

# **Dermot Nally Papers**

**UCDA P254/99**

Draft - Rev 2 - 19 December 1997

## NORTH/SOUTH COUNCIL - MATTERS AND POWERS

### Introduction

1. The establishment of a North/South Council, with a number of functional executive bodies, and a Secretariat, is proposed in our separate paper on North/South Structures. This paper makes proposals in regard to the matters that might be designated as falling within the remit of such a Council, and the powers it might exercise in respect of those matters.
2. We envisage that the Council would have the general task of promoting consultation, co-operation and common action between North and South on all matters of mutual interest within the competence of the two administrations. Its level of responsibility in regard to these matters would be three-fold:
  - (i) it would in certain **designated areas take decisions**, determine policy, and agree arrangements for the implementation of those decisions or policies;
  - (ii) in other specified areas the members of the Council would use their **best endeavours** to reach agreement, which could result in joint action or the adoption of a common policy;
  - (iii) on all other matters the Council would act as a **forum for consultation and co-operation**: it would of course be open to the two sides, by agreement, to take joint action or adopt a common policy on these matters also.
3. We also envisage that it would be open to the Council, by agreement, to transfer matters from one category of responsibility to another.
4. In this paper, therefore, we have divided the matters which would fall within the remit of the North/South Council - that is, all matters within the competence of the two administrations - into three categories:
  - (a) **designated** matters in relation to which the Council would from the outset take decisions, determine policy, and arrange for implementation.
  - (b) **specified** matters in relation to which the members of the Council would use their best endeavours to reach agreement on joint actions or common policies.
  - (c) **other** matters, in relation to which the Council would be a forum for consultation and co-operation in whatever form might be agreed.
5. We propose that a number of significant matters would be assigned to the first category from the outset. A larger number of matters would fall into the second category, and the remainder would fall into the third category. As suggested in paragraph 3 above, if appropriate matters could subsequently, on the basis of agreement between both sides,

be moved into the first or second category.

### Designated Matters

6. In regard to those matters in the first, designated, category, it is important that their designation should be on the basis of clear mutual advantage and practicality. The desirability of prioritisation of matters to be designated has also been a central consideration in preparing the proposals. There are many matters which might be selected for designation at this level. However, we believe that, in both practical and political terms, it makes sense to select a more limited number of items, rather than overloading the Council with a heterogeneous assortment.
7. In our view, the matters most apt for inclusion in the highest category, in which the Council would have exclusive decision-making and policy-setting powers come from within the following areas:
  - sectors involving a natural or physical all-Ireland framework;
  - EU programmes and initiatives;
  - marketing and promotion activities abroad;
  - culture, heritage and sport

A selection of matters from these areas is set out below.

### Sectors involving a natural or physical all-Ireland framework

8. Several sectors involve a natural or physical all-Ireland framework, including agriculture and fisheries, transport, energy, health, marine matters and economic policy. Agriculture appears particularly well-suited to joint action and the formulation of common approaches within the North/South Council. The agricultural structures, and hence the interests, of the two parts of the island are broadly similar. Moreover, the two Governments have already, to a large extent, devolved power to the European Union and both administrations essentially act as agents for the implementation of the Common Agricultural Policy (CAP).
9. We propose, therefore, that the North/South Council be given responsibility for some of the aspects of the CAP, including implementation of its programmes and the formulation of policy in regard to its future development and reform.

### EU programmes and initiatives

10. The EU plays a very important role in the economic and social life of the people of Ireland, North and South. A number of its existing programmes and initiatives support the development of North/South co-operation, and their administration would thus seem to fit naturally into the remit of a North/South Council. The Council would therefore be



responsible, subject to the treaty obligations of Ireland and the United Kingdom, for the implementation and management of EU programmes and initiatives with a cross-border or all-Ireland dimension, including the North/South INTERREG programme, Leader 11 or its successor, and the Special programme for Peace and Reconciliation. This role for the Council could be phased in as each EU programme or initiative comes up for renewal.

#### Marketing and Promotion Activities Abroad

11. As argued in our paper presented in Strand Two of the Talks on 24 October, there is a strong case for a role for a North/South Council in realising the potential for mutual economic and social advancement of both parts of the island. The private sector has been to the forefront of moves to develop greater cohesion between the economies of the North and South, and should continue in this position, but the lesson of our recent experience of economic growth in the South, and indeed of wider international experience, is that a key factor for success is a positive, pro-active role for Government and its agencies in support of private and voluntary sector initiatives. This has been shown in a whole range of areas.
12. Against that broad background, and in the context of prioritisation, we believe that there is a particular case, in terms of mutual advantage, economies of scale and the avoidance of duplication, for designated responsibility for the marketing and promotion of certain products and activities abroad to be given to a North/South body. In many countries, Ireland is perceived as a unit with a single "personality". The most obvious area is tourism, where the island is often viewed as a single tourist destination. There is already a considerable level of *de facto* ongoing cooperation between the two Tourist Boards in the promotion of Ireland abroad. For the North this is particularly important since nearly 3/4s of its foreign tourists enter Northern Ireland through the South. The two Boards have joint offices in London and Sydney. It is suggested, therefore, that responsibility for the promotion of Ireland abroad as a single tourist destination could be assigned to the North/South Council. It would be difficult to separate out promotional activity abroad from the rest of the existing Tourist Boards' functions, so that it would be preferable that there be a single, all-island Tourist Board under the direction of the Council.
13. For the same reasons, the promotion overseas of goods and services manufactured on or provided from the island of Ireland could be assigned to a North/South Council. The export promotion functions of ABT and the IDB could, therefore, be merged in a single organisation under the direction of the Council.

#### Culture, Heritage and Sport

14. It would also be desirable for the Council to have a strong role in the areas of culture and heritage. This would serve as an important reflection of the all-Ireland dimensions of both the nationalist and the unionist traditions, and would be a valuable means of promoting greater understanding and reconciliation between the traditions on the island. The promotion of the Irish language would be an example of an area which could usefully be treated on a North/South basis in this regard. In addition, there is clearly an

all-island dimension to the preservation of our shared physical heritage in terms of national monuments, historical buildings, battlefield sites etc. The origins of preservation efforts date to the time when there was a single administration in Ireland, and future preservation of this heritage would be best conducted on an all-island basis. Similarly, the arts could valuably be promoted and supported on an all-island basis, including by means of the establishment of a single Arts Council.

15. Given the strong public interest in sport in both jurisdictions, and the fact that many leading sports are already administered and structured on an all-Ireland basis, there is a good case for official policy towards sport to be designated as falling within the responsibility of the North/South Council. A further justification for so doing is the potential role of sport in terms of the promotion of cross-community contact and understanding. In this regard, we would propose the establishment of a single Sports Council, under the direction of the Council. The Sports Council could, *inter alia*, undertake a number of major projects of value North and South, such as the construction of a 50-metre swimming pool and of a major stadium for multi-sport use.

#### **Categorisation of Matters Falling within Remit of Council**

16. Having regard to the foregoing, including the issue of prioritisation, we propose, therefore, at Annex A, a list of Category A designated matters in respect of which the North/South Council would have responsibility for making decisions, agreeing policy, and arranging for implementation. This list would include two groups of matters - those which would be designated from the outset, and those in respect of which it would assume responsibility within a specified time-frame, say five years. The latter group would be designated as such in any agreement reached in the Talks, but would in the interim be treated as falling within Category B, specified matters on which the members of the Council would use their best endeavours to reach agreement.
17. At Annex B we attach a list of specified matters falling into Category B.
18. Other matters would be the subject of consultation and agreed co-operation.



**Annex A****Category A Designated Matters**

- Common Agricultural Policy: policy formation and implementation.
- EU initiatives including the North/South INTERREG programme, the Special Programme for Peace and Reconciliation and LEADER II (or its successor)
- Tourism promotion (including the establishment of a single Tourist Board)
- Overseas marketing of Irish exports (including the establishment of a single Foreign Trade Promotion Board)
- The Irish language (including the establishment of an all-Ireland Bord na Gaeilge)
- Marine research
- The island's physical cultural heritage (including the establishment of a single Heritage Council)
- The arts (including the establishment of a single Arts Council)
- Sport (including the establishment of a single Sports Council).
- Aquaculture
- Science and technology policy
- Environmental protection
- Waste management
- Regulation of local radio
- Management of inland waterways
- Wildlife conservation
- Training and Employment Services
- Support programmes for domestic industries

## Annex B

### Category B Specified Matters

#### Enterprise and Employment

- Identification and removal of barriers to North/South trade
- Promotion of a single all-island market
- Cooperation on the promotion inward investment in both jurisdictions

#### Marine and Natural Resources

- Implementation of and policy towards Common Fisheries Policy
- Inland Fisheries
- Forestry

#### Public Enterprise

- Gas and Electricity (including regulation)
- Telecommunications including spectrum allocation, equipment type approval

#### Environment

- Strategic roads
- Water resource management including cross-border/lake systems
- Emergency planning
- Promotion of environmental awareness

#### Agriculture

- Rural development
- Animal health

- Plant health
- Agricultural research and training

#### Arts, Culture and the Gaeltacht

- Cultural Institutions

#### Social Welfare

- Action against welfare fraud

#### Health

- Health promotion
- Cooperation in the planning of new medical facilities and services
- Practical cooperation in the Border region
- Development of a health strategy

#### Education

- Implementation of EU programmes and initiatives (SOCRATES, LEONARDO)
- Promotion of educational services abroad
- Youth issues and N/S Youth exchanges
- Development of a single technology and development policy for further education
- Cooperation in planning facilities for students with special needs
- Development of **all-island Education for Mutual Understanding**.
- Cooperation on Irish Language schools, provision of books and material etc.

#### Justice, Equality and Law Reform

- Human rights monitoring, enforcement and education



Re - Equality issues including prevention of discrimination on the basis of gender, race, religious or political affiliation.