

NORTH/SOUTH CO-OPERATION

This note deals only with
the practicality of proposals
not the political aspects.

In reports of current discussions, no mention appears to have been made of the fact that this area had been closely examined on an earlier occasion. Following the Sunningdale Agreement, a list of possible functions which might come under a Council of Ireland was the subject of detailed discussions between Senior Officers of North/South Departments.

The detailed results of this exercise were not published but it is however well known that in general the officials reached conclusions unfavourable to the proposed arrangements. Comments to that effect have often been made and for example, Dr Garrett Fitzgerald and Mr Austin Currie have both been quoted recently to the effect that Dublin Departments had been strongly opposed to the transfer of any of their functions to a Council of Ireland.

There would have been basic difficulties in any event in the Council of Ireland structure as proposed. The Council would have been responsible for a rag-bag of largely unrelated functions drawn from different Departments with the consequent risk of administrative chaos. There were unanswered questions on the staffing of a Central Body and the position of staff already responsible for the functions in question. A particular area of difficulty would have been accountability for a central unelected Body alongside two different elected Bodies.

The discussions of North/South officials did not get seriously into this kind of territory although officials would have been well aware that these problems would have to be faced at some point.

The general tenor of the conclusions was simply that, if the aim was North/South co-operation, then this could be achieved more easily and efficiently by direct co-operation between relevant Departments than by setting up a Central Body with responsibility for a number of functions. No difficulty was foreseen for Departments in setting up machinery for co-operation in relevant areas in whatever form was best suited to particular functions.

These discussions did not attempt to work out the system of North/South Ministerial and Parliamentary control which would be an essential part of arrangements as envisaged for direct Inter-Departmental co-operation. A straightforward system would not however have been difficult to devise.

An annual overall programme covering co-operative activities could be drawn up and considered and agreed at a Ministerial meeting and could then go to the Parliamentary Bodies in Belfast and Dublin for discussion and clearance. It would then be up to the relevant Departments to get on with implementation. Ministers could receive progress reports at six-monthly intervals and an annual report could go to both Parliamentary Bodies.

A significant advantage of this approach is that it would not be necessary to have a formal written agreement laying down areas of co-operation. All that would be necessary is to agree machinery for Ministerial meeting and machinery for Reference to the two Parliamentary Bodies. Meeting of Ministers need not be confined to existing projects and could be used to discuss possible future co-operation and any other relevant topics.

Arrangements on these lines would not completely resolve the difficult issue of accountability to two different elected bodies but they do provide a much better possibility of a reasonably workable system. Departments North and South would be acting under their own legal powers and would provide an agreed share of the finance for individual projects from their own budgets. In this way, it should be possible to fit the expenditure into the normal existing arrangements North and South for financing control and for audit independent of Government.

In reports of current discussions, reference has been made to possible co-operation by means of Body or Bodies with Executive Powers. To an outsider, it is far from clear what is intended and in particular what is meant by 'Executive Powers'.

It is relevant to point out however that Government Departments North and South are Bodies with Executive Powers, subject to legislative provisions and the normal Parliamentary oversight and control. Any specially set-up Body, operating in the public sector, would be under similar constraints.

If the intention is that such a Body or Bodies would take over functions carried out by existing Departments, then this is akin to the Council of Ireland approach on which the Post-Sunningdale discussions of officials threw a great deal of cold water and in which there are considerable organisational problems as outlined above.

It is necessary to bear in mind that the issue of Executive Powers would really only arise in that actual carrying out of schemes. It is unlikely that any Central Body, if one were set up, would have complete freedom to choose and initiate schemes and would not be under any form of scrutiny on the results. As suggested above, a programme of co-operation would have to be cleared at Ministerial and Parliamentary levels with scrutiny at these levels after schemes were carried out.

On this basis, a Central Body would only be responsible for carrying out schemes and this points clearly to the validity of the conclusions in the earlier discussions of officials that the sensible course would be, wherever possible, to use Departments, which already have statutory Executive Powers. This would mean that the argument of Executive Powers would not really arise.

Mention has been made of the Foyle Fisheries Commission as a possible model for North/South co-operation (and similarly the Carlingford Lough Commission). This kind of Body would have a clearly defined on-going role and would necessarily act under the umbrella of Departments responsible for the overall relevant functions. Reporting to some Central Body would be impracticable.

The same conclusion arises in relation to a body like the Tyrone Guthrie Centre for writers, artists etc at Newbliss, Co. Monaghan which has a high international standing. The Centre receives financial support shared by the two Arts Councils North and South working together and is closely associated with the Councils. A system of oversight by a Central Body would work badly, if at all.