the Irish Nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions in the island. Until then, the laws enacted by the Parliament established by this Constitution shall have the like area and extent of application as the laws enacted by the Parliament that existed immediately before the coming into operation of this Constitution.

2. Institutions with executive powers and functions that are shared between those jurisdictions may be established by their respective responsible authorities for stated purposes and may exercise powers and functions in respect of all or any part of the island.

There are, however, two respects in which this judgement needs to be modified (but not reversed). First, although it guarantees the continuation of partition unless two demanding conditions are met, the agreement also offers a mechanism for ending partition. As part of the agreement, the British and Irish governments committed themselves to respecting the wishes of the people of Northern Ireland, and to facilitating Irish unity, if that was a wish of a majority in both parts of the island. The British government, furthermore, committed itself to hold a referendum on the issue in Northern Ireland if in the future the Secretary of State took the view that it was likely that a majority would support Irish unity. The agreement, indeed, was intended to form a blueprint for the government of Northern Ireland either as part of the United Kingdom or as part of a united Ireland (in the latter case, the rights of both communities there would continue to be guaranteed). The position of Northern Ireland within the United Kingdom is therefore fundamentally different from that of, say, Scotland or Wales: it is explicitly conditional on the state of public opinion there, and Northern Ireland's right to secede from the United Kingdom could hardly be more clearly stated.

But there is a second respect in which Northern Ireland is different from the UK's other autonomous regions. Even though the agreement confirmed Northern Ireland's position within the United Kingdom for the present, the character of the Union was redefined. The core difference between Northern Ireland and the rest of the state lies in the agreement's formal recognition of its bicomunal character. This is expressed most dramatically in the acknowledgement of the right "of all the people

of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose". Legally, this implies free selection of Irish, British, or dual citizenship; politically, it leads to complex provisions for government and for a whole range of aspects of public policy, all rooted in the presupposition that Northern Ireland's people are divided into two main blocs (within the Assembly, the terminology shifts: members are required to self-designate as "nationalist, unionist or other", rather than as British or Irish). The creation of the North/South Ministerial Council and of cross-jurisdictional implementation bodies, and the transformation of the Anglo-Irish Intergovernmental Conference into the British-Irish Intergovernmental Conference, are further examples of this "special" status of Northern Ireland.

But the blueprint agreed on Good Friday, 1998, has, as we know, run into serious difficulties of implementation. It is clear that the British and Irish governments continue to see it as defining future options. Even the draft agreement of December 2004, though presented by the DUP as a renegotiation of the original document, remained remarkably faithful to its underlying principles.⁵ From the perspective of implementation, the various elements of the agreement fall broadly into three categories: those which are effectively irreversible, those which are politically vulnerable, and those which form an uncomfortable combination of these types.

While few political developments are literally irreversible, some are effectively so. If the British government, for example, states that it is prepared to see Northern Ireland leave the United Kingdom, it may of course later reverse position; but it cannot alter the historical record regarding its earlier statement. The position regarding such changes as the amendment of the Irish constitution, the renaming and restructuring of the Royal Ulster Constabulary, the decommissioning of paramilitary weapons and the early release of prisoners is similar: none of these is in principle irreversible, but the political likelihood of this is very low.

On the other hand, the agreement's commitment to inclusive government is highly sensitive to political circumstances. Its provisions in this respect may be seen as conditional rather than definitive ones: if there is to be devolved government, then it must adhere to certain specified criteria and procedures. But the agreement does not (and cannot) *ensure* the establishment of devolved government: in effect, it gives a veto to a majority of assembly members within each bloc. Since the outcome thus depends on election results, the agreement in effect transfers to the people of Northern Ireland, on a continuing basis, control over this central plank.

Because of the centrality of the Assembly and the Executive to the whole process, there are other areas where certain irreversible changes have been made, but political circumstances introduce an element of instability. The position of the North-South bodies is an example. It is worth reviewing their status in the light of the "declaration of support" at the beginning of the agreement:

⁵ The agreement, which on the surface collapsed because of the DUP's insistence that the destruction of IRA weapons be photographed, proposed minor changes to aspects of the agreement (in such areas as mechanisms for selection of First Minister and Deputy First Minister, ministerial accountability and functioning of the North-South and East-West institutions); see British and Irish Governments, 2004, annex B.

It is accepted that all of the institutional and constitutional arrangements—an Assembly in Northern Ireland, a North/South Ministerial Council, implementation bodies, a British-Irish Council and a British-Irish Intergovernmental Conference and any amendments to British Acts of Parliament and the Constitution of Ireland—are interlocking and interdependent and that in particular the functioning of the Assembly and the North/South Council are so closely inter-related that the success of each depends on that of the other.

Two points may be derived from this. First, the fact that the institutions are “interlocking and interdependent” in general means that each can only function to the extent that all of the others do. But it also means rather more than this. The interdependence of the Assembly and of the British-Irish Intergovernmental Conference is negative: significantly, the latter body’s responsibility for non-devolved matters increases, by implication, as the range of devolved matters diminishes; and it could be argued that its role is potentially greatest when devolution is suspended—when the Assembly and Executive are *not* up and running. Second, the interdependence of the North/South Ministerial Council (NSMC) and the Assembly is positive: “the success of each depends on that of the other”. This does not have necessary implications for the functioning of the North-South bodies, but the absence of a Northern Ireland executive prevents meetings of the NSMC taking place, causing problems for the implementation bodies. From a legal perspective, it is the *success* of the NSMC (but not its *existence*) that depends on the functioning of the Assembly; and, from a political perspective, that such changes as the amendment of the Irish constitution are similarly contingent. Hence, even in the absence of full implementation of the agreement, there is a certain political trade-off between unionists, who have pocketed important gains in such areas as Irish constitutional amendment, and nationalists, who may reasonably expect reciprocal flexibility in other areas.

THE NORTH-SOUTH INSTITUTIONS

Since the object of this paper is not to review the detailed mechanics of the operation of the North-South bodies but rather to assess their broad future prospects, this section will sketch the general context within which the bodies operate and generalise about their functioning. The section concludes with some remarks about the range of political options that appear to present themselves in the longer term.

For the period of its more or less regular existence (from December 1999 to October 2002), the North/South Ministerial Council had a strong and highly visible presence. It is true that it suffered from one long period during which the devolved institutions in Belfast were suspended (February-May 2000), when it could not meet at all; that for another extended period (October 2000-November 2001) First Minister Trimble prevented the participation of Sinn Féin ministers; and that DUP ministers entirely boycotted its proceedings, thus hindering progress in an area of cooperation in which that party had ministerial responsibility, transport. But four plenary meetings nevertheless took place during this period (in each case attended by most ministers in the Dublin and Belfast administrations); and there were no fewer than 60 sectoral meetings (each attended at a minimum by one minister from the Republic, his or her northern opposite number, and a minister representing the other

political bloc in Northern Ireland). While the significance of many of these meetings—especially the early ones—was highly symbolic, they generally dealt also with important business items, ranging from appointments to approval of policy guidelines.

Up to a point, it has been possible for the six implementation bodies to continue to the present on the basis of the momentum generated before the devolved institutions in Belfast were suspended. This arises from the fact that both appointments and policy guidelines tend to be long term, and the “care and maintenance” policy of the Irish and British governments (by which they make essential decisions in respect of the work of the implementation bodies, but do not innovate) permits such interim political decisions as are necessary to be made. But as further long-term initiatives become desirable or even necessary, the strain on this interim system will grow. Since the whole system presupposes a restoration of devolution within Northern Ireland, if this outcome is not forthcoming new mechanisms to preserve the integrity of the implementation bodies will have to be considered.

Of course, there is a nuclear alternative to the present set-up, at least in theory: many opponents of the agreement would be happy to see the implementation bodies simply implode and disappear. But there are at least three respects in which pressure to sustain the bodies, by whatever means necessary, is likely to be extremely powerful. First, there is the human resource dimension: it is a reality that the bodies have already been set up and have recruited staff who have reasonable (and contractual) career expectations (see table 1, which indicates the number of employees of each of the bodies in 2004). Second, there are public policy issues. It is true that some bodies or agencies (such as InterTrade Ireland, SafeFood and the Ulster Scots agency) have broken new ground, in that they have occupied areas where no agency had been operating earlier. But others have incorporated existing bodies—sometimes large ones—which have filled clearly identifiable gaps, and enjoyed a long-established existence (the various northern and southern agencies and services that were merged to form Waterways Ireland, for example; the large agency in the Republic, Bord na Gaeilge, that was restructured as Foras na Gaeilge, the Irish language agency; and the Loughs agency). The public policy logic of retaining the Special EU Programmes Body and a newer agency that has in effect become a North-South implementation body, Tourism Ireland, seems irresistible. Third, though, there is a political argument. It is true that a case could be made that the agreement implies that in the absence of devolution the bodies should be allowed to wither away; but this is not necessarily the most plausible interpretation of the agreement. The political cost of allowing the bodies to continue in circumstances where they attract little opposition is much less than the political damage that would be caused were the bodies to be wound up—a development that might call into question some of the other “irreversible” changes implemented in the aftermath of the agreement.⁶

⁶ Surveys in 1999 and 2000 showed a wide measure of support for cross-border cooperation in the areas of tourism, transport, agriculture, health and security from Protestants and Catholics alike; see NILT, 2005.

North-South implementation bodies: staffing levels and budgets, 2004 (million euro)

Body	Staff, 2004	Budget, 2004		
		Total	%NI	%RI
Waterways Ireland	341	45.95	15.0	85.0
Food Safety Promotion Board	37	8.81	29.6	70.4
InterTrade Ireland	42	13.04	33.3	66.7
Special EU Programmes Body	44	2.93	54.8	45.2
Language Body	48	21.27	31.0	69.0
<i>Irish Language Agency</i>	41	18.69	25.0	75.0
<i>Ulster-Scots Agency</i>	7	2.58	75.2	24.8
Foyle, Carlingford and Irish Lights Commission	42	4.64	50.0	50.0
Tourism Ireland Ltd	148	52.57	33.3	66.7
Total	702	149.21	29.5	70.5

Note: Staffing levels refer to the position on 5 December 2004, and include temporary and seconded as well as permanent staff. The third and fourth columns of figures indicate the proportion of the budget of each body that is due from the Northern Ireland and Irish exchequers respectively. The staff and budget of the Commissioners of Irish Lights are not included in this table.

Source: Information provided by the North/South Ministerial Council secretariat.

But what are the implications of the sustained absence of devolution? It is possible to envisage at least four mechanisms by which institutional cooperation between North and South could continue; and these are not mutually exclusive.

- First, the kind of ad-hoc arrangements that currently sustain the implementation bodies on a “care and maintenance” basis could be developed; Belfast-based, “direct rule” British ministers could replace their Northern Ireland counterparts at meetings of the NSMC. The political difficulties of this course of action are obvious: it would strain interpretations of the agreement and might hinder political progress. Its acceptability would thus be highly sensitive to political context, but it is a course that might not altogether be ruled out.
- Second, the structures of the British-Irish Council (which brings together the Irish and British governments, devolved administrations in the UK, and adjacent crown dependencies) could be used on a limited basis. This provides for cooperation not just between all members of the Council, but also on a bilateral basis. The absence of a devolved administration in Northern Ireland once again makes this channel relatively unpromising, but there are circumstances where it would be unwise to rule its relevance out altogether.
- Third, the structures of the British-Irish Intergovernmental Conference and its Belfast secretariat could be used, though this would pose significant political difficulties, and might evoke the same kind of objections as were directed against the Anglo-Irish agreement of 1985.
- Fourth, cooperation could proceed quite separately from existing structures, on the basis of bilateral arrangements between Dublin and the British administration

in Belfast. Some such cooperation is already under way, as in the creation of an island-wide energy area; and one could imagine similar developments in such areas as transport planning.

THE FUTURE OF THE NORTH-SOUTH RELATIONSHIP

The remarks that concluded the last section draw attention to the essentially political range of options open to policy makers in the medium- and long-term future. It may be appropriate now to make some speculative remarks about a key determinant of progress: the probable evolution of political forces in the coming years. We may do this by considering first the positions of the two governments, and then concentrating on the locus of the conflict, Northern Ireland itself.

It would not be unreasonable to assume that the two governments will respond to the issues raised by the conflict in the same manner as governments elsewhere respond to political challenges. Each government is likely to seek to protect the interests of its state, as it sees them; and it is likely also to seek to defend its *own* interests (a quite different goal, and one that may conflict with the first). Thus, it is reasonable to expect that any British government will seek primarily to defend British interests, and also to defend its own, narrower interests. Defence of state interests implies, of course, protecting the interests of citizens within the state; but it is not always clear how these should be defined. This absence of clarity may be all the greater in complex states like the United Kingdom, whose more remote peripheries (such as Northern Ireland) may have an ambiguous relationship to the national identity of the majority. Given Great Britain's historical interest in its neighbouring island and its detached attitude towards Northern Ireland, it could even be argued that British state interests give Dublin a more central role than Belfast in British priorities. Notwithstanding the status of Northern Ireland as part of the United Kingdom, then, and the presence of a small unionist voting bloc in the House of Commons, the Republic's international standing and size in relation to Northern Ireland must constitute an important source of influence on any British government. On the other hand, any such government will have a strong instinct to survive, and there are circumstances where this may dictate a conflicting logic. An example would be the Conservative government in the years 1996-97, when John Major's knife-edge position in the House of Commons left him under continual threat, and vulnerable to pressure from Ulster Unionists.

One might expect the Irish government to be driven by a parallel logic. Here, too, the issue of defence of state interests raises questions of interpretation. The state, clearly, is a 26-county one; but it has accepted (and, indeed, until 1999 demanded) a distinctive role in relation to Northern Ireland. How far this broader role is compatible with state interests, narrowly defined, is unclear; it is questionable how much closer Northern Ireland is to the hearts of policy makers in Dublin (notwithstanding stirring rhetoric over the decades) than to those in London (notwithstanding constitutional commitments and geopolitical realities). But Irish governments, like other governments, will also be disposed to defend their *own* interests, and the arithmetic of coalition building may challenge the logic of state interest as a consid-

eration in shaping public policy. In practical terms, there is likely to be a considerable difference on Northern Ireland policy on the part of a Fianna Fáil-led coalition depending on whether its coalition partner is Sinn Féin or the Progressive Democrats.

It seems clear, then, that the logic of the interests of the two governments lies in some kind of compromise on Northern Ireland, and that the shape of this compromise would be very close to the Good Friday Agreement. For the British, this assists in sharing the administrative and political burden, and helps on the international front by legitimating what might otherwise be seen as anachronistic post-imperialist intervention, and on the domestic front by discouraging a recurrence of violence. For the Irish, a compromise of this kind has the attraction of maintaining the Northern Ireland problem at arm's length, preserving the state's economic interests and political stability, and encouraging peaceful approaches to political change. Neither government, though, is likely to wield either of the two main weapons that are at least theoretically at its disposal (for the British, the threat of withdrawal, or the implementation of direct rule; for the Irish, a reversion to partitionism, or the threat of intervention)—for very good and obvious reasons. This restrained position greatly enhances the capacity of political forces within Northern Ireland to shape the outcome, a factor to which we must now turn.

Although the remarks above about the "interests" of the British and Irish governments were oversimplifications, they did not depart too far from the logic of interstate politics. When we turn to Northern Ireland, the first point to note is that there appear to be few agreed shared interests, though the level of peace that has been reached since 1994 is no doubt one of them. Shared interests may, of course, be seen within each of the two major blocs; but each of these is deeply divided internally (with divisions on the nationalist side having a sharper political focus than those on the unionist side).

At one level, the short-term interests of unionists may well be served by failure to reach agreement with nationalists on the restoration of devolution. This entails some costs: a Northern Ireland that continues to be run by remote, direct-rule ministers less familiar with local realities than native politicians; disappearance of political cadres who would otherwise play a useful role in providing local leadership; and significant personal loss on the part of politicians, as measured by reduced salaries, elimination of patronage prospects and uncertain futures. But there are short-term benefits: the ousting from office of the unacceptable face of nationalism; a potential crippling of the North-South dimension (for those who regard this as important); and an upgrading of links with London. For nationalists, the short-term costs are the same, but these are not balanced in the same way by gains. It is true that as recently as in 1998 Sinn Féin would have been very happy to see strand one disappear while strand two survived, but the nationalist community collectively has invested heavily in the agreement as a package which serves its interests. This is particularly the case to the extent that suspension of certain institutions has not been matched by a corresponding increase in Dublin's role in these areas.

If in the short-term, then, implementation of the agreement is less attractive to unionists than to nationalists, the long-term position may be rather different. This is because much of current political thinking rests on the risky assumption that there will continue to be a “Catholic minority” and a “Protestant majority”. In the long term, this is probably false; but it does not follow that Northern Ireland will vote itself into a united Ireland. Since it has some implications for the negotiating logic of the two sides, this point may be explored further. Recent census and survey data permit us to make the following generalisations.⁷

- The proportion of Catholics in Northern Ireland has been increasing steadily, from 35% in 1961 to 44%, conservatively estimated, in 2001. Analysis of age structure in 2001 shows that young people with Catholic backgrounds constitute a majority of those aged under 25, implying a further increase in the Catholic share of the population.
- Survey evidence shows a less-than-perfect relationship between religion and national identity: over seven surveys in 1998-2004, an average of 74% of Protestants identified themselves as “British”, and 3% as “Irish”; for Catholics, these figures were reversed, but the rate of Irish identification was lower (at 63%, with 9% opting for “British”); “Northern Irish” accounted for 17% of Protestants and 25% of Catholics. When asked about their “political” identity, though, the level of polarisation was higher: almost no Protestants identified themselves as “nationalist”, nor did Catholics identify as “unionist”; but 27% of Protestants and 33% of Catholics said they were “neither”.
- Neither religion, national identity, political identity nor party preference translate easily into attitudes towards fundamental constitutional questions. On the Protestant side, political priorities were straightforward: over the seven surveys, 1998-2004, 83% of Protestants expressed themselves in favour of the union, with 3% opting for Irish unity; but on the Catholic side only 49% favoured Irish unity, with 20% supporting the union.

From these figures, two points are clear. First, the long-standing political dominance of Protestants is likely to be undermined by the growing demographic power of Catholics, and by the overwhelming mobilisation of Catholics behind two main parties (this pattern is already becoming clear in local and other elections). Second, though, it cannot be assumed that this shift in the demographic and political balance of power will lead to Irish unity. A demographic Catholic majority is not a political nationalist majority; on present trends, it is likely that a couple of decades will separate the point at which Catholics become a majority of the overall population from that at which they represent a majority of the voting-age population. Furthermore, a political “nationalist” majority is not a pro-Irish unity majority: at present, at least, the large number of pro-Union Catholics (and “nationalists”) greatly overshadows the much smaller number of pro-Irish unity Protestants.

⁷ The following points are based on CAIN, 2005; NISRA, 2003; and NILT, 2005.

Indeed, the figures reported above (which are stable over time) suggest that this big group of pro-union Catholics will provide a long-term guarantee of partition. When asked an explicit question on this in 2002, 26% of Catholics who indicated how they would vote in a referendum stated that they would oppose Irish unity. Indirect evidence from the “border poll” of 1973 suggests that at that time, too, many Catholics turned out to support the union.⁸ But the position may not be this simple: a pro-union Catholic from Newry is not likely to share any of the intense commitment of a pro-union Protestant from Ballymena; pro-union Catholics vote for the SDLP and even for Sinn Féin, as well as for the Alliance Party, and their continued support for the union cannot be taken for granted in the long term, especially in the context of certain forms of intense unionist mobilisation. The obvious challenge for unionist parties is to seek to incorporate Catholics who hold the position—a difficult task, as the past experience of the Ulster Unionist Party has shown, but one that might pay dividends in a future referendum, if not at an election.

To revert, then, to the implications of these data for the North-South bodies, it should be noted that the long-term logic of the two governments and of the two blocs within Northern Ireland calls for a negotiated settlement; that this logic is even more pressing in the long term for Northern Ireland unionists than for nationalists; and that the shape of any negotiated settlement is not likely to be greatly different from the Good Friday agreement. Since the North-South bodies themselves are not likely to be particularly objectionable to unionists, and winding them up would create many more difficulties than it would resolve, the prospect of their retention as a key component in a long-term solution seems very positive.

CONCLUSION

There are, then, certain long-standing realities that define the parameters within which the evolution of the North-South implementation bodies is likely to take place. After the best part of a century, it is tempting to regard the partition of the island of Ireland as a “normal” response to certain political difficulties. But consideration of the constitutional, administrative and even political status quo before 1921 would suggest that partition was far from “normal”, and that it was not regarded, even by unionists at the time, as a conventional or ideal solution to fundamental political disagreement. That partition took such deep root was an obvious response to the natural tendency of the new state of Northern Ireland to maximise its own power and influence, and to minimise that of Dublin north of the border. But, except in the domain of rhetoric, there is little evidence that successive southern administrations

⁸ In the 1973 poll, voters were asked to tick one of the following: “Do you want Northern Ireland to remain part of the United Kingdom?” or “Do you want Northern Ireland to be joined with the the Republic of Ireland outside the United Kingdom?”. Of those who voted, 99% selected the first option; the turnout was 59%. If we assume that 65% of the voting age population were Protestants, and that only Protestants supported the union, this would have represented a Protestant turnout rate of 88%. While this is theoretically possible, other evidence regarding electoral behaviour in Northern Ireland would suggest that turnout on this level is unlikely, so the high pro-union vote is likely to have included significant support from Catholic voters, who would have been defying an SDLP call for a boycott of the poll.

showed any interest in island-level planning. Indeed, the strengthening of the border was driven in large measure by the south, which sought vigorously to redefine—and loosen—its relationship with Great Britain, regardless of the implications for the North-South relationship.

Post-1998 initiatives in the creation of North-South bodies may be seen, then, as very belated recognition of the fact that the partition of the island had acquired a much greater intensity than had even been intended—greater, too, than was good for the interests of most communities on the island. Furthermore, the whole thrust of political development within the European Union implies the need for precisely the kind of bridging of frontiers that the North-South bodies stand for. In important respects, then, these bodies represent an appropriate breaking out of traditional positions, as stunted development bound by arbitrary jurisdictional boundaries is replaced by a form of island-wide planning that makes much more sense from a geographical perspective (not to mention in the context of evolving EU policies).

But the bodies are not just functional ones: they also have a symbolic and political significance. It is at this level that the set of political realities within which they are embedded needs to be considered. This paper has argued that the interests of the Irish and British governments converge substantially regarding the administration of Northern Ireland and of the island of Ireland, and that the long-term interests of the nationalist and unionist blocs in Northern Ireland (but not necessarily the short-term interests of the latter) converge similarly, leaving aside certain aspirational areas where the two are likely always to differ. This would suggest that compromise is inevitable, and that this would take shape as a settlement very similar to the Good Friday agreement. Of course, if this logic had prevailed 35 year ago, Northern Ireland might have been spared a dreadful legacy of violence. If compromise between Northern Ireland's parties is not forthcoming, however, it is difficult to see how the two governments can avoid making alternative provision for continued North-South cooperation in areas where common sense suggests its desirability and the European integration process implies its inevitability. Only a crystal ball, however, can tell us when and how this will happen.

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