



Centre for International Borders Research



Institute for British-Irish Studies

Papers produced as part of the project

**Mapping frontiers, plotting pathways:
routes to North-South cooperation
in a divided island**



**BORDERS AND EMPLOYMENT:
OPPORTUNITIES AND BARRIERS**

Elizabeth Meehan

Project supported by the EU Programme for Peace and Reconciliation and administered by the Higher Education Authority, 2004-06

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MFPP Working Papers
No. 15, 2006

(also printed as
IBIS working paper no. 65)

Mapping Frontiers, Plotting Pathways
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IBIS working paper no. 65)

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ISSN 1649-0304

ABSTRACT

BORDERS AND EMPLOYMENT: OPPORTUNITIES AND BARRIERS

This paper considers the impact of borders on employment opportunities or barriers on the island of Ireland. In that context, it is about several senses of “border”: the creation of two borders on the independence of Ireland, east-west and north-south; disputed understandings of nationality; Commonwealth membership as the source of this dispute, yet also enabling east-west freedom of movement; conversely, the regulation of movement into the north; the complicated impact of common membership of the EU; and inward migration to the two countries, bringing new “borders of the mind”. The paper begins with the nationality and citizenship considerations lying behind the “bridging” of the two new political borders brought about by Ireland’s independence. It outlines the experience of workers freely crossing the east-west border and the regulation of movement into the north. It then turns to the perverse impact of the EU. After that, it deals with new patterns of crossing borders—the growth of migration into both north and south of a new range of peoples and the manifestation of new “borders of the mind”. In conclusion, it outlines new efforts to cross the border through cooperation to combat employment and other forms of discrimination against the new migrants.

Publication information

Revised version of a paper presented at the workshop on “The Irish border in perspective” as part of the *Mapping frontiers, plotting pathways* programme, Queen’s University, Belfast, 1 October 2004. The programme is funded by the Special EU Programmes Body through the Higher Education Authority over the period 2004-06.

Acknowledgements

In addition to acknowledging the support of the SEUPB, DEL and HEA, the author would like to thank The Policy Institute, Trinity College Dublin and the Department of Justice, Equality and Law Reform. These bodies supported the original work which underpins the new research, funded by the SEUPB, HEA and DEL.

BIOGRAPHICAL INFORMATION

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BORDERS AND EMPLOYMENT: OPPORTUNITIES AND BARRIERS

Elizabeth Meehan

INTRODUCTION

This paper considers the impact of borders on employment opportunities and barriers on the island of Ireland. In that context, it is about several senses of “border”. First, independence introduced two new borders; one between north and south and another between east and west. Yet, secondly, the existence of the Commonwealth meant that neither border limited, in legal terms, the right of freedom of movement and employment, albeit for controversial reasons from the Irish point of view. However, the Northern Ireland Parliament introduced its own restrictions in the 1930s and 1940s, which meant that Irish nationals had readier opportunities in Great Britain than in the north.

Thirdly, and later, the then European Economic Community (EEC) served similarly to the Commonwealth as an area of free movement. It was, of course, different in that freedom of movement in the EEC was not the consequence of a hierarchical relationship but of an alliance of equal states. Perversely, however, the opening of borders on a continental scale restricted Irish (and Commonwealth) employment rights in the whole of the UK.

Fourthly, between the 1950s and 1990s, Ireland and the UK were distinctive in the former being a country of emigration and the latter of immigration. During the last decade or so, Ireland has experienced inflows of migrants from diverse backgrounds. This raises border issues in a new way. Both countries are experiencing greater permeability of borders on a global scale; both are having to face up to “borders of the mind” that are not confined to the “Irish question”; and both countries (this time from Belfast rather than London) are refocusing cooperation from a 90 year old common immigration policy to collaboration over integration.

The paper begins with the nationality and citizenship considerations lying behind the “bridging” of the two new political borders brought about by Ireland’s independence. It then outlines the experience of workers freely crossing the east-west border and the regulation of movement into the north. The paper then turns to the perverse impact of the EU. After that, it deals with the growth of migration into north and south of a diverse range of peoples. In conclusion, it outlines new forms of cross-border cooperation to combat discrimination against the new migrants.

NATIONALITY AND CITIZENSHIP CONSIDERATIONS

Between 1922 and 1929, security considerations in both states gave rise to a common immigration policy that was to endure. That is, neither state allows a person to

land who would not be admitted to the other. Within this “common outer perimeter”, travel without passports by took place.¹ Though susceptible to being charged with neo-colonialism, Irish governments always saw this cooperation—carried out in secret to avoid the charge—as the autonomous pursuit of a core interest. But the fact that this arrangement was possible because of Sáorstát Éireann’s membership of the Commonwealth was uncomfortable.

Michael Collins and Arthur Griffith have been credited with securing a different constitutional nuance for Ireland to that of other dominions (Lee, 1989: 43); that is, recognition of a concept of citizenship that was based on reciprocal recognition of different, not common, nationalities. In the long-run, that is so. But, in June 1922, in replying under pressure to one of six questions put by Lloyd George, Arthur Griffith stated that it was intended:

that the Irish Free State shall be not merely associated with, but a member of and within the community of nations known as the British Empire and on the basis of *common* citizenship as explicitly provided by the Treaty (emphasis added; released British cabinet records, *Irish Times*, 21 Jan. 1967).

The 1921 treaty provided for the 1922 constitution to define Irish citizenship (nationality)² and for legislation on how it might be acquired. Article 3 of the constitution (operative from 6 December, 1922) conferred Irish citizenship on all those who had been born in Ireland (north and south), those whose father or—progressively for the time—mother had been born there, and all those domiciled in the Free State territory on the date of the constitution’s coming into effect (McGuinness, 1998: 4). Any such people who were nationals of another state could reject Irish citizenship.

Thus, the constitution reflected the twin intentions of the treaty which, on the one hand, stipulated that the privileges and obligations of Irish citizenship were to be “within ... the jurisdiction of the Irish Free State” (reflecting the existence of Northern Ireland and partition) and, on the other, linked Ireland to an external power through the Oath of Allegiance to the British Crown and common citizenship of the Commonwealth. Though unique in the Commonwealth of the day, Irish citizenship, therefore, was not an autonomous status.

It was not until the 1930s that “an Irish citizenship for international purposes was established”.³ Under the power contemplated in article 3 of the 1922 constitution, the Nationality and Citizenship Act 1935 repealed the British Nationality and Status of Aliens Act, 1914 (as amended in 1918). The 1935 act specified that, under Irish law,

¹ Albeit that spot checks, more frequent as asylum seeking rose and after terrorist attacks in New York and London, are not “colour-blind”. The cheap airlines, not governments, were the first to introduce passports as a form of identification (with photographic driving licences) on internal and inter-island flights.

² Despite the frequent elision of these terms, they are not the same. Sharing nationality does not necessarily imply equal rights of citizenship—as evident in the denial of legal and political rights to female colonials. Nevertheless, given the frequency with which government documents elide them, it is difficult to avoid compounding the error!

³ *Irish Press*, 1 Jan. 1949, Department of the Taoiseach papers, National Archives of Ireland (NAI), S14452.

Irish citizens (nationals) were those born in the territory of the whole island of Ireland or those who chose to activate an inherent right to the status derived from either parent, resident or not, who had been born on the island. It drew on the conclusions of the 1930 Commonwealth Conference that each member could define for itself its own nationals while maintaining mutual recognition of common status. It was considered in both Houses from November 1933 and passed (and signed by the King) in April 1935.⁴ Following its enactment, and with mutuality and reciprocity in mind, Ireland introduced an Aliens Act under which anyone who was not a citizen of *Sáorstát Éireann* was an alien (McGuinness, 1998: 2). The British were as alien as others but an Exemption Order (*Statutory rules and orders*, no. 80 of 1935) excluded them and the peoples of the Commonwealth from the application of the Aliens Act and, hence, permitted the continuation of their free movement into Ireland (McGuinness, 1998: 8).

The UK, because of the common citizenship of the Commonwealth, did not amend its nationality legislation under which persons born in what was then the United Kingdom of Great Britain and Ireland, as well as the Commonwealth, were British subjects. (Unlike Commonwealth subjects, the movement and employment of others were regulated by the Act of Settlement 1700, Aliens Act 1905, Aliens Restriction (Amendment) Act 1919, and Aliens Employment Act 1955). There being no change in UK nationality law until 1948 meant, as McGuinness (1998: 6) points out, that British judicial opinion was able to maintain—as late as 1942—that Ireland's 1922 constitution “did no more than confer ... a national character as an Irish citizen within the wider British nationality”; and that this remained the case despite Ireland's Nationality and Citizenship Act 1935 and the new 1937 constitution. “From the British point of view the peoples of all these lands have status as British subjects, and generally there is no discrimination among British subjects as to place of birth within the Commonwealth” in their access to citizenship rights in the UK.⁵ This remained contentious in Ireland.

British nationality law changed in 1948. As a result of pressure from the Irish government, the Bill was amended to provide an act that was satisfactory from the nationality point of view. It specified four categories of person: British citizen,⁶ citizen of the United Kingdom and Colonies, Alien and, for the first time, Irish citizen. The last category attracted praise from the Minister for External Relations despite his reservation about residents of Northern Ireland. He noted “the imposition of a non-Irish status on our fellow countrymen in the Six Counties”. He was also concerned about clauses permitting Irish nationals to retain British nationality and stating that Irish citizenship would not debar them from acquiring the new version of it.⁷ If options

⁴ Department of the Taoiseach papers, NAI, S6501.

⁵ *Irish Independent*, 4 Feb. 1947, Department of the Taoiseach papers, NAI, S14002A.

⁶ This was a symbolic advance upon “subject”. But the term was seldom used until after the coming into force, in 1983, of the Nationality Act 1981 (Gardner, 1997: 5; *Irish Independent*, 3 Jan. 1949, Department of the Taoiseach papers, NAI, S14452).

⁷ Memorandum and attachments by Mr MH Ellison, 8 Dec. 1948, Department of the Taoiseach papers, NAI, A105/1/13.

were open for the Irish and Irish-British, the act was, perhaps, the start of closure for citizens of the United Kingdom and Colonies. As McGuinness (1998: 10) suggests, the separation of British and Commonwealth citizenship was “the thin end of [a] wedge” which eventually led to immigration restrictions in 1962.

Until then, all members of the Commonwealth, to which Ireland belonged until 1949, had the right to enter, to reside and to exercise legal, social and political rights in the UK. Ireland's departure from the Commonwealth did not change this. The recognition the year before of Irish nationality as an independent category—but, at the same time, not alien—was paralleled in the UK's Ireland Act 1949. It classified Ireland as neither a foreign nor Commonwealth country but in a category of its own. When, in 1962, UK law introduced inequalities in the rights of Commonwealth citizens to enter and be employed in the UK, restrictions were not applied to the Irish—again in the context of pressure by the Irish government and a particularly warm relationship between the Irish Ambassador in London, Hugh McCann, and the Home Secretary, RA (Rab) Butler (Meehan, 2000: 84-93).

EMPLOYMENT ACROSS BORDERS: IRELAND AND THE UK

The relationship between Ireland and the UK, reformulated in 1948 and 1949, had an impact on a range of rights (Meehan, 2000: ch 4). This article concentrates on those related to economic activity.

Property

Section 23 of Ireland's Nationality and Citizenship Act, 1935, allowed for conventions between the Irish Free State and other countries enabling citizens to enjoy reciprocity in “all or any of the rights and privileges” in each country, “either absolutely or subject to compliance with conditions”. The act expressly excluded rights to own ships or shares in ships, and legal rights to participate in economic activity were more limited than implied by the bland phrase, “subject to compliance with conditions” (or, in other documents “subject to law”).

In the course of preparations for new nationality legislation during 1953, a list of acts of the Oireachtas which contained such conditions was compiled. The main concern was the incompatibility between “subject to conditions” and the definition of Irish nationality, since the former imposed disabilities, not only on aliens, but also on “Six Counties persons”.⁸ The relevant acts and regulations were:

- Merchant Shipping Act, 1947
- Harbours Act, 1947
- Pilotage Act, 1913 (as operated under subsequent bye-laws)
- Road Transport Act, 1935

⁸ “Note on legislation administered by the Department of Industry and Commerce which imposes on Six County persons any disabilities which might be regarded as inconsistent with the constitution or existing Nationality and Citizenship law”, undated, Department of the Taoiseach papers, NAI, S13707A.

- Control of Manufactures Acts, 1932 and 1934
- Control of Imports Act, 1934 and Control of Imports (Amendment) Act, 1937
- Agriculture Produce (Cereals) Act, 1933
- Air Navigation and Transport Act, 1936
- Air Navigation (General) Regulations, 1930
- Industrial and Commercial Property (Protection) Act, 1927 as amended by the Industrial and Commercial Property (Protection) (Amendment) Act, 1929.

Later—in 1964—it was agreed to amend the Land Bill, then being considered in Dáil Éireann, to tighten control over the purchase of rural land by non-nationals by seeking to ensure that transfers of title could not take place without the consent of the Land Commission.⁹ Enquiries were made by the Irish Embassy in London of the embassies of other actual and prospective member states about a range of issues, including the effect of the EEC on the rights of foreign ownership of land and enterprises.¹⁰

Asymmetrical reciprocity, obfuscated in a language that appeared to offer more than was the case, had been a deliberate policy to serve the independence of the state and the interests of Irish nationals at home and overseas. It was stated explicitly in a 1948 memorandum that orders of reciprocity conferred “not the rights and privileges of Irish citizens”, but “similar rights and privileges”. Making reciprocity “subject to law” meant that the “special position of Irish citizens ... [was] ... fully safeguarded”.¹¹ Equally, the Department of External Affairs Memorandum continued in 1962 to reassure the Cabinet by explaining that the law:

Granted reciprocal rights ... [but] conferred [them] “subject to law” and the change effected by such orders was stated in the relevant submissions to the Government at the time to be *one of “status rather than substance”*. *The making of the Orders appeared nevertheless to give satisfaction to the other countries concerned* (emphasis added).¹²

However, in 1954 the Irish government had begun to define the national economic interest as implying a reduction of limitations, not only on residents of Northern Ireland, but also on aliens. The days of need for restrictions had “passed”, according to the new Taoiseach, John Costello. “Now we need to encourage the import of foreign capital and know-how”.¹³

⁹ Department of the Taoiseach papers, NAI, S14200B/63 and S14200C/95.

¹⁰ Department of Foreign Affairs papers, NAI, London Embassy Series, O103/19/32.

¹¹ Department of Justice, Memorandum to the Government, “Grant of reciprocal citizenship rights to British and New Zealand nationals”, 20 Dec. 1948, Department of the Taoiseach papers, NAI, S.9551 and S.1.4452.

¹² Department of External Affairs Memorandum to the Government, “Control of alien immigration into Ireland”, 7 Feb. 1962, Department of the Taoiseach papers, NAI, S15273B.

¹³ On 1 Oct. 1954, Department of the Taoiseach papers, NAI, S1152B.

Mutual recognition of professional qualifications

In 1923, Sáorstát Éireann passed an act, arising from a private member’s bill promoted by the Irish Law Society, exempting English and Scottish solicitors from “service and examination” in admission as solicitor in the Irish Free State. The British government had intimated that there would be reciprocity but—possibly because of opposition in the English Law Society—it retreated from responding to the Irish act with a UK order-in-council and suggested, instead, that Ireland would have to adopt, as an act of the Oireachtas, the Colonial Solicitors Act, 1900. Irish legal advice concurred in principle but, since the 1900 act included objectionable terms, such as “British possessions”, it was decided that no such law could be contemplated.¹⁴ Despite letters of disappointment from Belfast, London and New Zealand, the government eventually repealed the 1923 act.¹⁵

However, general university and other qualifications were mutually recognised, except on rare occasions when one UK employer or another restricted recruitment to graduates of British universities. For example, following partition, Ireland took steps to recognize the qualifications of school teachers from Northern Ireland and Great Britain, measures which still exist.¹⁶ The occasional restrictions imposed by UK employers in the 1950s, according to the Irish Embassy in London, were not inconsistent with the UK 1948 Nationality Act’s recognition of Irish rights in Britain since they *did not* debar the recruitment of an Irish national educated in Britain and *did* disallow the recruitment of a British national educated in Ireland. In general, “graduates of Irish universities seem[ed] to be afforded reasonable opportunities of competing for employment in Great Britain”—though it also proved necessary to protest in 1955 about Burnham Committee recommendations limiting special increments to graduates of UK universities.¹⁷

Until the early 1960s, Irish-born women in Great Britain formed a rather higher proportion among professional occupations than did men—albeit in the lower rather than the higher professions (Jackson, 1963: 106). By the late 1960s, the position of all Irish professionals in Great Britain was described by the Irish Embassy in London as highly successful—in the senior ranks of the civil, public and armed services, local government and in the arts.¹⁸ Mr Feehan also said that, in his view, successful access to occupations, middle-class housing and education for their children did not compel assimilation; the climate enabled them to play a full part in British life while remaining identifiably Irish.

¹⁴ Letter from Governor-General, TM Healy, to Secretary of State for Dominion Affairs, 24 Aug. 1925, Department of the Taoiseach papers, NAI, S3746A.

¹⁵ Solicitors Amendment Act 1947; Department of the Taoiseach papers, NAI, S5830 and S1385A.

¹⁶ Personal communication from Diarmaid McGuinness, SC, specialist in constitutional and immigration law, December 1998.

¹⁷ Department of the Taoiseach papers, NAI, S2147 and S2175.

¹⁸ Minute by F Feehan, Local Advisory Officer, 16 June 1968, “Change in attitude to the Irish in Britain”, Irish Embassy in London, Department of Foreign Affairs papers, NAI, London Embassy Series, B100/221.

Manual workers

In manual occupations in the 1960s, there was what Jackson (1963: 106-8) calls “a characteristically ambivalent British attitude towards the Irish by employers and fellow-workers”. On the one hand, there was no occupation from which the Irish were excluded and their labour was almost indispensable in some sectors. On the other, there were doubts about them, mainly relating to perceptions of their commitment. Another nuance was offered by Mr Feehan, who took the view that “the Irish labourer” had been pushed “a rung or two up the social ladder” as a result of the “continuing influx of coloured immigrants” which made Ireland an “accepted” country of origin. Like his middle-class counterparts, he could “claim his equal place in English society if he wants it, without losing his own national identity”.¹⁹ But the existence of an adverse impact on Irish employees, in manual and other occupations, and of misunderstandings, was sufficient to inspire officials of the two states to take steps to reduce them.

In 1968, the Minister of Labour, Dr Patrick Hillery, had said that, while there were those who thought that emigration should be stopped, it was a fact of life that there were not enough employment opportunities in Ireland to save everyone from being forced to seek work abroad. The well-educated, he said, were “geared to cope with ... emigration”. In addition to trying to create new opportunities in Ireland, his department would seek ways of ensuring that “boys and girls with lower standards of education”, forced to look for work abroad, were provided with better information about job opportunities.²⁰

The following year, a meeting was held between the Secretary of the Department of Labour and Sir Denis Barnes, Permanent Under-Secretary of the British Department of Employment and Productivity, and other officials.²¹ The meeting noted that there was some confusion arising from a “lack of synchronisation between educational qualifications in the two countries”, making it “difficult for Irish emigrants to Britain to know what jobs their qualifications here would fit them for”. It was agreed to consider the possibility of “a ready-reckoner”, from which equivalent qualifications could be read across. The meeting also raised other issues arising from the Irish government’s desire to discourage emigration—to a target of five thousand by 1980—while, at the same time, ensuring that those who did go were properly supported. Discussion covered housing in the UK for mobile and seasonal labour, the regulation of British private employment agencies and, without reverting fully to the pre-1935 system of advertising British vacancies in Irish labour exchanges, the possibility of providing information in Ireland about jobs in Great Britain and vice versa.

The relatively informal nature of the last point of action resulted from a perceived double edge to cooperation over information on vacancies. In the previous year, the

¹⁹ Minute by F Feehan, Local Advisory Officer, 16 June 1968.

²⁰ Speech on the occasion of the official opening of the new employment exchange in Cahirciveen, 19 July 1968, Department of Foreign Affairs papers, NAI, London Embassy Series, B100/22.

²¹ 5 Feb. 1969, Department of Foreign Affairs papers, NAI, London Embassy Series, L121/3

Department of External Affairs had strongly opposed a suggestion for formal collaboration with the British Employment Service on the basis that freedom of travel might become tempered by British control of or influence on the volume and pattern of recruitment to employment. The department had in mind the pressures in the UK throughout the 1960s to halt immigration from the Commonwealth and the likelihood that these would be reinforced by bad labour market forecasts in 1968.²²

Similar issues to those on the 1969 agenda are still being discussed. In the 1990s, there were talks about the mutual recognition of the qualifications of electricians and construction workers and common training for film and television work (Governments of Ireland and UK, 1997: 25, 46). In 1991, the Transfrontier Committee on Employment and Training was established in response to a report by the British-Irish Inter-Parliamentary Body on the Irish in Britain (Governments of Ireland and UK, 1997: 26). This “brings together the employment and training services of Britain and Ireland to facilitate the free movement of migrant workers between the two countries”. Mutual familiarity with training and qualifications was to be promoted through educational exchanges (north-south and east-west) and there is a little-used programme of exchanges for civil servants (Governments of Ireland and UK, 1997: 1-10, 26). Outright discrimination was brought within the ambit of British law, the Irish now being covered in the work of the Commission for Racial Equality (Jackson, 1998: 209-10).

EXCEPTIONALISM: NORTHERN IRELAND

For men and women, the situation was different in Northern Ireland, where the devolved government in the 1930s and 1940s attempted to control (but not prohibit) recruitment to “natural born British subjects”.²³ In one case, an offer of contract already made to an Irish-born doctor to a post in a northern hospital was withdrawn. But, in other cases, the absence of good candidates in the north or from Great Britain meant that better qualified Irish applicants were recruited to public posts such as veterinary inspectors, architects, engineers, milk operators and inspectors and housing enumerators.²⁴ However, there were efforts to regulate migration from the south and Great Britain into the north through travel permits, registration, linking these to the work permit system, and channelling recruitment of skilled and unskilled workers to manual posts through employment exchanges.²⁵

With the onset of war, several factors caused a high supply of and demand for Irish labour: increased activity in the construction and related industries (including the

²² Observations of Department of External Affairs on Department of Labour’s Memorandum for the Government on Emigration, undated, Department of Foreign Affairs papers, NAI, London Embassy Series, B100/221.

²³ Department of the Taoiseach papers, NAI, S9616.

²⁴ GS Robertson, Ministry of Agriculture, to R Gransden, Cabinet Secretariat, 17 Mar. 1944, Cabinet Office papers, Public Record Office of Northern Ireland (PRONI), CAB/9C/47/2; Maynard Sinclair, reply to enquiry by Sir Basil Brooke, Prime Minister, 28 Mar. 1944, Cabinet Office papers, PRONI, CAB/9C/147/2.

²⁵ John Gordon to JM Andrews, Prime Minister, 15 Jan. 1942, Cabinet Office papers, PRONI, CAB/9C/47/1.

building of aerodromes) in the context of wage-capping in the south, and the departure of Northern Ireland volunteers to the British army. Requests were made to the Home Secretary, Herbert Morrison, for more draconian powers. At first these were turned down.²⁶ However, later in 1942 it was agreed that the scale of “infiltration” from the south had become high enough to be a security risk²⁷ and stricter regulations were devised, including deportation, to cover all British subjects (under British law, still including Irish nationals) who were not ordinarily resident in Northern Ireland on 1 January 1940.²⁸

Behind security were other concerns, revealed more clearly in 1944, when Sir Basil Brooke supported the statement of the Minister for Home Affairs that “discrimination [on grounds of religion in the operation of controls] was beyond the powers of the government”, while, simultaneously, noting that the minister shared the view that “unless some steps were taken to ensure the Protestant Ascendancy, the future of Northern Ireland [would be] in jeopardy”.²⁹ Also—at the end of hostilities—the Minister for Labour noted that “the Ulster serviceman and Ulster worker, by their service to the national cause [had] earned the right to have their own labour market protected against competition from outside the United Kingdom”.³⁰

In 1945, it was noted that, while there had been “some feeling in Ulster about the neutrality of Eire”, this had not led to any trouble. But that had been when there was plenty of employment for all—whereas now there were large lay-offs and the imminent return of armed services personnel. At the conclusion of war, the Northern Ireland government reiterated a point that had been made before (in connection with volunteers): that the war-time controls might have to be extended for a much longer period.³¹ This time, the request went further—asking the Home Office to relinquish power to the Northern Ireland Government to exercise the controls.

The initial Home Office response was that, while it would “welcome being relieved of responsibility”, allowing the devolved government the power to “ring-fence” Northern Ireland was inconsistent with the Government of Ireland Act under which the UK government retained responsibility for immigration. Amending the act would present “formidable difficulties”. It would be immensely controversial since it would enable “the Northern Ireland government to exclude people ordinarily resident in Great Britain”. Moreover, to allow “the Northern Ireland government to exclude people resi-

²⁶ Home Secretary to Sir Dawson Bates, 18 Apr. 1942, Cabinet Office papers, PRONI, CAB/9/47/1.

²⁷ Home Secretary’s memorandum on control of immigrants in Northern Ireland to the War Cabinet Legislation Committee, 26 Sep. 1942, Cabinet Office papers, PRONI, CAB/9C/47/1.

²⁸ Statutory Rules and Orders, 1942, No. 2501, Emergency Powers (Defence) Residing in Northern Ireland; Home Secretary’s answer to parliamentary question by Sir Hugh O’Neill, House of Commons, 8 Oct. 1942, *Hansard* 383, no. 109: 1349-50.

²⁹ File note, 10 July 1944, Cabinet Office papers, PRONI, CAB/9C/47/2.

³⁰ Memorandum by the Minister for Labour, 22 Mar. 1945, Control of Entry of Labour from Eire into Northern Ireland, Cabinet Office papers, PRONI, CAB/9C/47/1.

³¹ Home Secretary to JM Andrews, Prime Minister, 21 Aug. 1942, Cabinet Office papers, PRONI, CAB/9C/47/1.

dent in Eire [still, in British law, UK subjects] would raise the Partition Question in a peculiarly acute form”. A bill, similar to the Defence Regulations and clearly temporary, was recommended instead.³² During the rest of 1945, the Northern Ireland government and Westminster MPs persisted but, by 1946, Herbert Morrison was leaving the Home Office and “Mr Chuter Ede did not seem disposed to help us in this matter”, having been approached “from within the Labour Party” to “abolish the Residence Permit system or see that it [was] not extended”.³³

In November 1946, it was agreed to seek enabling powers from the British government for one of various means of controlling entry to Northern Ireland for the purposes of residence and employment. This was allowed and, in 1947, the Safeguarding of Employment (Northern Ireland) Act was passed in the Northern Ireland Parliament. It restricted any employment and apprenticeship to persons born or ordinarily resident in Northern Ireland unless non-Northern Irish people were authorized to be employed by a permit for a specified post with a specified employer in a specified place. Looking back, one Westminster MP described Northern Ireland’s restrictions on other British peoples, not the continuation (after 1949 and 1962) of Irish rights in Great Britain, as “the real anomaly” in British law.³⁴

The EEC and Commonwealth dimensions

The Safeguarding of Employment Act arose during negotiations for membership of the then EEC, the first attempt coinciding with the first restrictions on free movement within the Commonwealth. In questioning the Commonwealth Immigrants Bill, “[t]he Six County Unionist MPs” were thought to be advocating an employment voucher approach for the Irish “to bolster up their own Safeguarding of Employment Act the future of which they [were] worried about in the event of Britain and Ireland joining the Common Market”.³⁵

Elsewhere in the UK, the Commonwealth Immigrants Bill was under attack for being racist—a claim seemingly, to its opponents, clinched by the likelihood that it would not apply to Irish nationals (as, indeed, it did not). According to the Irish Ambassador in London, “officials will not deny privately that the coloured problem is at the root of the question”.³⁶ Moreover, it was seen by defenders of the Commonwealth on both sides of the House of Commons, and in both houses, as an added attack

³² Sir Alexander Maxwell, Home Office, to R Gransden, Cabinet Secretariat, Northern Ireland, 1 June 1945, Cabinet Office papers, PRONI, CAB/0/47/2.

³³ Memorandum to the Cabinet by Minister for Home Affairs, Desmond Warnock, 22 Oct. 1946, Cabinet Office papers, PRONI, CAB/9C/147/2.

³⁴ Mr Paul Rose, MP, letter to *The Times*, 1 Jan. 1971, Department of Foreign Affairs papers, NAI, London Embassy Series, F100/4/46.

³⁵ Letter from the Ambassador to the Secretary, Department of External Affairs, 24 Nov. 1961, Department of the Taoiseach papers, NAI, S15273B.

³⁶ Letter from the ambassador to Con Cremin, Secretary, Department of External Affairs, 3 Nov. 1961, Department of the Taoiseach papers, NAI, S15273B.

on that body, already wounded by the UK's decision to apply for EEC membership; while, at the same time, protecting nationals of a state which had "deserted" it.³⁷

Contemplating further EEC applications and anti-discrimination law, the Northern Ireland Society of Labour Lawyers (1969) suggested that, while the Safeguarding of Employment Act would need to be considered, it would not, in principle, be invalidated, provided the reasons for denying a permit were economic and not on the basis of religion or nationality. In fact, a compromise was sought during negotiations in 1971 by the UK government which secured a five-year transition period for the ending of the act's effectiveness. This was pragmatically accepted by the Irish government—though it was criticized in the Dáil for not arguing more forcefully for immediate abolition. Both Dr Hillery, by now Minister for Foreign Affairs, and his questioners agreed that the act was "nasty" and "political", intended more to discriminate against Irish nationals than to protect Northern Ireland workers. It is not clear that Irish negotiators made any great play for abolition instead of a transitional ending; as Dr Hillery pointed out, insistence on abolition was not worth failing to be admitted to the EEC (*Dáil debates* 255, 27 July 1971 and 4 Aug. 1971). Though phased out in practice, the act was not formally repealed until 1981.³⁸

The phasing out of the Safeguarding of Employment Act after accession to the then EEC appeared to give Irish nationals more freedom to work in Northern Ireland (where the position would now be comparable to that in Great Britain). But the full range of public sector opportunities for both Irish and Commonwealth nationals was subsequently restricted—ironically, through the complexities of compliance with EU law.

EMPLOYMENT ACROSS BORDERS: THE EU

Until 1996, Commonwealth nationals could serve, to the highest levels, in the Home Civil Service and the Northern Ireland Civil Service (NICS). Irish nationals could serve, to similar high levels, in the former but not the latter.³⁹ The European Communities (Employment in the Civil Service) Order 1991 enabled aliens who were nationals of the EU, and the European Economic Area (EEA) from 1993, to be appointed to both services, so long as the posts in question were not exempt, under article 48 (4) of the Treaty of Rome, from the non-discrimination principle.

³⁷ Letter from the ambassador to the Secretary, Department of External Affairs, 24 Nov. 1961, Department of the Taoiseach papers, NAI, S15273B, on the House of Commons; *Irish Press*, 13 Mar. 1962; S15273B, on the House of Lords.

³⁸ No. 839, 1981 (N.I. 20), Employment (Miscellaneous Provisions (Northern Ireland) Order, 1981.

³⁹ Irish contractors were also restricted in supplying services on sites covered by section 42(2) of the Fair Employment Act 1976. This section permitted the issuance of a public immunity certificate "for the purpose of safeguarding national security or the protection of public safety or order". An appeal against them succeeded in the European Court of Human Rights, 8 April 1997. Applications 20390/92 and 21322/93. John Tinnelly & Sons Ltd and Patrick and Gerard Tinnelly and Kevin, Michael, Paddy and Barry McElduff against the United Kingdom.

Principles for permitting exemption, elucidated by the European Court of Justice (ECJ), appear strict about which posts could be reserved exclusively for nationals (though the ECJ also ruled that the requirement in Ireland to pass an Irish language test was not unlawful indirect discrimination against non-nationals). Exempted posts must be shown to presume on a special relationship of allegiance to the state because their holders would be participating in the determination of affairs of state or, in carrying out their duties, would be expected to compel obedience from other agencies and individuals.

On the one hand, then, the 1991 order appeared to re-open non-exempted public posts in the north to Irish nationals, while maintaining their access to the full range of posts in Great Britain. But an anomaly remained in that Commonwealth and Irish nationals had access to posts in Great Britain (and Commonwealth nationals in NICS) which were denied, because exempted, to EU and EEA nationals. In 1996, this special position was brought to an end in a revised Civil Service Management Code which restricted recruitment to all exempted posts throughout the UK to UK nationals exclusively.

Additionally, the nationality restriction is being used in the UK in a wider range of positions than had been thought, hitherto, to be capable of justification under article 48(4). Two cases were brought to the Northern Irish courts, both by Irish nationals: one a successive applicant for two posts of Chief Fire Officer and Deputy Chief Fire Officer, the other for a recurring temporary post of Revenue Officer. On 19 March, 1999, the Court of Appeal upheld the original rulings. The Chief Justice extensively reviewed ECJ jurisprudence in his own ruling and did not refer the case to it.⁴⁰ Elsewhere, the nationality restriction is applied to, among other posts, court ushers (England) and senior water quality officers (Wales). A case involving the former and another Irish national resulted in an announcement that the 1996 regulations might be repealed in favour of case-by-case decision-making by ministers. But it was also reported that the alternative "could result in even more posts being reserved" (*Irish Times*, 22 Mar. 1999).

In fact, they were not repealed. In 2001, a private member's bill (which did not proceed)—the Crown Employment (Nationality) Bill—was introduced by Roger Casale, MP, that would have abolished the 1991 order. It would still have permitted ministers to make rules reserving certain posts to UK nationals but subject to certain standards. The ministerial power could be delegated and, in a specific reference to Northern Ireland, the bill cited the "First Minister and Deputy First Minister acting jointly". The bill was welcomed by Alban Maginness, SDLP Member of the Legislative Assembly (MLA), who pledged that his party would work in the House of Commons to "ensure that no posts in Northern Ireland should be restricted to British nationals only" as this would be contrary to "the Good Friday Agreement which recognises the right of people to identify themselves as British or Irish" (SDLP Press Release, 14 Mar. 2001). Unconfirmed rumour has it that the bill's passage was af-

⁴⁰ Lord Chief Justice Carswell, Judgment on applications for judicial review by Edward Michael O'Boyle and Suzanne Plunkett. Belfast: Court of Appeal in Northern Ireland.

fectured by unwillingness by the First Minister and Deputy First Minister to agree on exercising this delegated power jointly.

Within the devolved administration, Minister for Finance and Personnel, Sean Farren MLA, initiated a review of the senior civil service that recommended an end to the ban on applicants from Ireland. His legal advisers concluded that the ban was unlawful but it was reported that the Westminster government would not be persuaded (UTV Newsroom, 13 Dec. 2002). After the suspension of institutions in October 2002, the issue re-emerged when people born in Ireland were banned from applying for a new round of posts, including that of Head of the Department of the Environment, advertised in December 2002. Brid Rogers, MLA, and Sean Farren, MLA, contrasted this with their own situations. Born in Donegal and Dublin, respectively, they could be ministers but would have been ineligible as civil servants. Brid Rogers, too, drew attention to inconsistency with the Belfast/Good Friday Agreement. Dr Farren called for an explanation of why the civil service “were taking advantage of the suspension” in this way and, thereby, “ignoring its own legal advice”. Among comments from the public to UTV, was one from a Dublin-born “fairly senior” person in the NICS who had been unaware of this regulation and was appalled to discover that there could be a “glass ceiling” beyond she could not progress (UTV Newsroom: 13 Dec. 2002)—very likely a double glass ceiling, given the lack of gender parity in the NICS.

The matter was brought by the Irish government to the agenda of a meeting on 22 January 2004 of the British-Irish Intergovernmental Conference and it was noted that current nationality requirements would be considered in the light of progress of another Crown Employment (Nationality) Bill, then before Parliament (Department of Foreign Affairs Press Release: 22 Jan. 2004). That bill also failed. On 27 June 2005 another Crown Employment (Nationality) Bill received its first reading. Listed as a public bill, it was presented by a private member (using a “government hand-out” bill), Andrew Dismore, MP. Mr Dismore noted that three other attempts to pass such a law had failed in the previous Parliament. Yet, the current rules were “blatantly discriminatory, particularly against people from the Irish Republic and Commonwealth” and meant that “9% of Londoners, or 350,000 people were excluded from jobs in the Civil Service”. He argued that, “[i]f we wish to have a Civil service which reflects the society it is to serve, then nationality rules have to be brought up to date” (press release 28 June 2005, www.epolitix.com/EN/MPWebsites/Andrew+Dismore). The second reading is scheduled for 16 June 2006.

In the meantime, a court in Northern Ireland stuck to the letter of current law in a finding against a solicitor, Dublin-born but resident in Northern Ireland for 26 years. Ms O'Connor, previously employed in the Fair Employment Commission and Human Rights Commission, had been offered a post as prosecutor in the Police Service of Northern Ireland but had declined it as she had been interviewed for another in the Public Prosecuting Service. This option was withdrawn by the Department of Finance and Personnel as the Northern Ireland Office had classified the post as one requiring British nationality. Her request for judicial review was denied on 24 February 2005, Judge Girvan stating that the relevant legislation was framed in a way that

allowed no discretion—though he hinted that things could be different (*Irish News*, 24 Feb. 2005).

EMPLOYMENT ACROSS BORDERS: NEW ISSUES

Both countries have similar approaches to migrants (often temporary) from EU/EEA countries and neither adopted transitional measures to limit access to their labour markets following enlargement. Beyond the EU, Ireland and the UK have a common immigration policy in the sense of who is allowed to land. But there is a difference in that “routine” immigration for the purpose of longer-term employment has been more customary in the UK than Ireland and, usually, immigrants and asylum seekers are seen as more distinct categories than is the case in Ireland.

Immigration policies and ethnic diversity

In the UK, immigrants are people who apply to live in the UK for the purposes of employment or family reunion. Such people may acquire the right to permanent settlement and may choose to become naturalized. Asylum-seekers whose claims are granted become refugees and may or may not be granted indefinite leave to remain. The extent of routine entry for work, settlement and naturalization means that issues of employment for minority ethnic groups are far from confined to the treatment of people in crisis situations. The granting of work permits rose in the 1990s in a form of “managed migration” based on government responses to employers’ needs (soon to be replaced by a “points system”). According to the *Economist* (12 Feb. 2005: 15, 27), voters appear to accept this. There was a temporary elision in the public mind of immigration and asylum seeking when asylum applications peaked in 2002 at about 8,700 applications per month. Then, concern about immigration also peaked. As the number of asylum applications fell (by 60% since 2002), concern about immigration also abated.

In Ireland, there is much less routine immigration from outside the EEA. Work permits are not granted to individual applicants but are held by an employer on a yearly but renewable basis (NCCRI, 2006: 49). Asylum-seeking and illegal immigration into Ireland rose during the 1990s. By the end of the decade, there were an estimated 2,000 illegal immigrants (Brown, 1998: 28; *Irish Times*, 23 Jan. 1999). Applications for asylum rose from 32 in 1992 to 4,626 in 1998.⁴¹ Since there are claims that asylum seeking is being used to short-circuit the difficulties of lawful, routine immigration, the discussion in Ireland about employment rights for minority ethnic groups is more intertwined than it is in the UK with the treatment of asylum seekers.

The Governor of the Bank of Ireland, Mr Howard Kilroy, was among the first to draw attention to labour shortages which, in his view, could be filled only by a change in immigration policy and a more positive approach to asylum seekers. Major employers’ associations and unions also called for asylum seekers to be allowed to take

⁴¹ Communication from Department of Justice, Equality and Law Reform, August 1999.

paid employment. In July 1999, the Minister for Justice, John O'Donoghue TD, announced that asylum seekers meeting certain conditions would be allowed to work (Government Information Services, 27 July 1999). He also stated that visas permitting employment to be taken up would be offered on a limited basis to persons from less developed countries and other non-EU states.

Since then, the absence in Ireland of a permanent residency system, like those in the UK, US and France, has been increasingly identified as a hindrance to Ireland's aim of attracting researchers and highly skilled migrants—a further 6,800 by 2010. The announcement by Tánaiste, Mary Harney, that transitional restrictions would not be imposed on nationals of new EU states prompted calls from the Irish Business and Employers Confederation and others for an immigration policy going beyond reliance on EU migration and asylum seeking (*Irish Times*, 1 May 2005). A Report by the Expert Group on Future Skills Needs (Government of Ireland, 2005c) conceded that some wider immigration was necessary to meet skills shortages and recommended a permanent “green card” system and more flexibility over work permits. Such moves had been adumbrated in May 2004 by the Minister for Justice, Michael McDowell TD, who, in 2005, began an overhaul of immigration policies. An Employment Permits Bill was introduced and public discussion of the proposals was launched (Government of Ireland, 2005a; *Irish Times*, 26 Aug. 2005). The Migrant Rights Centre Ireland (MRCI) was among the respondents (MRCI, 2005). It criticized the proposals for (among other things): missing the opportunity to devise a framework for a coordinated, fair immigration and residence policy; failing to tackle the integration dimension; and neglecting the question of the acquisition of Irish nationality.

Though dissimilar in types of immigration policy, in neither part of the island is it possible to provide accurate indications of ethnic or national diversity amongst settled minorities and/or new migrants. Partly this stems from inadequate data.⁴² Moreover, recent change is so rapid that such data would quickly become inaccurate. The scale of rapid change may be illustrated by the introduction in the local newspaper in the rural town of Dungannon of a weekly section in Portuguese “for the thousands of workers from Portugal [now 10 percent of the Dungannon population] shoring up the food processing and packaging industries in counties Armagh and Antrim” (McDonald, 2005: 119). Estimates of EEA and non-EEA migrants in Northern Ireland vary between 1% and 3% of the “indigenous” population and in the south “persons born outside of Ireland” are thought to form 8% of the workforce. Migrants to and settlers in Northern Ireland include Portuguese-speakers (from Brazil as well as Portugal), Eastern Europe, South Asia, the Philippines, the Caribbean and Africa. In the south, migrants (more than settlers) come from Asia, Africa, and the USA, as well as other EU states, especially Poland, Lithuania, Latvia and Slovakia (NCCRI, 2006: ch. 1; Potter, 2006: 8). Projections—albeit highly risky—for eth-

⁴² The Irish census did not have an ethnicity question until 2006. In the north, whether such a question asks about “ethnicity” or “nationality” makes a difference to the returns (NCCRI, 2006: 36)—probably because of the coexistence of migrants and Britons who are members of minority ethnic groups.

nic diversity in 2030 are 5% for Northern Ireland and 18% for the Republic of Ireland (NCCRI, 2006: 13).

Integration of migrants in employment

In Great Britain, a concordat (www.abni.org.uk) amongst the government, Confederation of British Industry and Trades Union Congress was agreed in September 2005 in which each party made various undertakings to support the case for lawful immigration, to support migrant workers in their integration into harmonious workforces and in their learning of English. A code of conduct, covering a wider range of migrants (EU/EEA as well as others) was agreed in April 2005 in Northern Ireland by Business in the Community (www.bitcni.org.uk). Several employers' associations, the Northern Ireland Committee of the Irish Congress of Trades Unions, and the Northern Ireland Council for Voluntary Action endorsed a substantial Handbook, *Promoting equality in intercultural workforces*, drawn up by the Equality Commission (www.equalityni.org).

In the south, the *National action plan against racism* (Government of Ireland, 2005b) contains a section that focuses on employment, the workplace and poverty, economic inclusion, and equality of opportunity—with specific reference to migrants. MRCI (2005: 9) notes a commitment in the *National action plan against racism* that the Department of Enterprise, Trade and Employment will encourage a high awareness of compliance amongst migrant workers and employers but also suggests the need for resources for a general public awareness campaign about the value of migrant workers and their families. Both the Irish Congress of Trades Unions and the Services, Industrial, Professional and Technical Union have published guidelines on diversity and combating racism in the workplace (*Irish Times*, 22 Mar. 2006).

Other policy changes have also begun. The Irish language requirement was modified in order to encourage minority ethnic groups to apply. Minister for Defence, Willie O'Dea, reported that Czech and South African doctors had been recruited into the Defence Forces and that he would consider recruitment of non-Irish residents into a wider range of army occupations (*Irish Times*, 6 Oct. 2005). Noting the need for a representative police service to which everyone felt a bond, Minister of Justice, Michael McDowell, announced that residents in Ireland of five years standing no longer have to hold a qualification in Irish. Instead, they must demonstrate competence in two languages, one of which must be either English or Irish (*Irish Times*, 7 Oct. 2005). A motion at the Irish National Teachers' Organization (INTO), called for the abolition of the language examination—on the ground of “inequality of opportunities for INTO members in Northern Ireland” (*Irish Times*, 8 Mar. 2004).

Difficulties of migrants at work

There are reports about risks of exploitation in Ireland and that domestic workers are particularly vulnerable (MRCI, 2004). A report on the north, commissioned by the Office of First Minister and Deputy First Minister (Bell, Jarman and Lefebvre, 2004) notes among other things that:

- 10% of migrant workers reported difficulty in getting paid
- 22% had experienced harassment in the workplace
- Some complained of unfair dismissal
- Others found their qualifications not taken into account and, therefore, were in low-skilled jobs (also reported in Ireland; see MRCI, 2005: 8).

People were often afraid to complain; for example, the practice of tying accommodation to jobs means that losing a job also means losing a home.⁴³

Practises, outlined by Bell, Jarman and Lefebvre (2004: ch 5) are also reported by Paulo Diaz (2005). "Carefully selected" Portuguese supervisors are recruited by Northern Ireland companies through an international recruitment agency. These supervisors make workers sign a contract that they will not seek other employment through newspaper advertisements but only through the agency. They also escorted Mr Diaz to the bank to open an account through which his salary was paid to the agency whose agent then "handed" him money after having "taken their cut". He could never be certain how much they had taken.

A Department of Employment and Learning official pointed out that all legal migrant workers had the same rights as anyone else and, indeed, tribunal cases were in the pipeline. But he agreed that illegal migrants were in a vulnerable situation. He also noted a "grey area" in respect of protecting workers recruited in one part of the island for deployment in the other (*Belfast Telegraph/Business Telegraph*, 13 Dec. 2004). Indeed, though some are recruited locally, they may be recruited through agencies based in Great Britain and Ireland. One agency (that which hired Mr Diaz) is an international company with offices in Portugal, Spain, Great Britain and Ireland. It, not the farmers who use the labour, is the employer of migrants (Bell, Jarman and Lefebvre, 2004: 54-5).

Difficulties of migrants outside places of employment

Migrant workers also face difficulties outside employment. A little over half of those surveyed reported instances of abuse and discrimination—in the street, in shops, bars and taxis, and in and around their homes (Bell, Jarman and Lefebvre, 2004: ch 6). In the north-west, a conference on 28 September 2005 discussed "how a post-conflict society like Northern Ireland can develop a workable policy and practice of diversity" (*Belfast Telegraph*, 29 Sep. 2005). It is perhaps ironic that, in the wake of the struggle to become a "post-conflict society", new borders are becoming more obvious within that society. One migrant, resident in a Catholic area, was called a "Fenian bastard" by children in a neighbouring protestant area (Bell, Jarman and Lefebvre, 2004: 71). A number of contributors (migrants and settled minorities) to a conference in July 2005 spoke of an experience of racism in Belfast that had intensified during the last five to ten years (Goldie, 2005; see also Donnelly, 2004). Attacks are carried out on a wide range of migrants. For example, a block of flats in

⁴³ A Ukrainian, Olga Sukhanova, was forced to sleep rough on losing her job and suffered such bad frostbite that both her legs had to be amputated (*Belfast Telegraph*, 18 Jan. 2005).

Dungannon housing Portuguese workers was set ablaze (*Belfast Telegraph*, 13 Dec. 2004) and the County Armagh house of a Lithuanian man and two colleagues—workers in a food processing factory—was attacked by explosives in June 2005 (*Belfast Telegraph*, 2 June 2005). While some, but not all, migrants report difficulty in securing police action, the Police Service of Northern Ireland indicates problems in pursuing suspects if they live in the south (Bell, Jarman and Lefebvre, 2004: 71).

Whether racist attacks in Ireland are rising is a matter of dispute. Surveys quoted by McDonald (2005: 108) indicate a rise in racist incidents, if not reported crime, in the three years to 2000. He also reports a hierarchy of peoples subject to racism. "Confessors" of racist attitudes are hardest on Africans; and Africans, in responding to surveys, report more frequently than others experiences of abuse. In launching the *National action plan against racism*, the Taoiseach quoted Garda figures showing a decrease in race crimes from 102 in 2002 to 48 in 2003. However, the National Consultative Committee on Racism and Interculturalism (NCCRI) recorded an increase in the same period (*Irish Times*, 28 Jan. 2005).

CONCLUSION

The Belfast/Good Friday Agreement called for common standards of human rights and equality on both parts of the island. Given the dominance of the constitutional conflict and religious divide, many people may think the provisions are meant to address relations between nationalists and unionists, or Catholics and Protestants. But these are universal standards for the treatment of all peoples. Together with the shared experience of rapidly diversifying populations, the two have led to a new form of cross-border cooperation. In addition to working in their own jurisdictions, the equality agencies in both parts of the island now cooperate to try to ensure that migrants and "new citizens" are equally protected by the rights and equality régimes.

Thus, in October 2002, a north-south seminar was held in Dublin, organized by the Equality Authority, the Irish Congress of Trades Unions and its Northern Ireland Committee, NCCRI, the Irish Business and Employers Confederation, the Construction Industry Federation, Know Racism (an Irish campaign group), and the Equality Commission Northern Ireland (ECNI). The purpose was to develop north-south strategies for good workplace practice on migrant issues (ECNI News Archive, 25 Oct. 2002).

In February 2004, a round-table was held in Belfast that brought together ECNI and the Human Rights Commission of Northern Ireland and, from Ireland, NCCRI, the Irish Human Rights Commission, and the Equality Authority (ECNI News Archive, 5 Feb. 2005). The aim was to make recommendations to the UK and Irish governments for their national action plans against racism—to which both had committed themselves in the Durban Declaration at the World Conference on Racism in 2001. The idea was to try to achieve a common chapter on Northern Ireland in both plans. There is not a common chapter, but the Irish *National action plan against racism* re-

fers to the further development of north-south and east-west cooperation (Government of Ireland, 2005b: 30, 84-5).

Another meeting of the equality agencies took place in September 2004 to prepare jointly for European Week Against Racism from 14 to 21 March 2005 (ECNI News Archive: 1 Nov. 1904). The Belfast events were run in partnership between the ECNI, NCCRI and Know Racism. Cross-border research is also beginning; NCCRI, in collaboration with the Centre for Cross Border Studies, is leading research, commissioned by the Office of First Minister and Deputy First Minister, into the provision of public services in Northern Ireland, Ireland and Scotland (NCCRI, 2006).

It is too early to draw firm conclusions about the impact of such cooperation. The work being done is of a high quality. But the point will be whether governments follow through. A report (Transitional Justice Institute, 2005: 45) on the Agreement and gender equality argues that the ECNI "has a clear understanding of the structural and systemic reasons for discrimination against women" but is also sceptical about whether the government will adopt the commission's proposals. Whether a similar fate awaits the separate and cooperative work on migrants remains to be seen.

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