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routes to North-South cooperation
in a divided island**



**THE OPERATION OF THE NORTH-SOUTH
IMPLEMENTATION BODIES**

**John Coakley, Brian Ó Caoindealbháin
and Robin Wilson**

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ABSTRACT

THE OPERATION OF THE NORTH-SOUTH IMPLEMENTATION BODIES

This paper examines the functioning of the North-South implementation bodies formally created in 1999 over the first five years of their existence. It reviews the political and administrative difficulties that delayed their establishment as functioning institutions, and notes the different pace at which they have consequently evolved. It reviews the performance of each body to date, and assesses the extent to which the body has responded to the issue it was designed to resolve.

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INTRODUCTION

On 2 December 1999, an unprecedented political event took place in Ireland: after almost 80 years of fully-fledged partition of the island, a set of public sector bodies whose writ extended over the whole island came into existence. This radical departure from the practices of the past formed part of the complex architecture of the 1998 agreement, and the new bodies had a clearly defined role within this. But, as is well known to policy analysts, the creation of new institutions by legislative fiat is no more than that: formal existence on paper must be followed through by the establishment of functioning bodies, with buildings, staff, budgets and clearly defined goals. Moreover, under the banner of “joined-up government”, in recent years analysts have become increasingly concerned about the coordination dilemmas facing governments seeking to address problems that straddle conventional departments.

Our object in this paper is to assess the progress made since 1999 in giving life to the new North-South bodies. We do this by providing first an account of the broad political context within which the bodies appeared and which continues to define their mode of operation. We follow this with a general overview of the functioning of the bodies, including not just the six established explicitly by the agreement but also a *de facto* seventh body, Tourism Ireland. We explicitly exclude the important area of policy cooperation, which lies outside the scope of this paper.

THE POLITICAL BACKGROUND

The partition of Ireland in 1921 may have been intended as a pragmatic political solution to apparently irreconcilable demands by the two main communities on the island of Ireland, but it undoubtedly led to a degree of administrative disruption that was intended by no one and that can have been welcomed by very few (for background, see Laffan, 1983). The broad network of public bodies in pre-partition Ireland comprised two parts. First, several important bodies forming part of the “imperial” civil service were managed directly from London under the political direction of UK cabinet ministers: the Post Office, the foreign service and the military, for instance. Second, an impressive range of bodies formed a separate “Irish” civil service, under the political control of the Chief Secretary for Ireland (who was also a UK cabinet minister): education, health, local government and policing, for instance.

The implications of partition were different for these two sets of bodies, and were made yet more complex when the symmetrical arrangements of the Government of Ireland Act were overtaken by events. The set of institutions proposed for the new jurisdiction of “Southern Ireland” would have mirrored those of Northern Ireland (which came into effect in 1921, and lasted until the reintroduction of direct rule from

London in 1972). But “Southern Ireland” came into existence only on paper: it was replaced in 1922 by the Irish Free State—no longer an autonomous part of the United Kingdom, but a separate British dominion with the same status as Canada.

This was important for post-partition institution building. First, it meant that the “imperial” services would simply retract to the new, rather smaller surviving territory of the United Kingdom, leaving the Irish Free State to set up its own postal system, diplomatic service and defence forces entirely separate from those of the United Kingdom.¹ Second, the “Irish” civil service would be partitioned, leaving Northern Ireland to set up entirely new bodies that would in general duplicate functionally those in Dublin. It might have been thought that this common background would at least have fostered informal North-South cooperation after partition, based on personal ties and associations among officials. But, as Tannam (1999: 45) points out, contacts were “minimal” in the ensuing decades.

When partition was implemented initially, it had not been intended that it would be as complete as it ultimately became. Certain offices would have survived, providing a degree of island-wide jurisdiction that was not merely symbolic. Thus, important judicial institutions (including the position of Lord Chancellor) would survive, as would the office of Lord Lieutenant and the Irish Privy Council (which would bring together members of the new governments in Dublin and Belfast). Specific provision was also made for an inter-parliamentary Council of Ireland, politically important as an embryonic Irish parliament, but with responsibilities confined to a small number of areas: private-bill legislation, railways, fisheries and infectious diseases of animals. Even these modest functions disappeared in 1925, when a tripartite agreement between the Irish, Northern Irish and British governments scrapped the council, dividing its few functions between the Dublin and Belfast administrations.

For four decades after 1925, a frosty political atmosphere between North and South inhibited administrative cooperation. For many on the southern side, working with the northern authorities implied acceptance of partition, while, from a unionist point of view, closer interaction was feared as a potential mechanism for furthering Irish unity. While the 1925 agreement had provided for ongoing interaction between the northern and southern governments, and the two premiers, William Cosgrave and James Craig, appear to have envisaged some degree of cooperation on matters of common concern, tentative early contacts petered out (Kennedy, 2000: 15).

Relations between Dublin and Belfast deteriorated further following the 1932 general election in the South and the formation of a Fianna Fáil government under Éamon de Valera, who was committed to revision of the 1921 Anglo-Irish treaty and who compounded unionist insecurity by engaging in regular rhetorical attacks on partition. His protectionist economic policies further angered the northern authori-

¹ UK ministries retained an involvement in certain areas—a military presence at certain ports until 1938, and management of Ireland’s lighthouses by the Commissioners of Irish Lights, a body funded to the present through the UK Department of Transport; see below.

ties, with exports from Northern Ireland to the Irish Free State suffering disproportionately under a new tariff regime.

Nor did de Valera's departure from office in 1948 improve matters. The formation in that year of an all-party anti-partition movement and the new coalition government's decision to declare Ireland a republic and withdraw from the Commonwealth raised tensions further. London responded swiftly by passing legislation which reinforced Northern Ireland's position in the United Kingdom, making its future status dependent on the will of the Northern Ireland parliament (for background, see Barton, 2003; O'Halloran, 1987; different northern reactions are recorded in Bew et al, 1993, and in Kennedy, 1988).

Where cooperation did occur during this period it was largely mediated through contacts between civil servants, and then only when this could hardly be avoided. While the archives show that issues of mutual concern such as fishing rights, river drainage and electricity interconnection were discussed with pragmatism at "semi-official" level (thus fostering good and enduring working relationships between those involved), the benefits of joint action were insufficient to overcome the suspicions of the political authorities on the two sides.

Over the whole period from partition to the outbreak of the "troubles", indeed, there were only four areas of significant cooperation between the two administrations: electricity supply, electricity generation, railways, and fisheries (interestingly, in the last two of these areas such cooperation had been envisaged in the Government of Ireland Act). It is worth examining these further, as they illustrate both the pressures that inhibited cooperation and the pitfalls that obstructed its efficient operation (for the definitive account, see Kennedy, 2000, on which the rest of this section is mainly based).

The first steps to North-South electricity cooperation developed in the late 1930s under the pressure of increasing international tensions. Civil servants on both sides had intermittently floated the idea of a cross-border electricity interconnector, but the political climate ensured that this had never progressed beyond vague proposals (Kennedy, 2000: 40, 70). But with the outbreak of war the protection of electricity supplies became a key strategic issue. By November 1940 the Dublin government was actively considering an electricity connection in the context of wartime emergency planning, but the issue was not sufficiently compelling to overcome unionist suspicions until the Luftwaffe raids of April 1941 brought home to the Stormont cabinet the vulnerability of Northern Ireland's electricity supply, given its dependence on a single power station located in the heavily-targeted docklands area. After much debate, and under pressure from London, it was reluctantly agreed to proceed with a stand-by electricity connection between North and South. Crucially, the link-up was realised through a commercial agreement between the electricity companies in both jurisdictions, and the details were worked out by public officials on both sides without any formal intergovernmental contact (Kennedy, 2000: 83-89).

The second issue was a distinct but related one. In the early 1940s, electricity generation in the South was operating at capacity and the Electricity Supply Board

(ESB) began planning for the expected post-war surge in demand. One option was a hydroelectric power station on the river Erne between Belleek and Ballyshannon, which could generate between 50 and 80 megawatts of power and allow a surplus to be sold to Northern Ireland. However, for this scheme to achieve its maximum potential it would be necessary to carry out engineering works across the border around the Erne lakes. The ESB was willing to finance these works, which would also, as a by-product, alleviate the long-standing flooding problem in the area. This proposal was particularly attractive to the northern government, which was being offered a solution to the Erne drainage problems at no cost to itself. Notwithstanding reservations in the northern cabinet, the plan's supporters, who included influential civil servants and, significantly, the prime minister, Brooke, won through.² As in the case of the emergency electricity interconnector in 1941-42, the actual details were worked out between officials, with no direct contact between the two governments, but in 1950 identical bills were passed in the Irish and Northern Irish parliaments, providing a legislative basis for the scheme, which was finally completed in 1957.

The third instance of cross-border cooperation arose from the threatened closure of the Great Northern Railway Company. The company operated a number of cross-border lines, including the important Dublin-Belfast service, but its viability was in doubt in the context of increasing competition from road transport. Neither government was willing to see the rail link severed, or to accept the economic and employment consequences of closure (Kennedy, 2000: 123). In August 1950 the Northern Ireland Minister of Commerce, William McCleery, travelled to Dublin to negotiate a possible solution with the Republic's Minister for Industry and Commerce, Daniel Morrissey—the first direct ministerial contact since 1925. It was finally agreed in early 1951 that the governments would jointly purchase the company as a going concern (Kennedy, 2000: 130). But this first North-South intergovernmental experiment in joint authority proved not to be a success. Weakened by political disputes, declining revenue, and restrictive political controls, the company was finally wound up in 1958 and its assets were divided between Córas Iompair Éireann (CIE) and the Ulster Transport Authority (Kennedy, 2000: 137-46).

The fourth example provides an illustration of a more successful form of cooperation. Lough Foyle had been a source of dispute between Dublin and Belfast since partition, with both sides claiming jurisdiction over the strategically important waterway. The issue was further complicated by a dispute over fishing rights in the lough, with the historical claims of the Irish Society (a body dating from the plantation of Ulster in the seventeenth century) to ownership of the fishery contested by the South. The issue was brought to a head in 1948 when the Irish Society took legal action in the southern courts to establish its title to the fisheries. The two governments agreed in 1950 to buy out the Irish Society. Legislation was passed in Dublin and Belfast and, in 1952, the Foyle Fisheries Commission came into being, with a remit of managing and developing the fishery on behalf of the two governments. The commission was to prove one to the most enduring examples of North-South

² Brooke had a personal political interest in finding a resolution to the Erne drainage problems as he was MP for the area and the issue had been a longstanding grievance among local farmers.

cooperation, functioning successfully up to 1999 when it was absorbed into the Foyle, Carlingford and Irish Lights Commission (see below).

While the above examples of cooperation in the 1950s were problem- rather than policy-driven, there emerged in the South in this decade a much more pragmatic approach to cross-border relations. Against a background of new outward-looking economic policies and growing functional cooperation on the continent, anti-partition rhetoric was slowly displaced. Cooperation on matters of common concern was now advocated in the Republic as the most effective route to eventual unity. This new thinking was strongly supported by Lemass and, following his appointment as taoiseach in 1959, he sought to establish a productive working relationship with Stormont (see Whyte, 2003). Contacts increased at an administrative level and, following the historic exchange visits between Lemass and the new northern prime minister Terence O'Neill in 1965, cooperation was placed on a more structured basis, with ministerial meetings becoming common.

However, this new rapprochement was overtaken by the outbreak of civil unrest in 1968. It was only following the installation of direct rule from London in 1972 that formalised North-South cooperation once again found a place on the agenda. As is well known, the Sunningdale agreement of December 1973 made provision for a new, interparliamentary Council of Ireland, but the details of the areas over which it would exercise jurisdiction were not specified (the provisional list included natural resources and environment, agriculture, trade and industry, electricity generation, tourism, roads and transport, advisory health services, and sport, culture and the arts; and, at a later stage, possibly policing). But elaboration of a detailed blueprint would in any event have been pointless: the power-sharing executive in Belfast collapsed in May 1974 following a unionist political strike, and with it disappeared for the time being the prospect of new North-South institutions.

Another significant development at this time was Ireland's accession in 1973 to membership of what is now the European Union (see Tannam, 1999). The EU's particular focus on the need to transcend borders and promote free movement of people, goods and services encouraged a particular interest in funding in this area. Under the umbrella of the EU's regional development fund, a special border-area programme was launched in 1980 and renewed in 1985, though it provided for separate funding on the two sides of the border rather than an integrated approach linking the two. Later initiatives of this kind provided stronger incentives for cross-border cooperation and promoted much higher levels of contact in border regions (the most important was the Interreg programme, 1989-93, which was followed by Interreg II in 1994-99 and Interreg III in 2000-06; see Laffan and Payne, 2001).

Although the Anglo-Irish agreement of 1985 had significant implications for the North-South relationship, it was not until the agreement of April 1998 that the creation of island-wide bodies once again became a realistic possibility. It was then provided that, under the umbrella of a North/South Ministerial Council, formal cooperation would occur in six areas where existing agencies North and South would collaborate, and special implementation bodies would be established in a further six areas (the 12 areas were animal and plant health, teacher qualifications, transport

planning, environment, inland waterways, cross-border workers, tourism, EU programmes, inland fisheries, aquaculture, emergency services, and urban and rural development). The details were left to negotiations between the Irish government and the northern parties, and an agreement was finally reached on 18 December 1998. This provided that the first four areas listed above, together with tourism and health, would be subject to formal North-South cooperation between existing agencies. In three further areas (inland waterways, EU programmes and aquaculture) special implementation bodies would be established. The three remaining areas (cross-border workers, inland fisheries and urban and rural development) were set aside, but implementation bodies to replace these were to be established for food safety, trade and business development, and language (Irish and Ulster Scots).

Legal provision for these initiatives was made by a British-Irish agreement on 8 March 1999 (see Department of Foreign Affairs, 1999), but it was not until December 1999 that the bodies were formally launched. This long delay was caused by the fact that the North-South dimension (or "strand two" of the agreement) formed part of a much broader political framework of interlocking institutions, and none could come into existence until agreement on the details of all had been reached.

THE BODIES: AN OVERVIEW

The new bodies need to be seen in the context of the political arrangements that oversee their operation (see Coakley, 2004, 2005). Under the terms of the agreement, the bodies operate under the oversight of the North/South Ministerial Council (NSMC). This body met in full plenary format on four occasions before the devolved institutions were suspended in October 2002, the meetings being attended in each case by most members of the Irish government and of the Northern Ireland executive: on 13 December 1999 in Armagh, on 26 September 2000 and 30 November 2001 in Dublin, and on 28 June 2002 in Armagh. But it is at sectoral meetings of the NSMC that most of the decisions regarding the establishment and development of the bodies have been made. Before the suspension of devolution, 60 such meetings had taken place, each involving the relevant southern minister for the area in question, his or her northern counterpart, and another northern minister from the "other" political tradition.

Of the 60 meetings, 36 dealt with the operation of the implementation bodies: eight with the Foyle, Carlingford and Irish Lights Commission, seven each with the trade body and with the Special EU Programmes Body, five each with Waterways Ireland and with the Food Safety Promotion Body, and four with the language body. A further five meetings covered the area of tourism, in which a de facto seventh body appeared. These proved sufficient to cover the early stages in setting the bodies up, but this level of political oversight came to an end in October 2002 with the suspension of the Northern Ireland executive. Since the stakes were so high (with the status of several hundred employees of the implementation bodies being potentially called into question), special arrangements were then made by the two governments. An agreement on 19 November 2002 provided that the oversight responsibility from the northern side could be exercised by the British government and parlia-

ment until such time as devolution was restored. It was, however, provided that no additional functions would be conferred on the bodies through these arrangements, meaning that they would operate essentially on a “care and maintenance” basis (see United Kingdom, 2002). Between 6 December 2002 and 6 September 2004, 78 formal agreements between the two governments were made in respect of the six implementation bodies and Tourism Ireland, covering areas ranging from budgets and board appointments to specific administrative matters.³

The bodies have distinctive management arrangements. Two, Waterways Ireland and the Special EU Programmes Body, have a straightforward structure: they are run by a chief executive appointed by the NSMC. Two other bodies, Safefood and InterTrade Ireland, also have chief executives appointed by the NSMC, but in each case there is a board (called an “advisory” board in the case of Safefood) comprising between eight and 12 members. In fact, both of these bodies are currently at their maximum permitted size, with 12 members in each. In the case of Safefood, the NSMC appoints an additional scientific advisory committee, made up currently of 18 members representing scientific expertise and food safety interests. The two remaining implementation bodies have a more complex make-up. The language body is managed by a 24-person board appointed by the NSMC, but this comprises two sets of members, 16 representing Irish language interests and eight representing Ulster Scots. This reflects the division of the body into two agencies, one now known as Foras na Gaeilge, the other as Tha Boord o Ulstèr-Scotch. Each has its own chairperson, who acts as joint chairperson of the language body. The board appoints two chief executives, one for each agency, subject to NSMC approval. It was provided that the Foyle, Carlingford and Irish Lights Commission would be similarly divided into two agencies, the Loughs Agency (with responsibility for Lough Foyle and for Carlingford Lough) and the Lights Agency (which would take on the functions of the Commissioners of Irish Lights), but, as discussed below, only the first of these agencies has come into existence. Its chief executive is appointed by the board, subject to the approval of the NSMC.

The conditions governing board membership are the same in all cases. The initial boards were appointed for three-year terms, but provision was made that later terms might be varied by the NSMC, provided none exceeded five years. No one was to serve for more than two consecutive terms, and provision was made for the dismissal of board members by the NSMC. The NSMC appoints the two chairs of the language body, and appoints the chair and vice-chair in the case of the three remaining bodies. Board members themselves are selected to maintain an appropriate North-South balance, and the composition of the boards reflects the kind of political compromises that were integral to the agreement itself.

The position in the tourism sector is rather different. There, agreement was reached by the Irish government and the Northern Ireland executive that a publicly-owned limited company would be established by the two existing tourism agencies (Bord

³ The texts of communiqués relating to these decisions may be accessed at www.northsouthministerialcouncil.org/ip.htm [2005-09-19].

Fáilte in the Republic and the Northern Ireland Tourism Board) to promote tourism on the island in an integrated way. The new body, Tourism Ireland, has a 12-person board representing its stakeholders, and selects its own chief executive.

Waterways Ireland

In many respects, Waterways Ireland has been the most visible of the bodies: its specific but broad mandate, impact on the landscape, large staff (the largest of all the bodies, by far) and high profile in the leisure sector have given it a positive and relatively uncontroversial image among the public at large. Its programme also attracted an unusually wide degree of cross-party support, with even DUP politicians endorsing its proposed restoration of the Ulster Canal. The importance of the all-Ireland dimension was reflected in the fact that there already existed an important civil-society body, the Inland Waterways Association of Ireland, founded as a lobby group in 1954 and currently with 17 branches, 12 in the Republic and five in Northern Ireland.⁴

Waterways Ireland is run by a chief executive appointed by the NSMC, without the kind of management board that is typical of the other bodies. Its formal terms of reference were defined as follows (it should be noted that in practice the emphasis on the Lagan system has been dropped, and the body has responsibility for two other areas, the Lower Bann and the Shannon Navigation):⁵

Management, maintenance, development and restoration of the inland navigable waterway system throughout the island, principally for recreational purposes: immediately in respect of the Shannon-Erne Waterway and of the possible restoration and development of the Ulster Canal; progressively thereafter, in respect of the wider Shannon-Erne system and the island's other waterways (principally the Royal Canal, Grand Canal, Barrow and Lagan). The Body would take on the functions, together with the appropriate support functions, exercised in that regard by the Waterways Service of the Department of Arts, Heritage, Gaeltacht and the Islands and the Rivers Agency of the Department of Agriculture in Northern Ireland, and would also take over the functions of Shannon-Erne Waterway Promotions Ltd.

The new body appeared to provide sensible rationalisation of a waterways network in respect of which island-level planning made sense. Up to that point, the planning and management of Ireland's waterways was disjointed. The major waterways of Northern Ireland, such as the Erne system and the Lower Bann, were managed by the Rivers Agency of the Department of Agriculture. In the South, the Office of Public Works (an old body established in 1831 to manage state property in Ireland) had been given control of the major waterways in 1986, and this was further transferred to the Waterways Service of the Department of Agriculture in 1996. These included

⁴ See the association's web site at www.iwai.ie/; this also contains a great deal of information about all aspects of the waterways.

⁵ In this and in dealing with the other bodies, we quote the terms of reference from the text of the formal UK-Irish treaty establishing the bodies; see Department of Foreign Affairs, 1999, annex 1. Annex 2 describes the structure and function of each body.

two large navigable river systems that had been developed for commercial traffic, the Shannon and the Barrow; the Royal Canal, opened in 1817 to link Dublin with the upper Shannon; and the Grand Canal, opened in 1804 to link Dublin with the Barrow and the lower Shannon (the two canals, by then controlled by the state railway company, CIE, had been closed since 1961). There was also a newcomer: the old Ballinamore-Ballyconnell Canal, opened in 1860 to link the Shannon and Erne systems but closed only nine years later, had been redeveloped and reopened for leisure traffic in 1994 with funding from the British and Irish governments and from the International Fund for Ireland. A new company, Shannon-Erne Waterway Promotions Ltd, had been set up to manage and market the canal.

The Ballinamore-Ballyconnell Canal, now known as the Shannon-Erne Waterway, became the first responsibility of the new implementation body, which immediately assumed the functions of Shannon-Erne Waterway Promotions Ltd. In addition, on 1 April 2000, it took over responsibility for the Erne system, the Lower Bann Navigation, the Grand Canal – Barrow Navigation, the Royal Canal, and the Shannon Navigation. It was also mandated to examine the feasibility of restoring the Ulster Canal (which would link the Shannon-Erne system with the Bann system), and, depending on a later decision of the NSMC, to proceed with its restoration.

The new body was set up with an interim chief executive, Mr John Mahony, and an interim headquarters in Dublin, and was given the name “Waterways Ireland”. Within a short time, it had moved to its permanent headquarters in Enniskillen and a permanent chief executive, Mr John Martin, had been appointed. Regional offices were opened in Dublin, Scariff and Carrick-on-Shannon, reflecting the wide spatial span of the new body’s responsibilities. Since its establishment, its main work has been in the area of managing and upgrading existing facilities (including continuing work on the restoration of the Royal Canal, and extension of the Shannon navigation from Lough Key to Boyle). The principal new area of potential activity is the restoration of the Ulster Canal, which would link the Shannon-Erne system with Lough Neagh and the Bann, but work on this project remains in the exploratory stages.

Safefood

Although there was a tradition of cross-border interaction on food safety, albeit on an informal case-by-case basis, it was not included on the initial list of subjects marked for cooperation in the Good Friday Agreement. It was, therefore, something of a surprise when it was agreed during the December 1998 negotiations that a North-South implementation body was to be established in this area. The Food Safety Promotion Board, which operates under the name Safefood, was given a relatively complex structure, having a chief executive, an advisory board of 12 members, and a scientific advisory committee of 18 members, all appointed by the NSMC.⁶ The new body has a broad range of responsibilities, embracing both the

⁶ The scientific advisory committee was originally comprised of 16 members but this was increased to 18 in February 2002 to include representatives of the Food Safety Authority of Ireland and the Food Standards Agency Northern Ireland.

promotion of food safety on the island and North-South scientific collaboration in the area of food borne diseases. Its full legislative remit is as follows:

- promotion of food safety
- research into food safety
- communication of food alerts
- surveillance of food-borne diseases
- promotion of scientific cooperation and linkages between laboratories
- development of cost-effective facilities for specialised laboratory testing

Despite the clear rationale for cross-border cooperation on food safety, the new body was entering a rather crowded institutional landscape. In the North, the Food Standards Agency Northern Ireland (FSANI), established in 2000 as the regional branch of a UK-wide agency, oversees the enforcement of food safety legislation, which is chiefly the responsibility of local authorities. Its parent body, the Food Standards Agency (FSA), has a wide-ranging remit to protect consumers in the UK from food-related health risks and to provide information and advice on food safety and healthy-eating issues. The Food Safety Authority of Ireland (FSAI) has a similar role in the South, with an overall responsibility for coordinating enforcement and setting standards for food safety. It also provides advice on food safety issues, promotes compliance within the food industry and engages in risk management.

Safefood thus faced a key challenge of finding a niche for itself which would complement, rather than duplicate, the work of the existing bodies. Its founding legislation set out some parameters, making clear that the existing arrangements for enforcement and inspection would continue to apply and, interestingly, that the prior bodies would retain their promotional roles. However, while Safefood’s remit requires it to work in association with the FSANI and FSAI, there remains a degree of uncertainty about the exact division of labour. In practice, this is worked out on an ongoing basis.⁷ Structures have been established for sharing information and coordinating activities, in particular public campaigns, with regular bilateral meetings between Safefood and the other two agencies, and frequent contact at all levels of the organisations.⁸ Interaction between the bodies has also been facilitated by the appointment of representatives from the FSAI and FSANI to Safefood’s scientific advisory committee and by the establishment of an all-island food and nutrition forum.

Safefood’s initial efforts to define its role were not helped by political events in Northern Ireland. Apart from the general difficulties faced by all the North-South bodies as a result of the suspension of the devolved institutions in the period February-May 2000, it was faced with an additional obstacle when the ongoing wrangle over IRA decommissioning resulted in UUP First Minister David Trimble refusing to nominate Sinn Féin ministers to attend North-South meetings from October 2000 to

⁷ This, and much of the rest of this section, is based on an interview with Martin Higgins, Chief Executive, Safefood, 20 October 2005.

⁸ Safefood holds formal bilateral meetings with the other agencies twice a year, with management meeting informally every few months.

November 2001. As Safefood fell within the responsibilities of Sinn Féin Health Minister Barbara de Brún, the NSMC was unable to give direction to the body's activities in this period, with the result that it was unable to make permanent appointments or to finalise its structures. The new organisation, therefore, faced considerable start-up challenges, having no pre-existing structures to draw on and having an initial complement of only seven temporary staff. Despite these difficulties, Safefood took preliminary steps to establish itself, securing headquarters in Littleisland, Cork, and drawing up a draft corporate strategy. Finally, the November 2001 sectoral meeting of the NSMC approved the body's management and staffing structure and put it on a permanent basis. It also appointed a scientific advisory committee which replaced an earlier informal interim grouping.

As a new arrival in the food safety field, one of the body's priorities has been to create awareness of its role and to establish itself as an authoritative source of information. It has been highly visible in the media, carrying out a number of food safety campaigns which have sought to develop the "Safefood" brand and promote its consumer helpline.⁹ In seeking to pursue its promotional role on all-island basis, Safefood has had to adapt to differing public attitudes in the two jurisdictions, with southern consumers, in general, more concerned about food safety.¹⁰ It has also had to tailor its communication strategies to the different media markets, with radio advertising not as effective in Northern Ireland due to the dominance of the non-commercial BBC. Its campaigns there are further complicated by the need to have regard to UK-wide campaigns run by the FSA, and by a perception that it is a "southern" body.¹¹

The body has also been active in carrying out its scientific remit, with an emphasis on North-South collaboration. It has commissioned numerous research projects and has attempted to foster greater interaction and information flow between food science laboratories on the island by, for example, developing research networks, staff mobility programmes, and an all-island directory of laboratory services. Safefood has also sought to improve cross-border cooperation in the event of food disease outbreaks, organising training programmes for health professionals in border areas and seeking to ensure North-South coordination in disease surveillance and communication of food alerts. While the creation of formal links is clearly important, the trust and goodwill generated by joint working are seen as crucial to improving the capacity to respond effectively to cross-border emergencies.

While an all-island approach to food safety has a clear public health benefit, Safefood faces a number of challenges in fulfilling its remit. In common with the other North-South bodies it faces the administrative burden of dealing with two different sets of legislative requirements and two different bureaucracies, each with their own

⁹ See Safefood's website www.safefoodonline.com for further information on its activities.

¹⁰ Safefood carries out monthly "tracking research" to determine public attitudes and concerns.

¹¹ This is largely due to the location of its headquarters and sub-office in Cork and Dublin respectively. The sub-office is chiefly responsible for media functions and it was decided to locate it in Dublin due to the city being the marketing hub for the whole island and having good transport links.

cultures and priorities. The frustration of having to go through "two sets of hoops" is amplified by a perceived lack of flexibility in the provisions for the implementation bodies, with Safefood arguing for a more innovative approach which recognises the uniqueness of their cross-border nature. A particular issue for the body has been restrictions on remuneration levels which have led to staff retention problems. While Safefood reports good relations with the FSAI and FSANI there remains the problem of coordinating their activities, and there is clearly a case for an island-wide food safety strategy which would encompass standard setting, enforcement and promotion. Safefood would also like to see a consolidation of consumer information services and to become a "one stop shop" for food safety advice.¹²

InterTradelreland

The creation of a body dealing with business cooperation was another of the surprises in the December 1998 agreement.¹³ Initially named the Trade and Business Development Body, it was given a wide mandate to promote North-South cooperation in business related matters. It is run by a chief executive and by a 10-member board, all appointed by the NSMC. Its formal terms of reference are:

To exchange information and coordinate work on trade, business development and related matters, in areas where the two administrations specifically agree it would be in their mutual interest. The specific areas of implementation would include:

- cooperation on business development opportunities, North and South;
- devising new approaches to business development in a cross-border context, in such areas as research, training, marketing and quality improvement;
- supporting business by making recommendations to increase enterprise competitiveness in a North-South context in areas such as skills availability, telecoms, IT and electronic commerce;
- promotion of North-South trade and supply chains, including through business linkages and partnerships;
- promoting cross-border trade events and marketing initiatives;
- identifying new areas of trade between North and South;
- promoting market awareness and trade development in a North-South context;
- undertaking specific projects and events in relation to trade promotion, when tasked jointly on a project by project basis;
- providing advice on specific aspects of trade promotion, when tasked jointly to do so.

The new body began its operations in an entirely new area, where no body had existed previously (though substantial voluntary efforts to promote North-South business cooperation had existed, and existing economic agencies North and South would continue). As its name suggests, an underlying assumption of its foundation was that trade between the two jurisdictions was less than optimal. In the context of

¹² Currently, the structures are fragmented, with the FSAI also operating a consumer helpline and public information office in Dublin.

¹³ See *Report from the First Minister (Designate) and Deputy First Minister (Designate)*, New Northern Ireland Assembly report no. 7, annexes 2 and 3.

the longstanding southern stereotype of the “hard-headed unionist” (O’Halloran, 1987), also implicit was the notion that mainly Protestant northern businesspeople, already cooperating through the Confederation of British Industry (CBI) with their counterparts in the Irish Business and Employers’ Confederation (IBEC), would set political aspirations aside to realise economic gains.

IBEC’s predecessor, the Confederation of Irish Industry, produced a study in 1992 which suggested that an additional £3 billion could be generated from North-South trade (Tannam, 1999: 143), leading to rather wild headline predictions of an associated 75,000 jobs. But the assumption of under-performance in trade between North and South has turned out to be questionable. As Ó Gráda and Walsh (2006) point out, trade with Northern Ireland as a proportion of Republic of Ireland trade has been in long-term decline since around 1960, remarkably unaffected by the pattern of civil unrest, and they cite a 1999 econometric analysis suggesting that cross-border trade might as things stand even be greater than standard determinants of trade flows would imply.

On the other hand, as the information revolution has replaced industrial capitalism in a globalised environment, the key to economic performance is the network rather than the individual firm (Castells, 1996; Cooke and Morgan, 1998). So the really interesting question in terms of the work of *InterTradelreland* is not whether firms in one jurisdiction can be matched with consumers in the other but whether collaborative partnerships can be developed which ensure that the border is traversed by networks which can operate seamlessly island-wide. These may be networks between firms, or linking firms to higher education or research institutes, or linking business associations: the IBEC-CBI Joint Council, the Chamberlink network of chambers of commerce and the Irish Congress of Trade Unions as an all-Ireland body, for example. Indeed, the very existence of these prior civic connections, pointing to the establishment of *InterTradelreland* as an organic, facilitating development, goes some way to explain the success of this body.

InterTradelreland has fully recognised this point. In its 2002-04 corporate plan, it described the organisation’s “economic rationale” in sophisticated terms, which connected the economic and the political via the related notions of trust and “social capital” (*InterTradelreland*, 2002b: 17):

The political imperative is clearly the consolidation of the peace process in a manner that will facilitate the development of networks of trust across the island. The implicit economic rationale is that increased coordination of trade and business activity can help engineer the realization of economic spillovers and synergies that will mutually benefit both the North and the South ... The realisation of economic spillovers and synergies may also generate higher volumes of trade between the two jurisdictions but increasing the volume of trade per se should not be regarded as the main performance measurement of the effectiveness of *InterTradelreland*. Quite apart from the fact that simply measuring the flow of trade poses methodological difficulties, the total volume of trade is predominated [sic] by low-technology products ... The future competitiveness of the island economy and of both jurisdictions which comprise it, will depend upon coordinating and exchanging information and knowledge which will improve the capability of indigenous businesses to trade higher up the value chain.

Brokering supply-chain networks in or around transnational companies in Ireland is one specific way to doing this (*InterTradelreland*, 2002a). *InterTradelreland* has already created 60 North-South partnerships and eight new facilities, an achievement that bodes well for the future work of the body, but many obstacles remain in the path of promoting Ireland as a single investment location.

The Special EU Programmes Body

This body was initially given very specific and, indeed, time-bound functions: to supervise and administer existing EU programmes, such as Interreg and Peace, and to assume similar responsibilities in respect of new programmes over the period 2000-06—in particular, in respect of policies covered by the “common chapter” shared by development plans over this period in Northern Ireland and the Republic. Like *Waterways Ireland*, it has a very simple structure: it is headed by a chief executive appointed by the NSMC. Its formal terms of reference are defined as follows:

Until the conclusion of the current Community Initiatives:

- the central secretariat, monitoring, research, evaluation, technical assistance and development roles currently exercised jointly in respect of Interreg and Peace by the Department of Finance and the Department of Finance and Personnel;
- administration of certain sectoral sub-programmes under Interreg and Peace (interest rate subsidy and cross border cooperation between public bodies). In relation to post-1999 Structural Funds
- advising North/South Ministerial Council and two Departments of Finance on negotiation with the EU Commission of post-1999 Community Initiatives and of Common Chapter;
- preparing, for the approval of the two administrations in the Council and in close consultation with the two Departments of Finance and other relevant Departments, detailed programme proposals under the new Community Initiatives (likely to be Interreg III, Leader III and Equal, and possibly a successor to Peace);
- central secretariat, monitoring, research, evaluation, technical assistance and development roles in respect of these Initiatives;
- grant-making and other managerial functions in respect of Interreg III and of North-South elements of programmes under other initiatives, within the framework of the relevant overall policies of North and South respectively, and subject to the expenditure allocations and specific programme parameters agreed between the two administrations and with the EU Commission;
- monitoring and promoting implementation of the Common Chapter, which would have a specific budgetary allocation.

The body essentially gave a more institutionalised structure to earlier arrangements for cooperation in respect of the administration of joint North-South interests in EU-funded programmes. By embracing a range of programmes, it has allowed a more “joined-up” approach to the various sources of EU funding, moving away from the

earlier dispersal of management capacity in terms of EU programmes throughout the two administrations.¹⁴

The largest programme under the aegis of the body by far is Peace, which had spent €868 million on 6,000 projects by 2005. The programme, now in its latest incarnation as “Peace II+”—and with a (final) Peace III on the horizon—has been criticised for the complexity of its application forms, replete with boxes to be ticked, and as to the contribution it may, or may not, have made to reconciliation. In this context, work by Democratic Dialogue on a definition of reconciliation (Hamber and Kelly, 2005a, 2005b) has been strongly welcomed by the body, as it has offered criteria that are both simpler and sharper for judging the merits of applications.

There remains, however, a longstanding concern about the North-South dimension of the programme, measure 5 (Wilson, 1999). Since Peace I, its focus has been on Northern Ireland and the six border counties of the Republic. This would be understandable if the task of reconciliation in Ireland were reducible to tackling “back-to-back” economic (under)development around the border. But clearly, this is a political project on an island-wide scale. The structure of the programme militates against this aim being fully realised—this work will take decades, rather than years, yet after Peace III, *ceteris paribus*, the only source of funding for this activity, other than that privately raised by Co-operation Ireland, would be the Reconciliation Fund operated by the Department of Foreign Affairs—modest in scale, and therefore with limited capacity to fill the gap that will increasingly loom as EU support diminishes.

The SEUPB also has responsibility for the Interreg programme, which to an extent offsets “back to back” development on the island. The body has favoured, within this programme, a more consistent approach to cross-border cooperation itself: Laffan and Payne (2001: 117) highlight how in December 2000 the European Commission sent back the draft Irish Interreg III programme, which it perceived as offering little practical support to the SEUPB and reflecting only weak cooperation between Belfast and Dublin. The commission also sought more recognition for the three local authority based cross-border networks; as with Inter *Tradel* Ireland, the success of the SEUPB depends on moving away from the hierarchical approach conventionally favoured by government towards one of managing the networks in its domain (Laffan and Payne, 2001: 136). The value of this “network-based” approach to cross-border development has recently been reaffirmed, as has been the need for links between local authorities, the private sector and non-governmental organisations.¹⁵ But, as with Peace, Interreg is bound by the 12-county restriction. Here too there is a cogent argument for genuinely all-Ireland spatial planning, as envisaged (very graphically) in a document published by the Labour Party in the Republic in 2001.¹⁶

¹⁴ Contribution of Pat Colgan, SEUPB, at the conference “The North-South bodies five years on”, Institute for British-Irish Studies, UCD, 27 May 2005.

¹⁵ John Driscoll, International Centre for Local and Regional Development, Harvard University, addressing the “North-South makes sense” conference organised by the SDLP in Derry, 7 October 2005.

¹⁶ This was the theme of the address to the SDLP conference in Derry by Labour’s current spokesperson, Liz McManus, as well as the keynote speech by the Minister for Foreign Affairs, Dermot Ahern.

The Language Body

The emotive potential of the Language Body’s remit, touching on the politically-sensitive issues of culture and identity, has ensured it close public scrutiny. While language was not one of the original areas identified for cross-border cooperation, it was agreed during the December 1998 negotiations that there would be an all-island agency to promote the Irish language and, in what was widely perceived as a quid-pro-quo, a parallel agency would be created to cultivate Ulster-Scots, a version of the Scots language introduced by Scottish settlers in the seventeenth century. These two agencies were combined in a joint body governed by a board of 24 members, 16 responsible for the Irish language agency, Foras na Gaeilge, and eight for the Ulster Scots agency, Tha Boord o Ulstèr-Scotch. Each agency has its own chairperson, who acts as joint chairperson of the body as a whole, and its own chief executive, appointed by the board with NSMC approval. The disparity in the relative strength of the languages was reflected in the terms of reference of the two agencies, which were defined as follows:

One Body, with two separate parts, with the following functions:

Irish Language

- promotion of the Irish language;
- facilitating and encouraging its use in speech and writing in public and private life in the South and, in the context of Part III of the European Charter for Regional or Minority Languages, in Northern Ireland, where there is appropriate demand;
- advising both administrations, public bodies and other groups in the private and voluntary sectors;
- undertaking supportive projects, and grant-aiding bodies and groups as considered necessary;
- undertaking research, promotional campaigns, and public and media relations;
- developing terminology and dictionaries;
- supporting Irish-medium education and the teaching of Irish.

Ulster Scots

- promotion of greater awareness and use of Ullans and of Ulster Scots cultural issues, both within Northern Ireland and throughout the island.

In the South, Irish language activities had previously been shared among a number of state bodies, and these were now integrated in Foras na Gaeilge. The functions and staff of Bord na Gaeilge, the earlier language agency in the Republic, and of organisations responsible for terminology and publishing were absorbed, and further functions relating to the funding of voluntary associations were also transferred. The moulding of these disparate groups into a unified organisation has been a challenge for the new agency, which is now responsible for a greatly expanded remit and budget, and it has not been helped by recruitment difficulties, which have seen it operating with almost a third less than its approved complement of staff¹⁷. While the “organisational memory” of its inherited staff has been of great importance in

¹⁷ Presentation by Dr Seán Ó Cearnaigh, Foras na Gaeilge, at the conference “The North-South bodies five years on”, at the conference “The North-South bodies five years on”, Institute for British-Irish Studies, UCD, 27 May 2005; available at www.ucd.ie/ibis/conference2005.htm.

maintaining continuity, there were difficulties in this transition phase, with the 2000 report of the Comptroller and Auditor General criticising its grant administration and internal financial controls.¹⁸

Foras na Gaeilge has pursued a wide range of activities on both sides of the border, including the production of educational materials, the grant-aiding of Irish medium schools, the funding of Irish language media and voluntary groups, the development of language resources, and the conduct of research.¹⁹ It has established its headquarters in Dublin, and has opened a sub-office in Belfast to facilitate interaction with Irish language interests in Northern Ireland. One of the key challenges it faces in working on an all-island basis is the differing status of Irish in the two jurisdictions. In the Republic the language enjoys constitutional protection as the state's first language and, under the Official Languages Act, 2003, public bodies have a legal requirement to facilitate its use. In Northern Ireland, however, the language does not have official status, with its position determined by the provisions of the Good Friday Agreement and the British government's commitments under the European Charter for Regional and Minority Languages. The body's founding legislation recognises this potential predicament, instructing the Irish language agency to have regard to this differing status in carrying out its functions.²⁰ Foras na Gaeilge, with its southern background, has also been challenged to adapt to the different administrative and educational structures in Northern Ireland and to develop working relations with a civil service which did not, historically, have a tradition of engagement with the Irish language.²¹

The Ulster Scots Agency came into being in a very different context. From its inception its bona fides was challenged by a debate over the linguistic status of Ulster Scots, with its detractors arguing that it was a "mere" dialect, or, more politically, a "DIY language for Orangemen".²² While interest in Ulster Scots cultural activities had increased in recent years, the language was confined to marginal areas with dwindling numbers of native speakers, and enjoyed no official recognition in either jurisdiction prior to the Good Friday Agreement.²³ The inclusion of Ulster Scots in the Agreement, and the subsequent creation of the Tha Boord o Ulstèr-Scotch, was widely seen as "balancing" those elements which recognised Gaelic and nationalist culture, thereby reinforcing the identification of the language with the Protestant community. Against this background, the Ulster Scots Agency faced considerable challenges in getting off the ground, having, in contrast to Foras na Gaeilge, no

¹⁸ See the Language Body Annual Report 2000. The auditing of both agencies' accounts for 2000 was a protracted affair, causing the publication of the annual report to be delayed to 2005.

¹⁹ See the agency's website, www.forasnagaeilge.ie for a full description of its activities.

²⁰ See Department of Foreign Affairs, 1999, Annex II.

²¹ Interview with Dr Seán Ó Cearnaigh, Programme Manager, Foras na Gaeilge, 7 October 2005.

²² On the "language" vs. "dialect" debate, see Mac Poilín, 1999, Kirk, 1998, and, for a more sympathetic view, Montgomery, 1999.

²³ Subsequently, the British government recognised Ulster Scots under Part II of the European Charter for Regional and Minority Languages.

template to follow or organisational experience on which to draw. Its efforts to establish administrative structures were hindered by a shortage of staff, which saw it operating with only three staff in its first year, and permanent appointments not made until 2003. Like its partner agency, its spending and accounting practices in this initial period were criticised,²⁴ a circumstance that needs to be seen in the context of the start-up difficulties it was experiencing at the time.

Despite these obstacles, the Ulster Scots Agency has been quite active, particularly in the area of cultural promotion and raising awareness. It has provided finance and support for groups involved in activities such as traditional music and dance, with the number of grants awarded increasing from four in 2000 to 450 in 2005.²⁵ It has also assisted in the organising of a number of festivals celebrating Ulster Scots culture, including the Maiden City festival in Derry, and has, since 2002, published its own periodical newspaper, *The Ulster-Scot*. Efforts have also been made to encourage academic study of the language, with the establishment of an Institute of Ulster Scots Studies in partnership with the University of Ulster, and the agency has funded the Ulster Scots Curriculum Unit at Stranmillis College, where cross-curriculum educational materials for use in schools and a language course for adult learners are being developed. Although perceived as a "northern" body, the agency has taken its all-island remit seriously and has opened a sub-office in Raphoe, Co Donegal, with a development officer for Donegal, Cavan, and Monaghan, counties with an Ulster Scots tradition. It has also funded community groups in border areas, such as the Border Minority Group in New Bliss, and has promoted various cultural events in the South.²⁶

While the composite structure of the Language Body holds potential for internal tensions and rivalry, both agencies report good working relationships. They have engaged in a number of joint projects, including, for example, a celebration of the island's shared musical heritage, and cooperate regularly on corporate and everyday matters. Given the common problems faced by Irish and Ulster Scots as minority languages, there are clear advantages in sharing knowledge and information, with the Ulster Scots Agency in particular benefiting from the reservoir of practical experience built up in Foras na Gaeilge. The considerably higher funding level of the Irish language agency has attracted political criticism in Northern Ireland.²⁷ Indeed, the Ulster Scots agency's first chairman, Lord Laird, resigned in April, 2004, citing the Department of Culture, Arts, and Leisure's decision to remove £600,000 from

²⁴ See the Language Body Annual Report 2000. The agency has also received adverse publicity for its spending on travel and hospitality; see *Belfast Telegraph* 7 February 2005, 10 March 2005, 22 September 2005.

²⁵ Interview with George Patton, Chief Executive, Ulster Scots Agency, 11 October 2005; other information in this section is derived from this interview.

²⁶ Further information on the work of the agency can be found at www.ulsterscotsagency.com.

²⁷ The Irish language agency receives approximately 88% of the budget, to 12% for the Ulster Scots agency. The DUP have been especially vocal on this issue, accusing the Northern Ireland Department of Culture, Arts and Leisure of "cultural discrimination", and they have demanded that the funding differential be bridged within three years (*News Letter*, 19.10.2005). For the British government's justification of the budget differential see www.dcalni.gov.uk/home/.

the agency's budget and complaining of a lack of government support for Ulster Scots culture.²⁸

The creation of an all-island body for language has obvious advantages for Irish and, to a lesser extent, Ulster Scots, in terms of the benefits of cross-border language planning and the dissemination of best practice. However, its greatest significance may actually lie in its bringing together of the island's opposing cultural traditions. Both agencies are aware of the powerful symbolism of their cooperation and of its potential to increase awareness and acceptance of the island's linguistic and cultural diversity. While peace and reconciliation work is not explicitly part of their remit, they recognise that, uniquely among the North South bodies, they are "operating in the area of hearts and minds", and aim to break down barriers and displace exclusivist notions of identity and culture. However, if they are to fulfil this potential, a key task for both agencies will be to counteract the politicisation of Irish and Ulster Scots and to work against their identification with a particular community or region.

The agencies face a number of common challenges to their future development. Both complain of the administrative burden of dealing with two different sets of legislative and departmental requirements, with the Ulster Scots Agency arguing that the unique position of the North-South bodies calls for a more flexible "third way" which provides distinct and clearly defined all-island provisions. In common with the other North-South bodies, the Language Body has been frustrated by the "care and maintenance" regime introduced following the suspension of the northern institutions. Without the political leadership of the NSMC, the agencies are constrained by the existing provisions, with little scope for innovation. This has been a particular issue for the Ulster Scots Agency which is seeking to widen its remit to include culture-led community development work and to permit it to work outside the island of Ireland. Apart from these difficulties, both agencies face the challenge of working in two very different social environments, with attitudes towards language matters far more politicised in Northern Ireland than the Republic.²⁹

The Foyle, Carlingford and Irish Lights Commission

This body was unusual in that it was the only one where there already existed a considerable level of institutionalised North-South activity. But the area was also a complex one, and this was reflected in the dual-agency structure proposed—one which bore some similarity to the structure of the language body. Formal responsibility for the work of the body rests with a 12-member board appointed by the NSMC. Like the language body, the board was given responsibility for appointing two chief executives, one for the Loughs Agency, the other for the Lights Agency. Its formal terms of reference reflected this dual set of responsibilities:

²⁸ See news.bbc.co.uk/1/northern_ireland/3652193.stm [2005-10-05].

²⁹ Examples of ground-level political difficulties include the tearing down of Ulster Scots street signs in Castlereagh (the loyalists who did so apparently believed them to be in Irish; news.bbc.co.uk/1/northern_ireland/478513.stm [2005-10-07]).

A body with the following functions:

Lough Foyle and Carlingford Lough

- promotion of development of Lough Foyle and Carlingford Lough, for commercial and recreational purposes;
- existing functions of Foyle Fisheries Commission in regard to inland fisheries conservation, protection, management and development, and equivalent functions in respect of Carlingford Lough;
- development and licensing of aquaculture;
- development of marine tourism.

Lighthouses

- existing functions of the Commissioners of Irish Lights in respect of providing and maintaining aids to navigation along the coast of the whole island of Ireland and its adjacent seas and islands. Given that the CIL functions in an East-West context, arrangements to maintain linkage with the relevant British authorities.

The problems raised by pre-existing structures became apparent at an early stage. The Foyle Fisheries Commission was a rare example of early North-South cooperation, and it became the core of the new Loughs Agency, which was given equivalent responsibilities in respect of Carlingford Lough. The Foyle Fisheries Commission, established by statute in 1952, consisted of two members each from Northern Ireland and the Republic, appointed respectively by the Minister for Commerce and the Minister for Agriculture. This body was aided by an advisory council comprising representatives of fishing interests. Its functions of preserving and protecting fish stocks were simply continued by the new body, whose headquarters were established at Prehen on the Foyle. Derick Anderson became first chief executive of the new agency, which inherited a staff of 21, and immediately appointed a further 16. Its work includes the monitoring and preservation of fish stocks with, inevitably, a strong emphasis on the Foyle, though this is likely to change with the acquisition of an inshore patrol vessel for use in Carlingford Lough.³⁰

The story of the proposed Lights Agency indicates the kind of unexpected difficulties that can arise. An old body, the Commissioners of Irish Lights, had for long been responsible for the upkeep of all of the lighthouses around Ireland. Established originally under legislation of the Irish parliament in 1786, its functions were amended by UK legislation and it acquired its present name in 1867. It represents an unusual survival of a body whose status is still in part governed by UK legislation (for example, the UK Merchant Shipping Act 1995 confirmed it as the body responsible for the maintenance of Northern Ireland's lighthouses). This is illustrated in the arrangements for its financing: "light dues" collected at Irish ports are supplemented by an Irish exchequer contribution and pooled with British dues in a "general lighthouse fund" administered by the UK Department for Transport. The commissioners themselves are 22 in number, including six senior executives who are employees of the body.³¹

³⁰ See www.loughs-agency.org/.

³¹ See <http://www.cil.ie/>.

The complex legal status of the Commissioners for Irish Lights posed particular problems for the creation of a new body in this area. Since the normal template was that an implementation body would occupy an area where a southern government department or agency functioned parallel to a similar body in Northern Ireland to which power had been devolved, there would obviously be difficulties if the area was one that under long-standing terminology was an “excepted” one—one over which power would not be passed to a devolved administration. Indeed, this was an “exceptional exception”: not only had responsibility for lighthouses never been ceded to the “home rule” institutions set up in Belfast in 1921, it had never been completely ceded to independent Ireland either. For this reason, at a plenary meeting of the NSMC on 28 June 2002 it was agreed that the relevant northern and southern departments would consider “alternative possibilities”, and come back with a recommendation on these. One “alternative possibility” was, of course, simply to abandon the idea of establishing an implementation body in this area and instead to replace it by another area where a body could be established without raising such ancient legal hares.

Tourism Ireland

Tourism Ireland is a “compromise” not only in the same sense as Safefood—that two tourism agencies remain, North and South—but also in that while it looks like an implementation body its provenance comes under the policy cooperation area of the December 1998 agreement. The agreement specified the roles of the agency as:

- planning and delivering international tourism marketing programme, including programmes in partnership with the industry North and South;
- publication and dissemination in overseas markets of information of a balanced and comprehensive nature on the island of Ireland as a tourist destination, which must reflect the diverse traditions, forms of cultural expression, and identities within the island;
- market research, provision and information and other appropriate assistance to help the industry develop international marketing expertise;
- cooperation with, consulting, and assisting other bodies or associations in carrying out such activities;
- carrying out surveys and collecting relevant statistics and information.

The recent sensitivities in this area were clear enough. First, symbolically, there was the backdrop of the shamrock affair. In 1996, Tourism Brand Ireland was established as a joint initiative of Bord Fáilte and the Northern Ireland Tourist Board (NITB), with a common logo stylistically suggesting a dancing couple, and with the NITB’s old red hand of Ulster reduced to abstract red touches. But in 1997, after the return of Fianna Fáil to power (in conjunction with the Progressive Democrats), the minister for tourism, Jim McDaid, demanded that the shamrock be reinstated. This was rejected by the NITB.³² There have also been concerns in the industry in the Republic about associations with Northern Ireland’s still heavily tarnished image,

³² See *Irish Times*, 19 and 20 September 1997.

and there is a genuine conflict of interest. Since most visitors to Northern Ireland enter the island via the Republic, the more days they spend in the North, the fewer they will spend in the South (Ó Maoláin, 2000: 2).

In this context, and the intense unionist sensitivities in respect of the second bullet point above, the result is understandable. But it can hardly represent an optimal outcome, since it artificially separates destination and product marketing (the first a task for Tourism Ireland, the second for the two pre-existing boards). As one newspaper feature on Tourism Ireland commented shortly after its establishment in 2000: “Where there were two tourism bodies, there will now be three. Some industry figures believe this is a farcical scenario due only to political expediency since a full integration of the two bodies would not have been acceptable to unionists in the North.”³³

It could also be argued that the post-agreement North-South architecture, rather than “joining up” activity on tourism, in a way chops it up, as three of the implementation bodies—Waterways Ireland, the Loughs Agency and the Language body—all address features amenable to tourism attraction. Nevertheless, a significant growth in tourist numbers to the island in recent years has been recorded: in the three years to 2004, visitors rose by 11 per cent in the Republic and (from a much lower level) by 29 per cent in Northern Ireland; and Tourism Ireland dealt with a total of half a million phone and email inquiries.³⁴

CONCLUSION

The current “care and maintenance” status of the implementation bodies imposes constraints on all of them. While it allows them to continue on their current trajectory, it sets in train an inertia which can only become more constraining over time. Writing before suspension, Laffan and Payne (2001: 133) argued that “functional North-South bodies are crucially dependent on a political layer to give them direction and legitimacy.” This is true; and we propose in conclusion to address two questions: how effective a role did the NSMC play in the past in providing guidance to the implementation bodies, and what does the future hold, in the event of long-term suspension of the devolved institutions?

Two aspects of the relationship between the NSMC and the implementation bodies are worth considering: the mechanics of administrative control, and the extent of political oversight. First, the principle of “no surprises” which officials applied to NSMC meetings had mixed consequences. On the one hand, it gave North-South cooperation a remote, technocratic air, akin to the process of European integration—and therefore subject to the same threats of public *ennui* evident since Maastricht and culminating in the collapse of the European constitution project. Furthermore, it did

³³ See *Sunday Tribune* 18 February 2001

³⁴ Presentation by Niall Gibbons of Tourism Ireland to IBIS conference, “The North South bodies five years on”, 27 May 2005.

nothing to foster political risk-taking or policy innovation, or indeed to promote broader public discussion about what was taking place. On the other hand, particularly in the light of unionist coolness about the whole enterprise, it may well have been the case that it was precisely this level of caution and careful pace of development that secured so wide a measure of acceptance for the implementation bodies and the whole process of North-South cooperation.

The second issue has to do with oversight of the North-South process in the Northern Ireland Assembly and the Oireachtas. In neither case was there a dedicated committee to provide scrutiny, though the Oireachtas Joint Committee on Foreign Affairs could have chosen to take a more active interest. In Northern Ireland, the “external” aspects of the work of the Office of the First and Deputy First Minister were deemed to be accountable to the Assembly as a whole, rather than to any of its committees. But this created an obvious dilemma of collective action: as everyone was responsible, no one was really responsible. So neither the Assembly nor the Dáil had any real prior input into NSMC meetings, and no cadre of parliamentarians developed the expertise required to ask searching questions of ministers. One pro-agreement assembly member, interviewed by one of the authors while the NSMC was functioning, said she was “very concerned” about the lack of accountability and the “superficial” statements made by ministers to the Assembly after its meetings (Wilford and Wilson, 2001: 36).

What of the future? Not least of the successes of the experiment in North-South cooperation we have described above has been the extent to which it has, by and large, been politically uncontroversial: even unionists formerly strongly critical of the process are prepared to accept the case for pragmatic collaboration that does not compromise constitutional principle. This distinction offers advocates of greater integration between the two parts of the island some grounds for optimism. A tension remains, however, between the representation of North-South cooperation to northern Catholics as a means to ensure a “balanced” representation of a nationalist identity, and its representation to northern Protestants as bringing “practical and mutual benefits”.

The difficulty of hanging North-South cooperation on instrumental considerations is that the economic and financial benefits tend to pall in unionist minds beside the huge subvention to Northern Ireland from the Treasury. Yet to build the case for enlarged integration around symbolic gains for nationalists would clearly only add to the zero-sum communalist antagonism, already much heightened in recent years. But there may be a way out of this dilemma towards more appropriate arrangements—a consistent message, not only for consumption by both northern communities but also in the Republic, that the primary goal of North-South coordination is reconciliation itself. We may recall the claim by Brian Faulkner, the Unionist chief executive of the former power-sharing administration (1973-74), that the then North-South arrangements represented “necessary nonsense” (Bew and Gillespie, 1999: 74). Perspectives have shifted in the meantime and, at a conference on the theme (with no sense of historic irony) “North-South makes sense”, the Republic’s Minister for Foreign Affairs, Dermot Ahern, said that reconciliation was now not only “far

more necessary” but also more “difficult” than in the 35 years of northern-related violence.

In her introduction to the story of North-South cooperation up to the Belfast agreement, Tannam (1999: 1) wrote: “As with many land borders, there is scarcely a physical difference between towns and villages which lie on either side of the border. Yet the conflict in Northern Ireland has both reflected and reinforced the significance of the land border, making it more than a physical line, rather a line which represents deep and old political division.” This line will, of course, continue, but its political significance may well alter fundamentally. Change will certainly be promoted by developments within the European Union; and a restructuring of local government in Northern Ireland may have further far-reaching implications. It is also clear that long-term economic, social and physical planning on an all-island basis will create further space for institutionalised North-South contact. In this process, the existing implementation bodies have already forged a path, helping to undermine the arbitrary barriers that history imposed on the administrative structures of a small island.

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