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The Centre for Cross Border Studies



**The Centre for  
Cross Border Studies**

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## Chairperson's Foreword

HELEN JOHNSTON



Reflecting on the work of the Centre for Cross Border Studies (CCBS) over the last year, the dual themes of consolidation and change have persisted. The two year project, The Ireland-Northern Ireland Cross-Border Cooperation Observatory (INICCO-2), funded by the INTERREG IVA Programme, came to an end in January 2015. The culmination of the two years' work involving CCBS, the International Centre for Local and Regional Development (ICLRD) and other partners was publicised at the annual CCBS/ICLRD conference at the end of January in a snow-covered Enniskillen.

The theme of the well-attended conference was *Shared Services, Shared Opportunities: New Models for Public Sector Collaboration*. The presentations and discussions focused on the public sector reform agendas on the island of Ireland – a particularly topical and pertinent theme in light of the changes taking place in the structure of local government in both jurisdictions.

Throughout the year the Centre held discussions with personnel in the Northern Ireland Executive and with the Irish Government. The Centre also had the opportunity to present on the theme of 'An All-Island Economy' to the Oireachtas Committee on Jobs, Enterprise and Innovation, where there was discussion on the concept of a Border Development Zone which has been developed by the Centre.

Policy submissions were made to national consultations on the National Action Plan for Women, Peace and Security, on the National Risk Assessment in the Republic of Ireland, on measuring wellbeing to the Northern Ireland Roundtable on wellbeing, on the PEACE IV and INTERREG V programmes, on the future of cross-border cooperation in a rural context, and on EU Cohesion policy.

Work has continued in providing secretariat and support services to the Standing Conference on Teacher Education North and South (SCoTENS) and to Universities Ireland. The focus of the SCoTENS annual conference this year was *Teacher Education for Social Justice*. In relation to Universities Ireland, a key initiative is Scholars at Risk (SAR) which is an international network of higher education institutions dedicated to protecting threatened scholars, preventing attacks on higher education communities and promoting academic freedom worldwide.

It has also been a year of change. With the end of the INICCO-2 projects and INTERREG IVA funding, the work of the Centre has been funded from a number of sources. The Irish Department of Education and Skills continues to be the main source of funds, along with the Irish Department of Foreign Affairs and Trade's Reconciliation Fund which supports the work of Border People and the Quigley Initiative. Border People is an information service which provides advice, for people and businesses working and

trading across on border, on matters such as taxation, social security and job seeking, health, education and banking. The George Quigley Memorial Initiative is a case study focused on micro-businesses in the agri-food sector along part of the border corridor.

The Centre has also been funded by the Joseph Rowntree Charitable Trust to undertake an action-research project, where CCBS is working with civil society organisations from both sides of the border. The aim is to produce a new 'common chapter' that voices the needs of civil society for policy makers, with the anticipation that this work will help to create the conditions at community level for independent engagement in cross-border initiatives.

An increasing dimension of the Centre's work is engagement with other European and international organisations involved in cross-border work. The articles in this Journal describe and reflect on aspects of this work, for example, in relation to Anglo-Scottish borderlands, the British-Irish Council as well as Ireland and Northern Ireland's relations with Brussels. An important aspect of the Centre's European work is its long standing working relationship with the Euro-Institut in Germany and the Transfrontier Euro-Institut Network (TEIN), which is a network of cross-border training institutes and university departments working together on cross-border issues. The Centre is also linked to the Association of European Border Regions (AEBR) and the Mission Opérationnelle Transfrontalière (MOT) network, among others.

At a governance level the Centre's Articles of Association have been updated to reflect the demise of the Workers' Educational Association, one of the Centre's founding partners. For this, and other reasons, there have been some changes in the composition of the Board. We welcome Trevor Holmes, Vice President, External and Strategic Affairs at Dublin City University, and Michael Curran, a long-standing friend of the Centre who brings to the Board his considerable cross-border expertise; and we say good bye to Sir Bruce Robinson and thank him for his contribution to the Centre during his time on the Board. The Board members play an important developmental and oversight role to the Centre and I would like to thank them for their unstinting work.

The Centre is recognised for the quality of its work and this is due to the ability and enthusiasm of Ruth and the staff team of Anthony, Mairead, Annmarie, Eimear, Martin and Tricia. Again, I thank them for their continued contributions.

I would like to thank the partners with whom we continue to work and our various sponsors – without your support we would be unable to address cross-border issues to the extent that we do.

Finally, I would like to note the establishment of the Ann McGeeney Trust Fund. Ann was a Board member of the CCBS and sadly passed away in 2014. She was an energetic advocate of cross-border work at community level. The Trust Fund will provide funding for this work, and is being administered through the Community Foundation for Northern Ireland (CFNI), a registered charity in Northern Ireland.

## Introduction

**RUTH TAILLON, Director,  
the Centre for Cross Border Studies**



As mentioned in Helen Johnston's *Foreword*, over the past year the Centre for Cross Border Studies (CCBS) has been increasingly engaged with other European and international organisations involved in cross-border work. Promoting and supporting North-South cooperation on the island of Ireland remains our *raison d'être*, however over the past several years, CCBS has explicitly developed its activities within the context of both the commitment to Cross-Border Cooperation that is integral to the Belfast/Good Friday Agreement; and EU Cohesion Policy, the main instrument for pursuing harmonious development across the European Union.

The Centre has a specific and unique role in contributing to the increased social, economic and territorial cohesion of the island of Ireland through:

- promoting and improving the quality of Cross-Border Cooperation between public bodies, and between public bodies, business and civil society;
- improving the capacity of people involved in social and economic development of the island to engage in mutually beneficial Cross-Border Cooperation; and
- addressing information gaps and other barriers that constrain cross-border mobility and cross-border cooperation through research and provision of resources, tools and other practical support.

Indeed, in the 16 years that CCBS has been in existence – while we have come to understand the obstacles to cross-border cooperation better, and much progress has been made towards institutionalising cooperation – many of the information gaps and barriers to mobility and cooperation remain stubbornly in place. Many of the champions of cross-border cooperation who helped to shape the Agreement and the cross-border bodies have since retired or moved on. With the reform of public administration and local government on both sides of the border, we have a new generation of public officials and elected representatives who do not have the same understanding, experience, or perhaps commitment to cross-border cooperation. Certainly the austerity measures on both sides of the border as a response to the banking and fiscal crisis and the breakdown in political relationships at Stormont have coincided to produce perhaps the most challenging conditions for cross-border cooperation that we have seen since 1998.

Nevertheless, interesting and valuable cross-border work has been and is continuing. The article by Pamela Arthurs explains the genesis of the Local Authority-Led Cross-Border Groups, their development over the past four decades and looks to their future role in this “uncertain political and increasingly difficult economic climate”. Primrose Wilson, vice-chair of both the Ulster Architectural Society and the Irish Georgian Society reports

on their joint Summer School celebrating shared cultural heritage and exploring the commonalities in conservation policy and practices. The development of the partnership that has been forged between the probation services since the 1998 Agreement is described in the article by Paul Doran, which also sets out the advantages of links to other jurisdictions, particularly Scotland, mainland Europe and North America.

CCBS has also been developing its links to other jurisdictions. We have well-established relationships with other EU border regions, primarily through our membership in the Transfrontier Euro-Institut Network. More recently, our focus has been closer to home. In particular, we have been looking to our other near neighbour – Scotland – and the north of England to share experiences. For instance, our annual conferences in 2014 and 2015 both involved major contributions from Scottish local authority officials and academics. On several occasions in the run-up to the referendum on Scottish independence, CCBS representatives were invited to share their experiences and views in Scotland and England.

For this issue of the Journal in turn, we draw on the experiences of our neighbours. Duncan Morrow compares policy and practice to address sectarianism by the devolved administrations in Scotland and Northern Ireland. Keith Shaw's article focuses on the changing nature of the relationship between Scotland and the North East of England and highlights new cross-border approaches to economic governance in the 'Borderlands'.

Two articles here focus on the institutions established by the 1998 Agreement. Pat Colgan offers his personal reflections on the achievements of PEACE and INTERREG and some of the challenges involved in implementing these EU programmes. His contribution – along with the articles by Tom Hanney and Andrew Elliott – gives us both useful insight and facts to inform the debate on the future of the EU and the forthcoming referendum on UK membership of the European Union. Ben Clifford and Janice Morphet report on their research on the British-Irish Council (BIC), which has previously been perceived as little more than a political expedient in achieving the peace process, but they argue has since the 2006 St Andrew's Agreement been slowly developing into a more significant institution. *Multi-level Governance and Northern Ireland*, reviewed here by Stephen Dawson, also considers the cross-border institutions.

There is no doubt, however, that the biggest challenge facing citizens on both sides of the Irish border is the forthcoming referendum on the UK's membership of the European Union. While only some people living on this island will have a *vote* in the Referendum, it is important that everyone has a *voice* in the debate about what reform of the EU will look like. Whatever the result, it will have enduring implications for everyone living on the island of Ireland. The 'Brexit' referendum – with the related discussions about proposals for reform of the EU – is a major priority for CCBS and will be the theme for our 2016 Annual Conference (February 18 and 19 in Dundalk).

Ambassador Tom Hanney looks at current issues on the EU agenda from a Brussels perspective and examines areas where Ireland, Britain and Northern Ireland cooperate closely, including in areas where the UK is seeking improvements in the functioning of the EU in advance of its national referendum on EU membership. Andrew Elliott reports on the work of the Office of the Northern Ireland Executive in Brussels and provides details on the various funding streams and initiatives that have benefitted Northern Ireland as well as across the border region and in neighbouring Scotland.

We have, also, devoted most of our Review section in this *Journal* to a number of books that inform and analyse, from a variety of perspectives, a variety of aspects of the relationships between Northern Ireland, Britain and the EU:

- *Britain and Europe: The Endgame – An Irish Perspective* (reviewed by Martin McTaggart);
- *Northern Ireland and the European Union: The Dynamics of a Changing Relationship* (reviewed by Anthony Soares);
- *Britain's Future in Europe: Reform, Renegotiation, Repatriation or Secession?* (reviewed by Martin McTaggart); and
- *How to Change the European Union* (reviewed by Ruth Taillon).

We include two other reviews that also have a European focus: *Molise-Montenegro Cross-Border Cooperation* (reviewed by Giulia Carabelli) and *Border Vigils: Keeping Migrants Out of the Rich World* (reviewed by Ruth Taillon). Finally, Helen Johnston provides a review of the report, *Towards a Wellbeing Framework: Findings from the Roundtable on Measuring Wellbeing in Northern Ireland*.

# The Local Authority-Led Cross-Border Groups: an early example of cross-border best practice along the Ireland/Northern Ireland Border area?



**Pamela Arthurs, Chief Executive of East Border Region Ltd**

*The Local Authority-Led Cross-Border Groups can trace their history back to the 1970s. Comprising elected members from all of the political parties – North and South – and senior officials from these Local Authorities the groups have been an integral part of cross-border cooperation on the island since that time. East Border Region (EBR), Irish Central Border Area Network (ICBAN) and the North West Region Cross-Border Group (NWRCBG) form a necklace of Local Authorities spanning the Ireland/Northern Ireland Border area. In more recent times both Comet, which encompasses the greater Belfast Area and the North East Partnership based in County Antrim, have been involved in cross-border cooperation. During the course of the last 40 years the groups have had to continually innovate and adapt to changing circumstances to meet the needs of the cross-border region. This article explains the genesis of the Local Authority-Led Cross-Border Groups, their development over the past decades and looks to their future role in an uncertain political and increasingly difficult economic climate.*

In order to fully understand the nature of these groups it is necessary to go back to the beginning. (Whilst this piece primarily focuses on East Border Region Committee (EBRC)<sup>1</sup> the broad principles apply to all of the Local Authority-Led Cross-Border Groups)

## **The Ireland/Northern Ireland Border 1970s**

The Ireland/Northern Ireland border of the 1970s is a far cry from the modern society in which we now live and this influenced how and when the groups were formed.

### **Economic situation**

Historically border areas have been more disadvantaged than the rest of the country and the Ireland/Northern Ireland border area is no exception. In the 1970s the border area had extremely high levels of unemployment, very weak infrastructure, virtually no inward investment, virtually no tourism and lacked a highly skilled workforce. Telecommunications were also extremely poor and the reliability of the telephone left a lot to be desired. Couple this with the fact that the Irish economy was so bad that by

1 EBRC became EBR Ltd in 1998.

1980 Ireland was referred to as the 'sick man of Europe'. Smuggling across the border was rife and despite their best efforts the authorities on both sides of the border were unable to contain it.

### **The Troubles**

What differentiated the Ireland/Northern Ireland border area from most other border regions at this time was the highly charged political situation. This served to compound an already difficult economic position. 1972 saw the greatest loss of life throughout the conflict, almost 500 people lost their lives, most of them civilians. In 1974 the Sunningdale Agreement – which included power sharing between unionists and nationalists and a 'Council of Ireland' to encourage cross-border cooperation and was intended to produce a political settlement in Northern Ireland – was brought down following the Ulster Workers' strike. Atrocities continued on both sides including 'The Miami Show Band' and Kingsmill Massacres and the shooting of the Reavey and O'Dowd families in South Armagh in January 1976; none of which was conducive to cross-border cooperation.

### **Emergence of East Border Region 1976**

Thus in 1970s Ireland/Northern Ireland the idea of working with public representatives across the border to further common regional goals was not even a consideration, much less a valuable means to achieve progress for the whole area. Local authorities on either side of the border worked 'back to back' with no consideration given to policy implications across the border. This is reiterated by a former Newry and Mourne District Cllr, Jim Mc Cart, a founding member of EBR,

*"Back in the early 70s there was literally no cooperation at any level, political or otherwise, between Local Authorities that were adjacent to one another across the border. In the 1960s I didn't know any of the Councillors in Omeath despite the fact that I could look out my front door and see Omeath. It simply wasn't the 'done thing'. Before the inception of EBRC none of us even thought of working on a cross-border basis, which when you think about it, really does make sound economic and community sense."*<sup>2</sup>

The inception of EBR in 1976 was as a result of two primary issues, promoting tourism through building a bridge at Narrow Water which would link Omeath in County Louth with Warrenpoint in County Down and draining the River Fane. An extract from the Newry Reporter of January 1976 entitled 'Councillors say 'YES' to Bridge' states.

*"Councillors from both sides of the border met in Newry on Tuesday to give their backing to a proposal to build a bridge linking Omeath and Warrenpoint.... It was also recommended that further meetings be held to*

2 All quotes have been taken from Progress through Partnership: A Celebration of 30 years of the East Border Region, published in 2006.

*discuss the bridge link and also to talk about cooperation on the development of tourism, drainage control and control of pollution in Carlingford Lough."*

Initially these meetings were informal between the councils with the emphasis on areas of common concern. By 1978 four councils, Louth and Monaghan in Ireland and Newry and Mourne and Down District in Northern Ireland formally agreed to take part in a cross-border joint committee. After a lot of discussion the name East Border Region Committee was agreed. Financing was provided by the member Local Authorities. Thus the EBRC had been set up along the same lines as the North West Region Cross-Border Group which had been formed in 1975.

This was a visionary path for these local authorities to follow. Rory O'Hanlon former TD and Leas Ceann Comhairle, Dail Eireann elaborates,

*"It was quite exciting in a number of ways because it was the first cross-border organisation at a political level that I had been involved in. Obviously the Troubles were very serious at the time and dominated life on both sides of the border."*



*The Minister for Foreign Affairs, Mr Barry (second from left), with some of the members of the East Border Region Committee before their meeting at the Department of Foreign Affairs. They are (from left): Mr Eddie McGrady, of the SDLP, and a member of Down District Council; Mr Thomas Elmore, of Louth County Council and the chairman of the Committee Mr John McEvoy of Newry and Mourne District Council*

It was also a difficult path. At the outset it was agreed that meetings would rotate between the four member councils which involved physically crossing the border for each meeting. This was daunting for Southern politicians in particular as they regularly came across a checkpoint or road block. Eddie Mc Grady, another founding member of EBRC and former MP for South Down, concurs

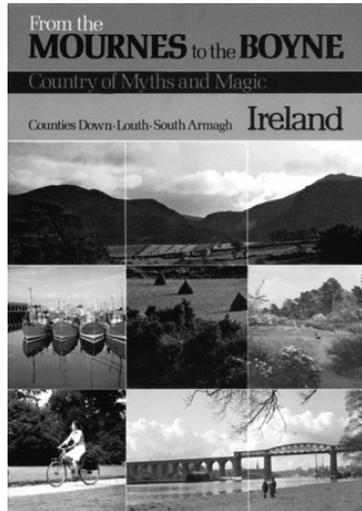
*"You must remember that the actual 'border' per se had a very strong physical presence even before you got into the psychological side of things. It was a very difficult time to work cross-border but we persevered."*

John McEvoy, Newry and Mourne District Council, was the first Chairman of EBRC. He outlines the spirit, in which members agreed to work,

*"The political aspect of what was going on at the time was never touched upon. The committee afforded everyone the opportunity to learn from one another and visit each other's locality and everyone recognised that by coming together and working collectively things could be achieved."*

One achievement was the publication of the first cross-border tourism brochure, *From the Mournes to the Boyne*, in 1978. Brian Gormley, former County Secretary of Louth County Council stated,

*"This was extremely visionary ... the brochure was printed in four different European languages. This tourism initiative illustrated that the committee meant business and as a result governments began to recognise the important role EBRC played."*



*'From the Mournes to the Boyne' – the first tourism brochure to promote a region across national boundaries.*

**1980s**

Whilst the Committee was indeed beginning to find its feet and trust and capacity-building continued at both elected member and official levels within Local Authorities, it was becoming increasingly clear that neither jurisdiction – Dublin or Belfast – prioritised North-South Cooperation. The 1980s were thus a low point for the Committee. Whilst gaining recognition in government circles – Ministers and senior civil servants attended some meetings of EBRC in their own jurisdiction – there was extreme difficulty in securing funding and the means to drive initiatives through. In 1983 members of EBRC

met with Mr Peter Barry, Irish Minister for Foreign Affairs and Mr Butler, Northern Ireland Minister for State to request recognition for cross-border activities. This meeting was reported in the *Irish Times* on 9th March 1983. Both Mr Butler and Mr Barry attended a subsequent EBRC meeting in 1983 and hoped that their

*“presence would be accepted as a recognition of the importance that both Ministers attached to cross-border relations where people had a common interest.”*

Despite this, financial assistance did not materialise and the Committee activities continued to be funded from the Local Authorities. Brian Gormley outlines the reality facing the Southern Local Authorities, bearing in mind the difficult economic situation in Ireland during this time,

*“Finances and funding during the early years were very difficult and I know that in Louth, in particular, in these years we had problems securing finance for the essential services for the county, never mind extra costs. So bearing in mind the conditions at the time the fact that the committee continued to persevere and grow in size and stature was quite remarkable.”*

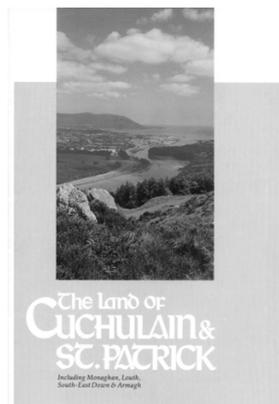
John Quinlivan Louth County Manager 1988 – 2003 said,

*“I thought of the EBRC as the ‘buckle or fastener’ which consolidated relationships between North and South along the border. I observed the benefits the East Border Region was bringing – breaking down traditions, changing opinions, bringing people of different cultures together over the years – and I felt that any investment in EBR was a good investment.”*

Rory O’Hanlon reiterates how the idea of working on a cross-border basis was novel:

*“As there was no other mechanism in existence which afforded this type of interaction, I believe the very presence and continued existence of EBRC was an achievement in itself given the political climate of the time.”*

In 1984 the first cross-border multi lingual brochure, *The Land of Cuchulainn and St Patrick*, was published in four languages and was distributed across the European Union. In 1988, twelve years after it was



*‘The Land of Cuchulain & St Patrick’ a cross border multi lingual brochure for distribution in the UK, Europe and Ireland*

formed, the EBRC appointed its first full time administrator to be seconded on a yearly basis from each member council with costs of £500 per annum to be paid by each member council. Projects identified in the 1980s included producing a joint telephone directory, the Dublin/Belfast rail service, Newry-Dundalk road, cooperation regarding planning, fisheries, Carlingford Lough car ferry, the provision of a joint tourism office at the border and the promotion of the region as a less favoured area. What was desperately needed however was a mechanism to fund these various initiatives.

### **European Union INTERREG Community Initiative**

This mechanism came with the introduction of the European Union Community Initiative INTERREG I. For the first time, outside finance was available to fund cross-border initiatives and East Border Region rose to the challenge.

What was interesting about the period from 1970s-early 90s was that whilst both North West Region Cross-Border Group (NWRCBG) and EBRC had the same aspirations and faced the same challenges both groups worked in isolation. There was an element of competition between the groups and this continued when both sought finance from the INTERREG I Programme.

The INTERREG I Programme served to highlight the point that although the Ireland/Northern Ireland border suffered from huge political problems it suffered from many similar issues to other border regions across Europe. Through the INTERREG I Programme members of EBRC realised that the Ireland/Northern Ireland border region could become a real player across the European Union.

### **1990-1999 promoting partnership**

In the 1990s the tenacity and hard work of the EBRC finally began to show results. In 1991 EBRC was awarded the princely sum of £126,000 from the INTERREG I Programme to administer the Committee. This was a huge step forward especially when compared to the £500 per Local Authority per annum which the Committee had secured from the member local authorities. The European Union provided 75% of this funding and the remainder was provided by the member Local Authorities. The principle of equality was established at the outset. Each Local Authority contributed the same amount. As the NWRCBG had secured more funding than EBRC the spirit of competition was further reinforced between the two groups. There was a perception amongst politicians within EBRC that the success of the NWRCBG was down to the fact that John Hume was serving as an MEP during this period. This was not actually the case; John Hume was equally supportive to both groups and continually championed both at a national and European level but 'perception is reality' and thus politicians in EBRC continued to adhere to this notion.

It is important to note also that the INTERREG I funding was administered jointly by the economic departments of both the governments in both jurisdictions. Both departments had approved the funding and this was significant.

Lobbying was central to the work of EBRC in these years. Members debated and articulated the various problems faced by people on both sides of the border and then jointly lobbied both governments to address these problems. Lobbying also served the purpose of raising the profile of the organisation in government circles. The fact that ministers were being asked to meet with a cross-border delegation of locally elected politicians from both sides of the border was novel and opened doors that previously had been closed to members working solely within their own local authority area. Councillor Peter Savage, a founding member of EBRC and current Chairman, outlines the value of the lobbying which took place at that time,

*“the lobbying role EBR played has been a key contributor to the many infrastructural improvements we see today. The value EBR has brought in terms of improving cross-border relations and breaking down barriers has been phenomenal.”*

### **Partnership with Other European Border Areas**

At this time members also recognised the increasing importance of networking across the European Union to enhance the cross-border region. Tommy Elmore, a Louth County Councillor at this time, had convinced EBRC to become a member of the Association of European Border regions (AEBR) in 1990. Speaking in 2006 Mr Jens Gabbe, the then Secretary General of AEBR stated,

*“The EBRC had a sustainable impact on the work of AEBR as, together with other border areas, they revealed that, in spite of many common linguistic and cultural grounds, some border regions have to overcome considerable political difficulties. In 1992 our Annual Conference took place in Carrickmacross with many border regions represented from across Europe and included a tour of the adjacent border area. This visit greatly impressed the participants as well as raising awareness of the particular situation in this area.....*

*“Today the EBRC is an indispensable and important link in the Europe-wide network of AEBR. It provides substantial examples and experiences for other border regions to emulate. This cross-border cooperation has contributed to the remarkable positive economic and social development in Ireland- Northern Ireland in recent years and created verifiable added value.”*

In the course of the 1990s members also realised that, as there was money available from the European Union to promote cross-border cooperation, there was merit in working more closely with their MEPs and in actually travelling to lobby officials in Brussels. Thus began a relationship with Brussels which remains strong to this day and which would prove to deliver significant investment into the EBRC.

### **Internal partnership working along the Ireland/Northern Ireland border area**

In the late 1990s there was an increasing awareness amongst border Local Authorities

that it would be useful to work together as opposed to competing. The INTERREG II Programme had once again funded EBRC and the NWRCEB and the Irish Central Border Area Network (ICBAN) which represented the Local Authorities in the central border area had formed in 1996. The groups could see the merit of working together to promote the entire Ireland/Northern Ireland Border region. The political situation was also changing with the signing of the Belfast/Good Friday Agreement and the IRA ceasefire. Cross-border cooperation was something with which both governments were beginning to get engaged and the INTERREG Programme was becoming a priority for the European Commission. These developments encouraged predominantly unionist Local Authorities to consider joining a cross-border organisation. Banbridge District Council, which had observed on EBR for two years, officially joined in 1998. Craigavon Borough, Ards, North Down and Armagh City and District followed in quick succession. Whereas EBRC had been viewed as a predominantly nationalist organisation it was now truly cross-community; encompassing all of the political parties North and South which added more weight politically. Indeed, EBRC was the first of the Local Authority-Led Cross-Border groups to have a Democratic Unionist Party chairman.

It was at this point that locally elected politicians wanted more. To date all decisions regarding INTERREG funding had been taken centrally by officials in government departments. There was a growing awareness that locally elected people had a mandate from the people who elected them and thus should have a role in deciding where money should be spent. This view was endorsed by the EU desk officer from the Ireland/Northern Ireland INTERREG Programme desk officer, Eddy Hartog. He urged the three groups to prepare Integrated Area Action Plans to illustrate how they could become more involved in the INTERREG Programme. Thus began one of the most concerted periods of joint lobbying by the groups. Councillors and officials from right across the border region met regularly and jointly attended meetings in Dublin, Belfast and Brussels. What was significant was that everyone wanted the same thing. The Special EU Programmes Body (SEUPB) had been set up following the Belfast/Good Friday Agreement and had become the Managing Authority for the INTERREG Programme. Its CEO, John Mc Kinney, recognised the local dimension which the groups could bring. The Northern Ireland Finance Minister, Mark Durkan, was a former member of the NWRCEB and appreciated the added value of the groups. He in conjunction with his Southern counterpart, Minister Charlie McCreevy, set up an Action Team to look at the roles and responsibilities of the cross-border groups. This involved officials from departments in Dublin, Belfast and SEUPB as well as representatives from the groups. It is fair to say that there was a high level of scepticism emanating from officials in both departments about the ability and capacity of the groups to administer INTERREG Funding.

### **Partnership in the 21st Century**

With the turn of the new century EBRC began to reap the benefits of many years of hard work. The Action team reported its findings to the North South Ministerial Council. In 2003 the Council stated,

*“The Council agreed a set of principles that, it considered, should underpin the work and roles of the Border Corridor groups. The aim is to give these groups a greater input into deciding on the priority for spending EU funds in the Border Corridor area. The Council agreed that a substantive allocation of funds should be made to the Groups.”*

The result was that EBRC, ICBAN and the NWRCBG jointly administered, through INTERREG IIIA Partnerships, €60m out of a total INTERREG IIIA Programme of €180m. The INTERREG IIIA Partnerships comprised 50 percent elected members and 50 percent social partners and were truly cross-border multi-sectoral partnerships which significantly raised the profile of the INTERREG Programme across the Ireland/Northern Ireland Border area. A range of genuinely cross-border projects were funded through the Partnerships. The Partnerships consistently met financial and non-financial targets and contributed extensively to the success of INTERREG IIIA; which was the first decentralised Programme.

This was certainly a high period for EBRC. In 2006 President McAleese attended the 30th Anniversary of the group and asked EBRC to manage Ireland Fund monies on her behalf which was a remarkable honour.

A new development during this time was the establishment of the Comet grouping, encompassing the Greater Belfast area; and the North East Partnership covering Antrim, as INTERREG Partnerships. The three cross-border groups had been formed as a result of the particular problems facing the areas adjacent to the border and thus there was consternation that these other groupings were drawing down monies which should go to border areas. The situation was resolved when it became clear that the European definition of a border area was anywhere within 250 miles of the border. As INTERREG was a European fund these groups were entitled to monies from the Programme. After an initial reluctance the three groups embraced the larger partnership and worked well together, on some occasions submitting joint bids.

### **INTERREG IVA Programme**

There was no reason to believe that the INTERREG IVA Programme would not build upon the success of its predecessor and the groups suggested a more strategic approach in INTERREG IVA which would deliver better results for the people of the region. Again, at the behest of the European Commission, they developed Multi-Annual Plans, strategic documents designed to contribute to the overall development of the cross-border region. However, from the outset the INTERREG IVA Programme was beset with problems. As the Multi-Annual Plans were multi-sectoral it was not possible for them to be approved by government departments.

A year after submission the groups were asked to dissect the plans into individual applications. The global economic recession had taken hold and the Celtic Tiger era was well and truly over in Ireland. In response to austerity, government departments, both

North and South, took a much more 'hands on' approach regarding project approvals. The INTERREG IVA assessment process was thus extremely lengthy and arduous and resulted in a two year funding gap. Frustration amongst elected members and officials throughout the border region was rife. Initially it was unclear as to where exactly the problem lay and thus the credibility of the cross-border groups began to suffer. The INTERREG IIIA Programme had raised expectations amongst the cross-border groups and thus INTERREG IVA was a huge disappointment. The groups ended up jointly administering €60m INTERREG IVA monies but, for some, the damage had been done.



*Mr Pat Colgan, CEO SEUPB, Cllr John Farrelly EBR Chairman, EU Commissioner for Regional Policy Johannes Hahn and President of AEBR Mr Karl-Heniz Lambert pictured at the 2010 AEBR Conference which was hosted by East Border Region*

### **Challenges**

In September 2015, the future of the cross-border groups is perhaps more doubtful than at any time since the inception of NWRCBG and EBRC in the 1970s. This is ironic when you consider how cross-border cooperation has developed in recent years and how successful the groups have been; particularly in respect of drawing down INTERREG funding.

There are a number of factors contributing to this situation. The INTERREG V Programme, approved in 2015 is extremely centralised and there is a very limited role envisaged for Local Authorities; making potential funding from this Programme doubtful. In the past the INTERREG Programme has funded costs of the cross-border groups in line with their INTERREG role and the groups have become dependent on this funding stream which has effectively been severed.

The obvious solution for groups is to look to their key stakeholders, the member Local Authorities who have been the main beneficiaries of the groups' activity. However, the Reform of Local Government in Ireland Act, 2014 and the Reform of Public Administration (Northern Ireland) in 2015, were designed to create efficiencies. Local Authorities on both sides of the border are under severe financial constraints. Securing additional monies for any activity is thus extremely difficult.

Reform of Local Government and Reform of Public Administration have resulted in a number of long-standing elected members retiring from politics and consequently from the cross-border groups. Many of these members had developed an enthusiasm and appetite for cross-border economic development that only comes when capacity and trust have been built up. Of the eighteen Board members appointed to EBRC in 2015, fourteen are new. This has had a huge impact on the groups as they are faced with a majority of new members who are not familiar with cross-border cooperation. Thus the internal lobby for cross-border groups within Local Authorities is weaker than it has been.

These factors coinciding with the end of the Structural Funds period have combined to create a 'Perfect Storm' for the cross-border groups in 2015. Indeed, at this point (September 2015) both the NEP and COMET INTERREG Partnerships have dissolved.

East Border Region however has always displayed an astute ability to adapt and innovate to meet an ever changing cross-border environment. The sheer determination and hunger to survive still exists as was the case in the early years. In 2014, elected members and officials considered all of the aforementioned factors and a Business Plan designed to chart the way forward through this extremely difficult situation of 2015 was developed. This plan recognised that, in order to survive, the groups must continue to meet the needs of member Local Authorities, must add value and must also take its share of austerity. The plan recognised that whilst cross-border cooperation may be more fashionable in 2015 it is still not easy. It still requires the Local Authority-Led Cross-Border Groups to facilitate and enable collaboration and it absolutely requires financing if it is to survive. The plan was endorsed by all of the member councils.

Tribute must be paid to the foresight of the elected members of EBRC who knew in 2014 that they would no longer be part of the organisation but who nonetheless wished to see it grow and develop for the foreseeable future.

As Chief Executive of EBRC, I am indebted to all the elected members and officials who have gone before me. I relish the challenges which no doubt lie ahead and look forward to working with all the new politicians who will be the custodians of EBRC for many years to come.

**Pamela Arthurs**

Pamela Arthurs is Chief Executive of the East Border Region, a Local Authority-led cross-border organisation which covers six local authorities along the east coast of Ireland and which aims to promote cross border economic development. Pamela, who comes from the Mourne, is a graduate from Queen's University Belfast and holds a Masters in Women's Studies from York University, England. From 1988-1991 she was a part time tutor in Women's Studies at Queen's University and, during this time, also taught in Banbridge College of Further Education. In 1991 she was employed as the first Community Relations Officer within Newry & Mourne District Council and took up post with East Border Region in 1996. As Chief Executive of East Border Region, Ms Arthurs is responsible for policy, strategy, administrative and financial matters.

# Conservation without Frontiers: historic buildings in Armagh and Monaghan in context



**Primrose Wilson, Vice Chairman UAHS/  
Vice Chairman Irish Georgian Society**

*For the first time ever the Ulster Architectural Heritage Society and the Irish Georgian Society came together to provide a cross-border Summer School. The Summer School celebrated the shared cultural heritage of the counties of Armagh and Monaghan and explored the commonalities in conservation policy and practices with a view to identifying the mutual benefits that can be derived from continued cross-border cooperation.*

*A key theme was the critical importance of the built heritage in maintaining the distinctive qualities of the region and supporting the growth of tourism, economic development and prosperity. Within this theme – Community Conservation and Public Regeneration – featured the Palace Demesne, Armagh, and community-led projects in County Monaghan.*

*Leaders of the Summer School included well known academics, architectural historians, architects, planners and conservation and heritage officers. The participants were students, enthusiasts and practitioners from all around the island of Ireland and the UK. The event provided a platform that showcased the best that both counties have to offer in terms of their history and heritage. The support of both Councils for the event reinforced the positive developing relationship between these respective organisations.*

## **Introduction**

There are two societies in Ireland which have similar aims in relation to the protection, conservation and restoration of Ireland's architectural heritage. The Irish Georgian Society (IGS) is based in Dublin but has UK and American links while the Ulster Architectural Heritage Society (UAHS) is based in Belfast and includes within its remit the historic nine counties of Ulster. This includes Donegal, Cavan and Monaghan as well as the six counties of Northern Ireland.

The vision of the Irish Georgian Society is to conserve, protect and foster an interest and a respect for Ireland's architectural heritage and decorative arts. IGS pursues this vision on its own or in partnership with others, through

- The provision of education and information, including publications, lectures, conferences, tours and other learning programmes
- Campaigning for protection and conservation, and

- Undertaking and supporting initiatives for the decorative arts and historic structures and places, including gardens and landscapes.

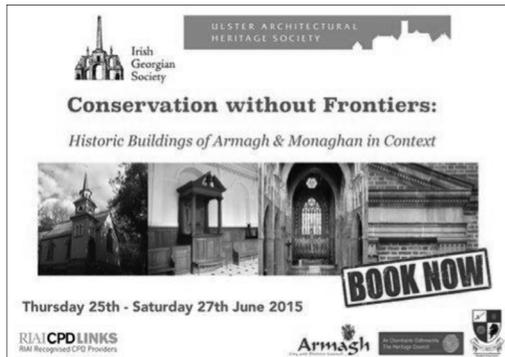
The Ulster Architectural Heritage Society exists to promote the appreciation and enjoyment of good architecture of all periods and to encourage the conservation, restoration and re-use of Ulster's built heritage in order to regenerate and sustain our communities. UAHS pursues its vision through:

- Campaigning and acting as a watchdog on planning legislation and policy
- Maintaining a Built Heritage at Risk Northern Ireland Register (BHARNI) in partnership with Historic Environment Division (HED) formerly NI Environment Agency
- Educating and informing through its lecture programme, events and publications.

The IGS was formed in 1958 while UAHS came into being in 1967. These two societies have co-existed on the island of Ireland in an atmosphere of great mutual respect; a small percentage of their members belong to both organisations. In 2013 Primrose Wilson, who had been Vice Chairman of UAHS since 2010, was appointed to the same post in IGS. This was the first time that the organisations had shared an officer at this or any other level. She was keen to encourage closer cooperation between the two societies which was welcomed by both Boards.

In June 2014 the Boards met in Dublin and this was followed by a meeting in Hillsborough in November. During discussions the idea of a North South Summer School was suggested and agreed. Primrose was appointed Chair of the Steering Group tasked with carrying this through. This group included three members of the Boards of IGS and three of UAHS as well as both Chief Executives and the Summer School Director.

There were several reasons for choosing the counties of Armagh and Monaghan to hold the inaugural School. In addition to their close geographical proximity, the two local authorities have a memorandum of understanding and work together on other projects. The Director, Kevin Mulligan, is author of *South Ulster* in the Buildings of Ireland series which includes Armagh, Monaghan and Cavan and was published in 2013. This is a widely acclaimed, well-researched and scholarly book providing the most up-to-date information on the architectural heritage of the area. In addition the Chairman and Director live in Counties Armagh and Monaghan and know the area well.

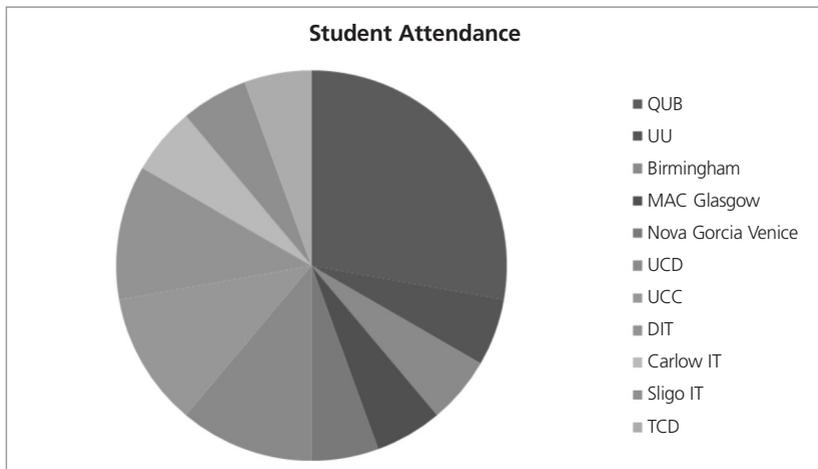


Promotional flyer for Conservation without Frontiers event

It was agreed that the Summer School would aim to bring together students, enthusiasts and practitioners to explore, discuss and debate issues relating to our shared Irish heritage in the context of Armagh and Monaghan through participation in workshops, lectures, and panel debates. Leaders included well known academics, architectural historians, architects, planners and conservation and heritage officers. The support of both Councils reinforced the positive developing relationship between them and our respective organisations.

**Student participation and competition**

It was agreed that it was important to have students attending and so twenty places were offered to those studying architecture, art history or related disciplines and widely advertised through universities, colleges and social media. On offer was three days’ participation and tuition with accommodation in the hostel in Armagh and all meals provided. Forty responses were received and twenty places offered to students with a good geographical spread and from a variety of academic backgrounds. Half of those attending were from the Republic of Ireland; students coming from University College Dublin, University College Cork, Trinity College Dublin and Dublin, Carlow and Sligo Institutes of Technology. There was good representation from Queen’s University Belfast and Ulster University with students coming also from Birmingham, Glasgow and Venice.



*Institutional breakdown of student attendance*

A key theme of the event was conservation and regeneration for community benefit, to showcase the critical importance of our built heritage in maintaining the distinctive qualities of the region and supporting the growth of tourism, economic development and prosperity. All students who obtained a free place at the Summer School were asked to participate in a competition which complemented this theme.

Students from Northern Ireland were invited to produce a proposal for the development of the currently derelict Hope Castle, Muckno Park, Castleblayney. The origins of the current Hope Castle date from the early 1800's when Robert Woodgate, a student of John Soane, designed a new Georgian style home for the 11th Baron Blayney. In the 1830s the building was altered to add a single storey projection from the east side, the attic was raised to create a new floor and windows added to the parapet. Thomas Hope acquired the building in the 1850s; he renamed it and substantially enlarged and remodelled the building in an Italianate style. In the 1980s Monaghan County Council bought the building, demolished the extensions and gutted the interiors. It then became a hotel. Following a fire in 2010 the building has fallen into disrepair; however, the four walls designed by Woodgate still survive along with original drawings.<sup>1</sup>



*Students at the Stables, Palace Demesne, Armagh*

Using current conservation philosophy and policy, their solution was to demonstrate consideration for:

- The relationship of the house to the demesne setting, associated lodges and stables
- The significance of the relationship between the house (and demesne) to the town
- The historic nature and style of the existing building
- Alterations that have been made to the existing building
- The picturesque context of the site
- Appropriate use
- Scale
- Materiality

<sup>1</sup> Additional information on this building can be found in *The Buildings of Ireland-South Ulster* (2013), pg. 236-240.

Students from outside Northern Ireland were invited to produce a proposal for the development of a gap site next to 36 Upper English Street, Armagh. This vacant site, located on one of Armagh's busy shopping streets was previously occupied by a two storey building, formerly a clothes shop. It had a separate entrance to the upper floor living accommodation with a geometric fanlight and three steps. (It featured in UAHS/ NIEA Volume 6 Buildings at Risk in 1999 (p.42) and was subsequently demolished.) In the brief it was pointed out that Upper English Street was also home to the Marketplace Theatre, the City Library and St. Patrick's Trian Centre, a tourist information office and exhibition space. Students were invited, if they wished, to extend their development to include the vacant three storey, former Dunnes Stores on the left hand side of the site or to the north onto the higher level Marketplace Theatre car park.

In considering their response they were to utilise current conservation philosophy and policy and bear in mind that it was located in a conservation area in the historic city of Armagh. Their solution was to demonstrate consideration for:

- The historic context of the site
- Appropriate use
- Scale
- Materiality

One A3 poster was to be submitted by the 11th of June 2015 documenting their concept proposal through sketches, words and images. Architectural drawings were not necessary or expected, submissions were judged on original ideas, adherence to conservation principles and how appropriate the proposal is for the location. Adjudicators for the competition were Professor Loughlin Kealy, architect Marcus Patton and Shirley Clerkin, Heritage Officer for Monaghan County Council. A cash prize was awarded to the winners of both competitions and UAHS publications given to the runners up. The adjudication was given by Shirley Clerkin on the last day of the Summer School and the competitors' work was exhibited in the Market House in Monaghan.

The adjudicators were impressed by the suggested new uses for the gap site in Armagh while expressing disappointment that generally entries did not envisage a replacement building. Ideas to create space for informal events as well as proposals for the use of public art were welcomed. Finding alternative ideas for the use of Hope Castle was not easy but there were some interesting suggestions for potential new uses and conservation principles were clearly enunciated as part of the proposals. Brendan George (QUB) came first in the Hope Castle competition with his proposal for a community and recreation centre followed by Bethany Orr (QUB). Richard Cleary (TCD) was placed first in the Armagh competition with his proposal for a Garden of Etymology and Tree Worship, and John Geraghty (DIT) came second.

### **Summer School: Armagh, Thursday 25 June**

The Summer School started on 25 June in the Synod Hall of Church House, Abbey Street, Armagh. Designed by W. Sampson Jervois with R.F. Caulfield Orpen in 1912

and built as a memorial to Archbishop Alexander, whose arms are displayed on the street front, it is located close to St. Patrick's Anglican Cathedral and the Armagh Public Library.<sup>2</sup>

In the morning there was the welcome from a government official on behalf of the Minister of the Environment. This was followed by a paper providing context to the built heritage of South Ulster, from a historical and geographical perspective, by Professor Patrick Duffy from NUI Maynooth. Then we had a series of short papers on current legislation and practice in relation to places of worship in England, Ireland and Northern Ireland. This was followed by papers on conservation area legislation in both North and South with a particular concentration on Armagh.

After the theory we went to view the buildings on the ground! Alastair Rowan, Professor of Art History at UCC, led groups around both cathedrals dedicated to St Patrick and explained liturgical changes and re-ordering from an Anglican and a Catholic perspective. Meanwhile Marcus Patton and Alastair Coey, two architects who were involved in works in the conservation area, led groups around the Mall and demonstrated the practical aspects of working with historic buildings and green spaces. They led discussions on how modern buildings such as the Marketplace theatre in Market Street can enhance a conservation area while others can detract. Architectural historian, Judith Hill, explained the drawings of Thomas Cooley in Armagh Public Library and gave a talk on the work of Francis Johnston and Thomas Cooley.

A short walk away was the Palace Demesne where we ended the first day. Dr Edward McParland, Pro-Chancellor of TCD and architectural historian, Kevin Mulligan led lively discussions in the former Archbishop's Palace and Primate's Chapel on all aspects of their authorship and the craftsmanship. Afterwards in the Palace Stables refreshments and supper were enjoyed in the open air prior to a pub quiz.



*Visit to Saint Patrick's Catholic Cathedral, Armagh*

Teams of ten people were assembled in the former coal bunkers and Kevin Mulligan, as quiz master, asked the questions. They ranged from architectural conundrums to general knowledge and included others on the literary heritage of Armagh and Monaghan. It was great fun and several eminent people not on the winning team were heard muttering that they did not win as they could not spell! Such excuses were ignored and treated with great good humour by the winning team.

2 *South Ulster*, op. cit., p.107.



*Former Archbishop's Palace and Chapel, Palace Demesne, Armagh*

### **Summer School: Friday 26 June**

The second day started early at Castle Leslie, Co. Monaghan, with tours of the house by the indefatigable Sammy Leslie. After the arrival of Minister of the Arts, Heritage and the Gaeltacht, Heather Humphreys, TD we were formally and warmly welcomed to County Monaghan. The vision to regenerate Castle Leslie and Glaslough were graphically outlined from an owner's and an architect's perspective by Sammy Leslie and Dawson Stelfox. Papers were given on cross-border heritage initiatives by Andrew McClelland and the *Buildings of Ireland* series by Professor Alistair Rowan. In an amusing lecture he related his memorable encounters with Nicholas Pevsner in his youth.



*Minister Humphreys with officers and staff from Irish Georgian Society and Ulster Architectural Heritage Society*

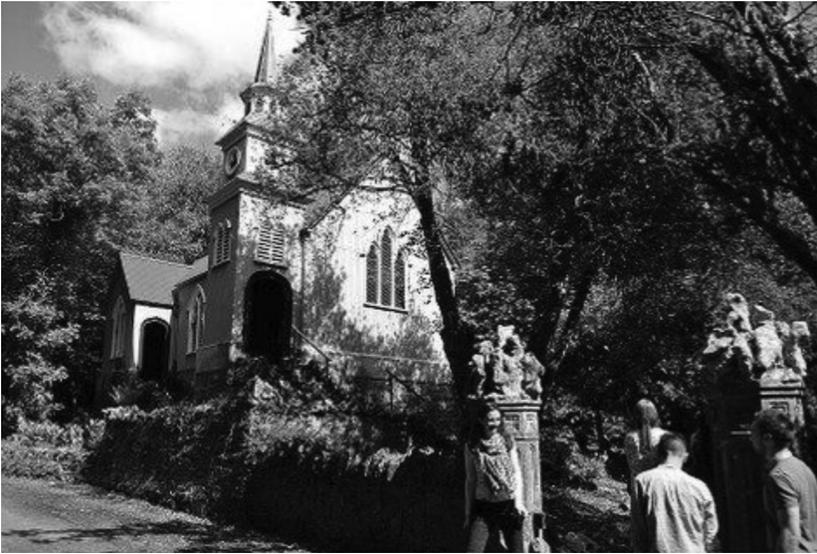
After lunch we went by bus to see three conservation projects carried out by local communities in County Monaghan – the column and Lady Anne’s temple at Dartrey and the former St Peter’s tin church at Laragh. We were met at both venues by members of the community involved in the projects, led by Noel Carney and Paula McCaul. They explained with great passion how they had raised the funds and organised the conservation work. Their dedication and commitment to the ongoing success and sustainability of their projects was exemplary and everyone left full of admiration for their efforts. An added item of interest was the fact that the Minister, Heather Humphreys, was a member of the Dartrey Heritage Group and was actively involved in the projects at the outset. It is rare that Ministers with a heritage brief have such hands on experience prior to their appointment!

On our return to Monaghan the groups were guided around the Catholic Cathedral dedicated to St Macartan (like the Catholic Cathedral in Armagh designed by J.J. McCarthy) and St Patrick’s Church of Ireland by Francis Johnston in the town centre. The day was rounded off with a convivial evening in Ambledown at Glaslough.

### **Summer School: Saturday 27 June**

On Saturday morning everyone assembled in the Market house in Monaghan for a debate titled *Contemplating the contemporary – new works in the historic environment*, chaired by the *Irish Times* journalist, Frank McNally, about what can be considered appropriate contemporary interventions to historic buildings. The context was the

Venice Charter and differing interpretations of Article 9 and Article 13. While Article 9 and its use of the word *contemporary* has been widely interpreted as a mandate for



*Summer School visit to St Peter's Church, Laragh, County Monaghan*



*Some of those that attended the Summer School at Hunting Lodge, Castle Leslie*

modernist intervention, Article 13's reference to sensitive traditional buildings is often dismissed as pastiche.

Four speakers addressed how they used Venice Charter to define what is considered acceptable in practice and whether the Charter assists the objective of achieving good conservation and design or frustrates it. A lively debate then ensued from the floor.

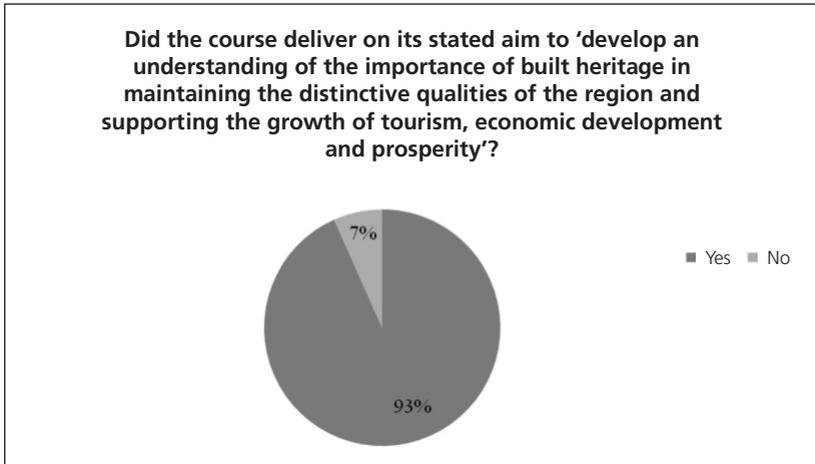
At the conclusion of the debate Alistair Rowan had the unenviable task of summarising the three days of the Summer School which he accomplished with great panache and good humour! Armed with picnic lunches we set off by bus for Annagmakerig. This building was erected in c.1810 as a modest farmhouse and then 'modestly romanced and enlarged into a charming Tudor Revival house in 1859'.<sup>3</sup> The house was the family home of the theatre director, Sir Tyrone Guthrie, who bequeathed it to the Irish nation in 1981. It was adapted for use as a retreat by artists and writers as outlined in his will 'to enable them to do or facilitate them in doing creative work'. A guided tour of the building by the Director, Robbie McDonald and Christopher Fitz-Simon was enjoyed prior to lunch at the conclusion of the Summer School.



*Annagmakerig, Newbliss - Tyrone Guthrie Centre*

Evaluation is an important part of an event like this – particularly when it is a first for the societies involved. The most important question is whether or not the Summer School delivered on its objective. This received a resoundingly positive accolade from the evaluation forms: "Overall, a fantastic three days ...." "Some amazing people, both speakers and attendees..." "Fascinating...." "The lectures were brilliant, and the visits to the various sites incredibly informative." There were a variety of responses about how the Summer School could be enhanced or improved, but the majority wanted to see more emphasis on practical conservation. Other suggestions were for an extra day "looking around the beauties of Armagh" and the inclusion of a social history slot.

3 *South Ulster*, op. cit., p.79.



*Evaluation responses*

The Summer School provided a platform to showcase the best that both counties have to offer in terms of their history and heritage and it was an invaluable opportunity for students to network with what one respondent described as 'a stellar cast of speakers'. The responses from two speakers sum it up most eloquently:

*EMcP – "It was, as all such events must be, great fun. And all went smoothly, though I'm experienced enough to know that such a comment is likely to raise a rueful smile from those who bore the heat of the day(s). The choice of venues and visits was wonderful. And it was all made really worthwhile by the presence of 'the young': I think that the value of their involvement outshone all else".*

*AC: "I must say how much I enjoyed the Summer School, which was one of the best I have attended over the years. Not only was it meticulously planned but also well balanced in delivery between formal talks in different venues, interesting visits and light-hearted asides. Always important, the food was tasty, while not being overly elaborate and the informal style of the eating events allowed delegates to mingle and get to know each other."*

Sponsorship was provided by Armagh City and District Council, the Department of Arts Heritage and Gaeltacht, the Heritage Council and Monaghan County Council. The budget for the event was tight and so much voluntary time and effort was provided willingly by members of both Societies. However its success was due mainly to the expertise of its Director, Kevin Mulligan, and the incredible hard work and dedication of Clare Price and Nicola McVeigh from the Ulster Architectural Heritage Society. In view of the success of the event in 2015, the Societies have agreed provisionally to organise

another cross-border Summer School in 2017, possibly in Counties Fermanagh and Donegal, provided sponsorship is forthcoming.

**Primrose Wilson CBE. BA. SRN. Hon RSUA**

Primrose Wilson was born in Roscommon and now lives in County Armagh. She is currently Vice-Chairman of the Ulster Architectural Heritage Society and of the Irish Georgian Foundation. Primrose is a former member of the Heritage Council (RoI), former Chairman of Historic Buildings Council (NI) and the Ulster Architectural Heritage Society. She was founder Chairman of the Follies Trust which to date has been involved in the conservation of fifteen small structures on the island of Ireland. In 2000 Primrose was made an Honorary Member of the Royal Society of Ulster Architects and in 2007 she was awarded a CBE for services to conservation.

## Effective partnership: a history of North South cooperation in probation work



**Paul Doran, Deputy Director, Probation Board for Northern Ireland**

*The Probation system was formally established in Ireland on 1st January 1908 when the Probation of Offenders Act (1907) formally came into force. While there was previous legislation in this area across the island, this Act is recognised as a turning point in the government response to offenders and offending. Although the two jurisdictions proceeded down separate paths post-partition, the two Probation Services worked closely together in recognition of a shared challenge in a similar culture with people for whom society had little tolerance.*

*Since the Belfast/Good Friday Agreement in 1998 there has been more formal expression of that cooperation and this article sets out the challenges and achievements of this effective partnership. These include the development of a highly regarded professional journal, leadership of the Inter-Governmental Public Protection Advisory Group, shared resources across operational and strategic development and a commitment to ensure that communities are safer throughout the island. Practical examples of good practice are highlighted in addition to areas for future work as well as an acknowledgement of the challenges of a land border between a sovereign state (Ireland) and a region of the United Kingdom (Northern Ireland) within the European Union. The article also sets out the benefits to both jurisdictions of a common qualification framework and the advantages of links to other jurisdictions, particularly Scotland, mainland Europe and North America.*

### **Introduction**

Probation is derived from the Latin verb *probare*, to test. It is defined as a process or a period in which a person's fitness, as for work or membership in a social group, is tested. Court ordered probation supervision can incorporate substitution of a custodial sanction and involve supervision in the community. It involves giving offenders a chance to prove themselves by staying out of further trouble and accepting help to change their ways.

Today there are two probation services on the island of Ireland. The Probation Board for Northern Ireland (PBNI) is a non-departmental public body and is sponsored by the Department of Justice in Northern Ireland. The Probation Service (PS) is an agency of the Irish Department of Justice and Equality. Both organisations carry out similar functions:

- Preparation of assessments on defendants for criminal courts by social work qualified Probation Officers to assist with sentencing;
- Provision of services to prisons and to victims, in partnership with other criminal justice organisations and the voluntary and community sectors;
- Oversight and supervision of a range of court orders and post custody sentences.

This article traces the development of cooperation between the two services, the challenges of probation work in two jurisdictions on a relatively small island and the opportunities for further progress between two progressive and successful organisations.

## History

The first record of legislation in Ireland in the area of court ordered intervention with offenders in the community dates back to the 1847 Juvenile Offenders Act and the 1887 Probation of First Offenders Act that opened up the possibility of offenders entering into recognizances with the Court. In an oral history of Probation in Northern Ireland published in 2009, Fulton and Parkhill<sup>1</sup> note that the legal discourse at that time was in line with the deserving and undeserving culture in existence in Ireland at that time, with a second chance being offered to the deserving. They note that the 1907 Probation of Offenders Act put into statute a number of actions already undertaken by Courts and Church Societies, particularly in relation to the provision of supervised recognizances on an informal basis with a particular focus on alcohol misuse. Although living conditions in Irish cities had improved by the early 20th Century, there was still significant poverty and, as a result, a range of charitable organisations had developed services based on a philanthropic ethos. However the Probation Service, as we know it today, was born in the first decade of the 20th Century; a time of significant political and social change in Ireland. With the election of a Liberal Government at Westminster in 1906, and in response to growing evidence of poverty and deprivation in industrial areas of the British Isles, it became clear that court disposals beyond prison were required.

A range of new statutory interventions was introduced in order to reduce the prison population and provide alternative sanctions; the most significant of these was the Probation of Offenders Act 1907. This legislation allowed courts to appoint paid Probation Officers for the first time and also to impose Probation Orders on offenders (particularly young offenders, first time offenders and occasional old/habitual offenders). While there was no specific training or support provided to the Probation Officers, there is evidence from an early stage that they wanted to professionalise their role and ensure that interventions were effective in preventing further offending.<sup>2</sup> Rogan<sup>3</sup> (2012) highlights the shared penal, legislative and administrative history between Ireland and Great Britain in relation to penal history and in addition to the 1907 Act, identifies the Prevention of Crime Act 1908 and the Children Act 1908 as significant in the development of the concept of rehabilitation. In particular, the approach of 'penal-

1 Fulton, Brendan and Parkhill, Trevor Making the difference: An oral history of Probation in Northern Ireland 2009 PBNI.

2 Senior, Paul Moments in Probation 2008 Shaw and Sons.

3 Rogan, Mary Rehabilitation, Research and Reform: Prison Policy in Ireland 2012 Irish Probation Journal PBNI/PS

welfarism' dominated thinking in criminal justice for the first sixty years of the 20th Century in both parts of the island. She notes that

*"these include particular penal practices such as attempts to divert people from prison through the use of fines and Probation, and, generally, a far greater number of sanctions requiring the input of the social and psychological sciences into the legal milieu. There is also a distinct transferral of responsibility for dealing with those who had committed crimes from private charity to a state funded and administered system"* (p. 9, Irish Probation Journal, 2012).

Following Partition, responsibility for Criminal Justice matters in Northern Ireland, including probation services, passed from Dublin Castle to the new Northern Ireland administration in Belfast in 1921. Two significant articles in the *Irish Probation Journal* illustrate how probation services progressed on both sides of the border; Fulton and Webb<sup>4</sup> set out the development of a Probation Service in Northern Ireland up to the Second World War while McNally<sup>5</sup> highlights an article in 1943 on the Probation Service in the Republic of Ireland. This noted that the circumstances and lack of development in Northern Ireland at the time was similar (to the south) but that

*"no attempt was made to conceal the defects of the present system, and those defects, together with recommendations for putting the Probation Service on a sound basis were in the process given fullest publicity"*(p.15).

Rogan<sup>6</sup> highlights a report by the Irish Labour Party in 1947 as a significant milestone in the attempt to provide work and training for prisoners as well as support following release. In a Dail Debate in November 1962, the then Justice Minister Charles Haughey said;

*"Prison will always be a place of punishment, but it seems to me that our prisons nowadays must, to increasing extent, become places of rehabilitation as well. In so far as rehabilitation may save a person from the misery and degradation associated with a life of crime, it is entirely justifiable on humanitarian grounds alone. In addition, however, it can be regarded as something which brings a positive benefit to the community as a whole. It can mean the difference between a former prisoner continuing as a burden on the community or becoming a useful member of society"* (p. 13).<sup>7</sup>

Meanwhile in Northern Ireland, the Probation Act (N.I.) 1950 established a Probation Service for the first time and oversight of Probation Officers passed from the Magistracy to the Civil Service. It became the duty of a Probation Officer on the direction of the

4 Fulton, Brendan and Webb, Bob The Emergence of Probation Services in North East Ireland 2009 Irish Probation Journal PBNI/PS.

5 McNally, Gerry Probation in Ireland: A Brief History of the Early Years 2007 Irish Probation Journal PBNI/PS.

6 Rogan, Mary see (3).

7 Rogan, Mary see (3).

Court to enquire into the circumstances or home surroundings of any person with a view to assisting the Court in determining the most suitable method of dealing with him. This language is still used in legislation and the 1953 Prison Act (N.I.) also brought additional responsibilities in relation to the after care of sentenced prisoners in Northern Ireland.

In 1966 the first Probation Officer in Northern Ireland with a Social Work qualification was appointed and in 1970 a Prisons Act in the Republic of Ireland included rehabilitation for the first time as an official aim of the system.

### **Civil conflict in Northern Ireland**

However the progress of the 1960s was halted by the outbreak of civil conflict in Northern Ireland in the summer of 1969. 'The Troubles' placed a huge strain on prisons and the criminal justice system throughout the island but particularly in Northern Ireland. Offenders charged under emergency legislation were processed through non-jury ('Diplock') courts and all prisoners received automatic 50% remission off their sentences. Probation staff argued that persons processed under such legislation should be excluded from the supervisory element of post custody supervision and this did create some tension with the Northern Ireland Office (NIO), who had responsibility for the security of the state. However, in addition to support from the trade unions (particularly the National Association of Probation Officers), there is evidence that the Irish Probation Service discreetly lobbied their government to recognise that 'politicisation' of the probation service would damage the criminal justice system as a whole. Eventually, the NIO recognised the value of having a broadly independent voice in criminal justice and agreed that Probation Officers should not prepare assessments or supervise persons dealt with under emergency legislation; this decision was made easier by the Judiciary not normally seeking reports in 'Diplock' cases.<sup>8</sup>

There were other huge challenges for the service in Northern Ireland during this period particularly as staff continued to work in prison establishments and all the communities. It has been acknowledged that the Probation Service was the only part of the criminal justice system in Northern Ireland that was able to work in the community without excessive security considerations and this position was often a source of tension with government, political groupings and indeed staff.<sup>9</sup> Carr and Maruna (2012) note that during the periods of the most intense violence, Probation established a presence in communities which were considered no-go areas by other criminal justice agencies.<sup>10</sup> While the impact on Probation work at this time in the Republic of Ireland was more limited, there is evidence of close contact between the two services, particularly in relation to prisoners and the movement of people between the two jurisdictions. There were restrictions on the ability of staff to provide pre-sentence reports and statutory

8 Carr, Nicola *Contingency Legitimacy: Community Sanctions in Northern Ireland* 2016 Community Punishment: European Perspectives. Routledge: Oxon.

9 Interview with Breidge Gadd, former Chief Probation Officer, PBNI, August 2015.

10 Carr, Nicola and Maruna, Shadd *Legitimacy through Neutrality. Probation and the conflict in Northern Ireland* Howard Journal (2012) 51 (5).

supervision to persons dealt with under the emergency legislation in the 'Diplock' Courts but service was offered to persons in custody on both sides of the border on the basis of voluntary uptake. There is also evidence of increased cooperation between the services and the voluntary sector organisations, which highlighted similar arrangements which existed in both parts of the island with a mixture of urban conurbations with high crime alongside large rural areas with little or no criminal activity.<sup>11</sup>

### **Development of the Irish Probation Service**

Following a review in 1969, the Irish Minister for Justice, Desmond O'Malley, announced that the service was to be expanded and reorganised with a large increase in the staffing levels in Dublin and an extension of the official Probation and After Care Service to the rest of the country generally. The service was rebranded as the Welfare Service of the Department of Justice and by 1973 service numbers had reached 47. The first Principal Welfare Officer, Martin Tansey, had been appointed by the Minister of Justice in 1972 (although there had been previous heads of service with different titles) and he led the service until his retirement in 2002. This was a period of change and expansion, both in terms of numbers, legislation and geographical reach. The Misuse of Drugs Act (1977) included provision for Court Ordered Assessments, reports and supervision of drug misusing offenders by Probation Officers. In 1979 a joint management survey of the service by the Department of Justice recommended that the service be renamed the Probation and Welfare Service.

In 1981 a white paper on the introduction of Community Service was published in Ireland and in 1983 the Criminal Justice (Community Service) Act was enacted with an identical range of provisions such as hours of community service to be undertaken in lieu of imprisonment to the existing legislation in Northern Ireland for offenders age 16 and over. The first Community Service Order was made in 1985. In a significant review of the Community Service scheme by the Department of Justice, Equality and Law Reform in 2007, the methodology included a visit to PBNI to review the work of Community Service in Northern Ireland. There is evidence that the two services worked closely together to share information and ideas on strategic development, as well as practical cooperation to provide opportunities for voluntary community service for people from the other jurisdiction, in the absence of a legislative framework for the transfer of orders.<sup>12</sup>

Healy (2016)<sup>13</sup> sets out a range of changing socio-political attitudes which created additional challenges for the service in the 1990s but also highlights the report of an expert group in 1999 which recommended a significant shift in policy to facilitate the increased use of a much greater range of non-custodial sanctions. The Sex Offenders Act (2001) introduced post-release supervision for such offenders while the Criminal

11 Interview with Brendan Fulton, former Assistant Chief Probation Officer, PBNI, August 2015.

12 Interview with John Bourke, former Area Manager, PBNI, August 2015.

13 Healy, Deirdre *The Evolution of Probation Supervision in the Republic of Ireland* 2016 in "Community Punishment: European Perspectives, Routledge: Oxon.

Justice Act (2006) allowed the court to attach probation supervision to suspended or part-suspended sentences.

In 2006 the service was renamed the 'Probation Service' (PS) and in line with increased prosperity in the jurisdiction, there was a significant increase in staff numbers and a move to impressive corporate headquarters in the Smithfield area of Dublin, in close proximity to the Law Courts and the former headquarters building.

### **Development of the Probation Board for Northern Ireland**

In 1976 the Ministers of State for Health and Social Services at the Northern Ireland Office (NIO) appointed a joint working group to review legislation and services relating to children and young people and to consider the future administration of the Probation Service. Following the publication of a consultative document in 1977, the final report (known as the 'Black Report') was published in 1979.<sup>14</sup> This recommended that the Probation Service should remain a separate service specialising in dealing with offenders, and serving the Criminal Courts. It also recommended that the service should be administered by a Board drawn from a wide spectrum of the community in Northern Ireland and that a written code of practice should be drawn up by the service, in consultation with the Courts and at the approval of the Secretary of State. Finally, and interestingly, it recommended that the Probation Board should have the responsibility for the management of the custodial establishment.

Community Service Orders (CSOs) were introduced in Northern Ireland in 1979 as part of the Treatment of Offenders (Northern Ireland) Order 1976. During the early years Community Service operated as a new community sentence within the responsibility of the then Probation and Aftercare service. In 1982 the Probation Board for Northern Ireland (PBNI) was established in response to the recommendations of the Black report. The decision to establish PBNI as a non-departmental public body was significant in that staff assumed the status of public servants rather than civil servants. By virtue of being one step removed from the Minister and Government, the Board was able to establish its own purpose and priorities and devise a set of strategic aims and objectives (including the ability to fund voluntary and community organisations). Bill Griffiths was the first person to hold the title of Chief Probation Officer and he led the organisation from 1977 to 1985. Carr<sup>15</sup> notes that from the 1980s onwards PBNI shifted the focus of its work to adults and more serious offenders, particularly in response to new Criminal Justice Orders in 1996 and 2008, and highlights a shift in role by combining the traditional 'rehabilitation' role with a public protection function. She also sets out the increased role of PBNI in post-custodial supervision but notes the challenges in developing a closer relationship with the prison service compared to England and Wales where the National Offender Management Service (NOMS) was established in 2005.

14 *Report of the Children and Young Persons Review Group (Black Report)* 1979 Belfast HMSO.

15 Carr see (8).

### Social work

At the end of the 1960s social work became the main qualification for Probation Officers in the United Kingdom and Ireland with different social work disciplines entering into collaboration towards integrated professional training and development. It is ironic that Probation Officers from both parts of Ireland travelled to England to participate in the Home Office training course at Rainer House, yet were dealing with similar challenges at home which were very different to the prevailing conditions in Great Britain. In 1975 the Home Office proposed that Probation Officers should hold a recognised professional qualification and that this qualification should be the Certificate of Qualification in Social Work (CQSW). All holders of the Home Office letter of recognition were deemed to hold the equivalent of the CQSW but all new recruits were required to possess the qualification.<sup>16</sup> This was probably the most significant development in the professionalisation of the service and led to both services in Ireland requiring the qualification for the key position of Probation Officer. In Northern Ireland the first Probation Officer with a social work qualification had been appointed in 1966 and the following year the first Probation Officer was seconded to Queen's University Belfast to undertake a professional social work course. In 1969 the first Senior Probation Officer was appointed to provide probation placements at the new social work course at the University of Ulster in Coleraine. At the same time an agreement was reached with the Home Office for the Probation Inspection Team there to assist with the oversight of the Northern Ireland Service. An inspection report in 1973 made a number of recommendations which reinforced the argument for a long term development plan for the service. Carr et al (2013)<sup>17</sup> set out how offender supervision developed in the two jurisdictions and note that while the retention of social work as the core qualification for Probation Officers helped resist some of the more punitive elements of community supervision, there were missed opportunities for further research in this area.

### Collaborative work

The 1980s saw the first developments in cooperation on the provision of Pre-Sentence reports to Courts by Probation Officers from the other jurisdiction and voluntary arrangements for the oversight of Court mandated orders.<sup>18</sup> In the early 1990s cooperation increased significantly with opportunities to learn from each other's work particularly in the areas of offender employment, substance misuse, victims and restorative interventions and group work. The two services cooperated to host the fourth General Assembly of Confederation of European Probation (CEP) in 1992 which featured an introduction from Northern Ireland Secretary of State, Michael Mates, on the first day (in Northern Ireland) and Irish Minister of Justice, Ray Burke, on day two in the Republic of Ireland. This was the first time that simultaneous translation for delegates from different European countries was provided at a conference in Northern Ireland; it could be argued that this was a significant development at exploring a European dimension to the challenges in Northern Ireland.

16 Worthington, Mike from *CQSW to DIP PS* in 2 above.

17 Carr, Nicola and Healy, Deirdre et al *A review of the Research on Offenders Supervision in the Republic Ireland and Northern Ireland 2013* Irish Probation Journal PBN/PS.

18 See (9).

The PBNI Corporate Plan published in 1999<sup>19</sup> made a commitment to establishing closer partnerships with the Republic of Ireland on the area of employment. In addition to the 'split site' conferences on employment and prisoners families, the unwelcome development of a significant heroin problem in the Dublin area required the Irish service to adopt a radical approach to work with offenders who had substance misuse problems. The learning from this pioneering work was shared with colleagues in Northern Ireland through exchange visits and conferences, and specifically at a major conference on substance misuse in Belfast in 1995. This was the first occasion that representatives from the police force in Northern Ireland (Royal Ulster Constabulary at that time) attended a conference that was also attended by a representative of Sinn Fein albeit from the Dublin area. Newspaper reports at the time suggested this was a template for cooperation on social factors that affected all communities and threatened no-one.<sup>20</sup>

### **Criminal Justice Review**

Following the ceasefires in Northern Ireland in 1994, there was a sustained period of growth in communication between the two services. In the Belfast/Good Friday Agreement of 1998 there was a commitment to undertake a review of the Criminal Justice System in Northern Ireland, published in March 2000.<sup>21</sup> While the recommendations were controversial at the time, there were a series of research reports generated to support the overarching review, including a report on Sentences, Prisons and Probation as well as structured cooperation. It is worth quoting the principles from the chapter on structured cooperation:

*"The land border between Northern Ireland and its neighbour, the Republic of Ireland, in one sense creates a challenge to be met, for example in the area of effective communication. It also presents an opportunity to be grasped in the interests of developing effective Criminal Justice strategies and responses. It is essential that there is consultation and cooperation to prevent criminals from taking advantage of the existence of two adjacent jurisdictions, and in furtherance of the joint interest of all of us on these islands in securing justice. In formulating the recommendations that follow we have therefore been guided by the principle that cooperation across boundaries should occur wherever it is necessary or useful. We foresee a strengthening of such cooperation between Northern Ireland and the Republic of Ireland taking account of the European Union Framework. As well as cooperation and coordination in combating criminal behaviour, there is also scope for working together in the prevention of crime and on community safety issues and in dealing with offenders after conviction. In some cases there may be a case for seeking harmonisation of procedures between North and South in order to facilitate effective cooperation. However there is also a need to take account of and facilitate effective joint working with the other jurisdictions*

19 PBNI Corporate Plan 1999 – 2002 1999 PBNI: Belfast.

20 Irish News, 17 February, 1995

21 Criminal Justice Review Group Review of the Criminal Justice System in Northern Ireland 2000 Belfast: Criminal Justice Review Group.

*of the United Kingdom. In some areas we should be prepared to welcome diversity of practice in different jurisdictions and be prepared to learn from best practice in each.” (pp. 391-392)*

These principles could be taken as a summary of the existing cooperation between the Probation services and it is no coincidence that both services contributed to formulating the recommendations of the *Criminal Justice Review*. There were a total of 16 recommendations relating to structured cooperation with ten of these directly relevant to the work of the two services. The *Criminal Justice Review* provided confirmation that there was huge similarity between the two jurisdictions; in terms of the nature of the respective societies, the urban/rural balance, economic and age profile. Therefore it served as an affirmation of work that had taken place to date but also identified areas for future joint-work and, more implicitly, set out the contrast to developments in England and Wales which had preoccupied the minds of Northern Ireland Ministers and Administrators since 1972.

### **European dimension**

One factor which united both services was a commitment to partnership with the community and voluntary sector and this led to exchange of best practice ideas as well as cooperation to promote Probation through the Confederation of European Probation (CEP) which was established in 1981. The Irish Probation Service in particular saw CEP as a unique opportunity to learn about emerging practice throughout Europe as well as publicising any innovative work in Ireland. Martin Tansey was elected President of the CEP in 1985, while Breidge Gadd (who was Chief Probation Officer in PBNI from 1986 until 2000) held executive posts with the Council of Europe during this period.

In 2003, the two services successfully applied to the Special European Union Programme Body (SEUPB) for funding under what was known as ‘Peace II’ and as a result the Probation Reducing Offending through Enhanced Cooperation and Training North and South (PROTECT N & S) was launched in September 2004. Both services committed considerable resources to this new and innovative project which had four aims:

1. Develop cross border approaches to the management of offenders;
2. Disseminate knowledge of effective models of supervision approaches;
3. Promote and engage with local communities;
4. Create opportunities for staff exchanges.

The project facilitated a series of conferences and seminars on the sharing of good practice as well as improving relationships and facilitating a number of staff exchanges on both a formal and informal level. The final evaluation report, published in June 2007, notes that the project helped set the scene for a considerable amount of interagency work including placing both organisations at the centre of the public protection agenda in the two jurisdictions. The project targeted six key offending areas:

- Domestic Violence
- Alcohol Related Offending
- Youth Offending
- Dangerous Offending (Violence)
- Sex Offending
- Drug Dependent Offending.<sup>22</sup>

There have been joint initiatives in all six of these areas but a number are worthy of special consideration. Firstly, in the area of domestic violence, PBNI had developed programmes for perpetrators in the early 1990s and in recognition of the fact that perpetrators and victims often moved between the two jurisdictions, and also acknowledging similar social and economic conditions operating on both sides of the border, there was a significant programme of staff exchange, training and sharing of good practice to attempt to reduce the risk of further offending by domestic violence perpetrators. PBNI staff trained staff from the PS in delivery of an accredited programme and in turn the PS offered places for perpetrators living on the northern side of the border to participate in programmes closer to their home which were delivered in the Republic of Ireland.

A similar approach was taken in the area of drink-driving and in both of these initiatives, partnerships were established with the relevant police services and social services. In 2008 both services agreed to offer short periods of secondment to improve understanding and in the same year both services committed to using the same model of assessment of sex offenders. An all-Ireland Working Group was established to oversee the roll out of this model and joint training events were organised as well as a commitment to joint evaluation. This cooperative work was extended to Scotland and has contributed to a significant piece of international research, supported by Trinity College Dublin.<sup>23</sup> There has been a total of 1100 offenders who have been assessed and managed through this shared assessment instrument and this initiative has played a significant role in ensuring that the communities North and South are safer as a result of cooperation between the two agencies. With Ireland's membership of the EU the PS has been a partner in several significant EU programmes and has ensured that PBNI colleagues are involved in the planning and delivery of projects; in 2014, thanks to PS influence, PBNI was able to send a delegation of staff and members of partner agencies to a significant criminal justice conference in Germany, entirely funded by the EU.<sup>24</sup> This opportunity would not have been available if PBNI had applied to attend as part of the UK delegation.

## Challenges

A critical concern for both services has been the fact that it is not legally possible to

22 Protect North and South *Final Evaluation Report 2007* PBNI/PS.

23 Evaluation of the Stable and Acute 07 (SA07) Assessment Instrument 2015 PBNI/PS unpublished

24 European Commission on reintegration of high risk offenders *Report of the Justice Cooperation Conference in Germany 2014* European Commission.

transfer probation-related Court Orders from one jurisdiction to another. During the final decade of the 20th Century and in the first decade of the 21st Century there were a number of examples where offenders moved from one jurisdiction to another in a bid to escape detection and monitoring by Criminal Justice organisations.<sup>25</sup>

In 2006, a formal joint protocol on the monitoring and supervision of sex offenders was signed by both organisations.<sup>26</sup> This document set out the roles and responsibilities of both organisations in an attempt to minimise the opportunity for dangerous offenders to use or abuse the close proximity of the border to avoid monitoring and supervision. For the first time in Criminal Justice on the island, a joint paper set out agreed definitions in line with legislation operating in the two jurisdictions. The document also acknowledged the recommendation from the Criminal Justice Review as well as a Memorandum of Understanding between the Government of the UK and the Government of Ireland on information sharing relating to sex offenders. The protocols were updated in 2010 and again in 2014 to reflect changes in legislation and to include offenders assessed as posing a risk of serious harm.

Unfortunately the UK decided not to sign up to the forthcoming EU Framework Decision on the transfer of community sanctions between EU states and as a result of this decision it will be possible for offenders to move from the Republic of Ireland to the European mainland and have their Community Order legally enforced but it will not be possible for a person to move to Northern Ireland under the same circumstances.<sup>27</sup> Both Probation Services have highlighted the risks and challenges that arise from this anomaly but this example serves to highlight the dangers of policy makers based in London being unaware of some of the practical consequences of their decision making.

In 2009 the Northern Ireland Affairs Committee at Westminster carried out a review of cross-border cooperation and as part of that review visited Dublin and also received evidence from PBNi representatives at Westminster.<sup>28</sup> The Committee noted that the two organisations maintained a close relationship but also highlighted the further need for cooperation, particularly when offenders leave prison in one jurisdiction to return to a home in the other. The report highlighted the areas of cooperation already identified in this article (domestic violence, drink driving, the provision of reports and voluntary arrangements for supervision as well as the protocol on sharing information on the management of sex offenders) and noted that the two Probation Services had signed protocols in 2006 which was followed by the two Police Services signing a similar protocol in 2008. The report also noted that no formal arrangements existed for the passing of information between the Prison Services upon release and praised the

25 See (9) and (10).

26 *Joint Protocols on Monitoring and Supervision of Sex Offenders* 2006 PBNi/PS.

27 Counsel Framework Decision 2008/947/JHA *Mutual Recognition to Judgements and Probation Decisions with a view to the Supervision of Probation Measures and Alternative Sanctions* 2008 available on [www.cep-probation.org](http://www.cep-probation.org)

28 House of Commons Northern Ireland Affairs Committee *Cross Border Cooperation between the Governments of the United Kingdom and the Republic of Ireland* 2009 London: The Stationery Office

creation of the Public Protection Advisory Group (PPAG) which will be referred to later in the article.

As a result the Committee recommended that the two Governments explore every avenue towards establishing an information sharing regime that acts as an effective register of sex offenders across the island of Ireland. It also urged both Governments to continue to promote the primacy of the protection of children in their discussions and reminded both Governments of the jurisdictional issues that arise from having *“two systems of law operating in an area so crisscrossed with roads, streams and other crossing points that officials of the Ordnance Survey are sometimes required to decide on which side of the border a premises lies”* (page 31). It praised the contact between the agencies on both sides of the border and stressed the importance of personal contact between staff.

### **Public Protection Advisory Group**

In 2008 the Public Protection Advisory Group (PPAG) was established as part of the intergovernmental agreement overseen by the Irish Department of Justice and the then Northern Ireland Office.<sup>29</sup> It was agreed that the PPAG would be jointly chaired by the two Directors of the Probation Services but would have representatives from Police, Prisons and Departments of Justice (North and South). Each Year the PPAG would meet on at least two occasions (North and South) and formally agree a set of objectives which would be reported to both Ministers as part of the intergovernmental agreement. This group has proved to be highly successful in taking cross-border cooperation to a new level and the history of links between the Probation Services has served as an exemplar for other elements of the Criminal Justice system. In 2010 the PPAG organised its first annual seminar, led by the two Probation Services, to bring together staff from Criminal Justice agencies throughout the island who were working in partnership to achieve safer communities.

The seminars were an opportunity for participants to showcase examples of innovative interventions, share information on effective practice and establish networks for ongoing collaboration. The two Ministers attended the seminars and publically acknowledged the ground breaking work undertaken by the two services. As a result of the success of this event, the seminars have subsequently run on an annual basis with both Ministers attending on each occasion. The venues have alternated between North and South and have resulted in positive publicity for the entire Criminal Justice system. During 2010, Justice had been devolved from Westminster to the locally elected Northern Ireland Assembly and the first Minister for Justice appointed was David Ford from the Alliance Party, a former Social Worker. It is noteworthy that since the first seminar Mr Ford has remained as Minister of Justice in Northern Ireland while there have been three Justice Ministers in the Republic of Ireland; the current Minister being Frances Fitzgerald, TD, who is also a former social worker. Both Ministers have publically stated

29 Intergovernmental (IGA) on Criminal Justice Cooperation between Northern Ireland and the Republic of Ireland, first signed on 26 July 2005.

their support for the work of the Probation Services and have congratulated them for their proactive approach to cross-border work which reflects the strategic priorities of their departments.

### **Irish Probation Journal**

In 2004 the two organisations supported the creation of the *Irish Probation Journal* (IPJ). In the opening editorial the joint Editors stated

*“It is with great pride that we launch the first edition of the Irish Probation Journal. This is a significant development in the history of the Probation and Welfare Service and the Probation Board for Northern Ireland. We hope that the journal will become an annual record of issues facing Probation staff in the two services. It is hoped that the journal will help the development of professional practice within the overall objective of reducing crime and the harm it does”* (p. 2).<sup>30</sup>

The editorial acknowledged that the impetus for the initiative arose from the Belfast Agreement in 1998, the Criminal Justice Review in 2000 as well as the parallel development of the PROTECT N & S project. *IPJ* has been fortunate in attracting articles from practitioners and academics in Ireland as well as international academics such as Fergus McNeill (Scotland), Hazel Kemshall (England), Shadd Maruna (USA) and Jim Bonta (Canada). Over the years, the journal has been published each autumn and has attracted articles from both sides of the border as well as further afield. It has been recognised by criminologists and academics as providing a forum for sharing theory and practice, increasing cooperation and learning between the two jurisdictions and developing debate about work with offenders. It is to the credit of staff in the two organisations that the twelfth edition will be published at the PPAG seminar in Belfast City Hall in November 2015.

### **Ongoing cooperation**

Since 2001 the two Senior Management Teams (PS and PBNI) have met formally on an annual basis to review ongoing contact and cooperation and to agree on joint strategic priorities for the following year. This has given rise to shared initiatives in many areas, particularly linked to the priorities of the PPAG. There has also been significant cooperation in the areas of work with victims and on restorative justice. In addition to sharing of information in relation to training and best practice, PBNI contributed to the Irish National Commission on Restorative Justice in 2008<sup>31</sup> and the PPAG has ensured that the needs of victims are considered in each annual review of objectives.

With the increasingly multi-cultural nature of UK and Irish society, the two Probation Services agreed in 2009 to undertake a joint snapshot survey of the nationality of offenders under supervision on 1st May to help inform the planning and delivery of

30 Irish Probation Journal editorial 2004.

31 National Commission on Restorative Justice Final Report 2009.

services. Following agreement in the planning and implementation of the survey, as well as objective oversight by the Northern Ireland Statistic Research Agency (NISRA) and the Central Statistics Office (CSO) a comprehensive joint report was published.<sup>32</sup> The results showed that in Northern Ireland, only 2% of the caseload were foreign nationals and that the majority came originally from Lithuania, Poland and Portugal. In the Republic of Ireland, 3% of the caseload comprised foreign nationals with the majority of these originating from Romania, Poland and Latvia. The recommendations from this review helped shape the two organisations' response to the challenge of working in a multi-cultural society and ensured that there was good quality data to help plan future services. The recommendations have now been adopted into mainstream statistical oversight and these form part of a bi-annual report to the Public Protection Advisory Group summarising the work of the two services, along with key statistics from the two Prison Services. The Probation Service has developed closer links with the Irish Prison Service in recent years to the extent that they launched a joint strategic plan in 2015;<sup>33</sup> while a significant review of the prison service in Northern Ireland in 2011 ('Owers Review')<sup>34</sup> noted areas for further collaboration between the prison service and PBNI, its main focus was on the need for reform in a prison system that was criticized for being highly costly and overly securitized (Carr (2016), p. 129).<sup>35</sup>

There has also been significant cooperation in the assessment and management of female offenders. In addition to staff exchanges and training events, visits were hosted to the PBNI Inspire project and the Dochas Centre at Mountjoy Prison in Dublin which supported strategic developments in both jurisdictions.

There has been a range of informal links developed between the two services, originating in the early 1990s when an annual soccer match was established (with a mixture of male and female players) for the John Magee Cup, in memory of a former PBNI staff member who worked on cross-border projects. Members of staff from senior management have served on interview panels in the other jurisdiction to provide a degree of independence and assurance and staff in border counties have developed appropriate links to minimise the impact of a land border.

A significant element of North South cooperation has been in relation to the preparation of Pre-Sentence reports for Courts on offenders normally resident in the other jurisdiction. In order to address data protection issues, arrangements have been in place since 2004 for the secure electronic transmission of information between two single points of contact (SPOC) in relation to Court reports. Each year approximately 100 such reports are prepared by the services for offenders appearing in the other jurisdiction and while community disposals cannot be formally transferred, Judges have been briefed by staff about what is achievable under the current system. An annual

32 Fernee, Ursula and Burke, Ita *Cultural Diversity and the Probation Service* Irish Probation Journal 2010.

33 Joint Irish Prison Service and Probation Service Strategic Plan 2015-2017.

34 Owers, and et al *Review of the Northern Ireland Prison Service* 2011 Belfast: Prison Review Team.

35 Carr see (8).

review takes place of the oversight of the SPOC arrangements and a report is brought to the Senior Management Teams and subsequently to the Public Protection Advisory Group. The PS developed an International Desk in 2010 to oversee arrangements for the requests for report and transfers between Ireland and the UK (including Northern Ireland) and this has served as an example to the rest of Europe in the development of this formal practice in this area.

### **Conclusion**

The two probation services on the island carry out vital work in the assessment and management of offenders, as well as providing an important service to victims of crime. This article has highlighted the development of probation work in both jurisdictions and the challenges of sharing a land border on a small island. By referring to the shared socio-criminological factors the article has set out the factors which logically led to closer cooperation and joint working. It has been a consistent feature of the commitment to work together that there has never been any competition between the services (except on the football field) and both partners have 'gone the extra mile' to help each other out. However, as always, more can be done and many challenges remain, mostly beyond the power and legal authority of the services, in minimising the risk to the public and providing transferable community supervision arrangements and rehabilitation services when dealing with a land border. Both governments can learn from the progressive and visionary leadership shown by individual Probation Officers and Managers in changing lives in both jurisdictions to build safer communities.

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# Finally Facing History and Ourselves? Comparing recent public policy to end sectarianism in Northern Ireland and Scotland



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## **Sectarianism as an issue for public policy**

The identification of 'sectarianism' as a critical element in the political, cultural and economic life of both Ireland and Scotland has a popular coinage and longevity that make it impossible to simply dismiss. The everyday use of the language of 'Catholic' and 'Protestant' and associated epithets, to describe and prescribe identity, rationalise hostility and to organise membership, behaviour and assumed attitudes in public remains powerful and essentially common currency, especially in the north of Ireland and west of Scotland where the interface between communities defined in dualistic terms was sustained, intimate and sometimes violent and discriminatory.

But while sectarianism is an uncontested phenomenon in popular culture in Scotland and the north of Ireland, agreement on its origins and nature and, perhaps most importantly, how its consequences can be addressed through public policy, has proved more difficult. Governments, in particular, have shown little appetite to prioritise action specifically directed at 'tackling sectarianism' as an issue for public policy, except where the issue emerged as a specific crisis.

Some critics contend that attributing any analytical power to 'sectarianism' turns proper attention from more fundamental political and socioeconomic issues, diverting democratic policy making from its proper redistributionist purposes into an anti-democratic world of ethnic segmentation or an anachronistic world of churches and religious institutions. Others maintain that sectarianism is a phenomenon of specific historic conditions which, given socioeconomic change, will 'wither away' if undermined by persistent social and economic reform. A third group of critics asserts that those things grouped together as 'sectarianism' are in fact a series of linked but distinctive manifestations of social division which have by now taken on so many different meanings, that its use is likely to distort rather than guide social intervention.

In contrast to concerns that sectarianism is 'irrelevant', has been a strong political 'common sense' in both Ireland and Scotland that no policy on sectarianism can succeed because it raises but cannot manage unstoppable forces of resentment rooted in the inextricable linkage of religion to the great political and economic issues of modernisation: imperial and anti-imperial politics, industrialisation and capitalism, immigration and citizenship. The discourse of sectarianism exacerbates this context

because it is always pejorative, and usually carries with it explicit or implicit accusations of narrow-mindedness, fanaticism and fundamentalism. The status of 'sect' is usually applied from outside as a term of disdain. Unsurprisingly, there are few self-identified sectarians, although there may be some recovering ones, and every suspect sectarian can provide a ready rationale to prove that it is the accuser not the accused who stands exposed. Where activity risks reciprocal recrimination and the reinforcement of hostilities rather than shared problem-solving, practical politicians have often concurred that sectarianism, even where it exists, is best managed not confronted and its excesses dealt with as specific incidents.

Against all of these analyses, the persistence of anything with the potential for organising and legitimising prejudice, discrimination and violence continues to demand attention, especially in liberal democratic states. Ethnic, religious and national divisions clearly pose a significant threat both to international relations and to the internal social cohesion of states. In practice sectarianism can also be conceptualised as an early-modern manifestation of 'ethnic' segmentation in democratic societies, especially in Britain and Ireland, which has now given rise to the emergence of laws to underpin equality of opportunity and acknowledge the existence of hate crime in a variety of different issues across Western Europe.

There is little evidence, at a global level, that these issues have 'withered away' and considerable evidence that these resentments have the capacity to produce enormous and sustained violence. In addition, it is not clear that management by neglect always eliminates social divisions. The failure of politics to address manifest tensions in the community inevitably carries risks that the issue will emerge in unpredictable settings and add fuel to other social tensions.

### **Origins, similarities and divergences**

Dictionaries tend to emphasise that sectarianism is bigotry, discrimination and hatred arising from religious differences. However it is important to underline that sectarianism is never only a phenomenon in the realm of ideas. Differences in religion are acted out in politics, economics and the organization and development of society, shaping community experience and personal identity. The reduction of sectarianism to 'religious discrimination or bigotry' is therefore potentially significantly reductive.

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In the sixteenth and seventeenth, religious-political divisions caused havoc in Christendom. Almost every state sought to establish and privilege a single denominational 'communion' and acted to exclude and persecute objectors. The emerging 'British Isles' participated fully in these movements, but with unique and specific results. Militant Protestantism and fear of Catholicism fuelled English determination to suppress Ireland. The creation of the British State after 1601 established two different Protestant churches in England

and Scotland. The decision to settle the north of Ireland at the same time injected religious denomination into the politics of land and identity in dramatic fashion. When the last Protestant Stuart monarch, Anne, died without children, the English Parliament ensured a Protestant Succession by passing the Act of Settlement, extended to Scotland in 1705. This prevented “*all and every Person and Persons who... is are or shall be reconciled to or shall hold Communion with the See or Church of Rome or shall profess the Popish Religion or shall marry a Papist*” from holding the throne. Relations between Catholics and Protestants continue to bear some of the consequences of these events (Wolfe, 2015).

Political discrimination against Catholics formally ended in 1829, when the Roman Catholic Relief Act permitted Catholics to “*elect and be elected members to serve in Parliament...*” Over the 19th Century sectarianism, previously defined as a question of the relationship of the British state to Catholicism, developed its most active and volatile interface in central Scotland and north-eastern Ireland in immigrant industrial communities. Mass democracy emerged within these upheavals in a complex interaction of politics, economics and social, cultural and religious factors. The potential for socio-religious antagonism to shape economic and social development in the working class was also greatest. Between January and April 1848, 43,000 Irish economic migrants arrived in Glasgow and in large numbers thereafter. Both Belfast and Glasgow also attracted Protestant in-migration, often from rural parts of Ireland where sectarianism had deep roots (Bruce 2004) (Gallagher 2013).

In the north of Ireland, sectarian divisions eventually formed the basis of party political, and ultimately national, divisions (Wright 1993). Thus whereas Belfast shared socioeconomic similarities with Glasgow, it was confronted with a political polarisation that was acted out within Ireland. When the crisis escalated after World War One, the resulting partition of Ireland left Belfast, Glasgow, Dublin and Liverpool in different political settings. In England, the continuing constitutional association with Protestantism was gradually subordinated as interfaith and multi-cultural issues associated with the retreat from Empire superseded any residual consciousness of anti-Catholicism except as anti-Irishness. Meanwhile in the Irish Republic, the evident influence of Catholicism on the state was largely equated with liberation not sectarianism.

### **Sectarianism and public policy in Scotland before 1998**

In Scotland there was ongoing evidence of escalating sectarianism throughout the 1920s. Discrimination against Catholics in employment was rife in many of the key industries in Glasgow, and there was recurrent tension at local level. Social life continued to develop along parallel lines. Parading organisations common in Ireland had become well established in Scotland. Catholic self-organisation led the spread of Catholic Schools (confirmed by the Education Act (Scotland) (1918)) and social organisations, including youth and football clubs.

Against this, the predominant political voice of discrimination was anti-Catholicism. Elements of the Church of Scotland openly campaigned against Catholic influence leading to a call by the Church and Nation Committee for the repatriation of unemployed Catholics to Ireland on the basis that they were a foreign element in Scottish society (Brown 1991). In the 1930s, the Scottish Protestant League in Glasgow and the Protestant Action Society in Edinburgh each won over 30% in local elections (Holmes 1989). Against this, popular support for the Labour Party was critical in sustaining social solidarity through mass unemployment, persuading many Catholics that the internationalism of the UK was protective against the potential of potential sectarian influences in Scotland.

Following World War II industrial change and the rise of the welfare state reduced the political prominence of sectarianism, although tensions remained around specific issues such as football, parades and schools (Law 2016). Yet while some football clubs continued to actively prefer non-Catholic to Catholic playing staff, British governments in Scotland developed no significant policy addressing sectarianism directly, in contrast to emerging policy against inequality in gender, race and even disability.

As secularism progressed, emergent human rights discourse took very little active notice of issues of sectarian discrimination or violence. The eruption of violence in Northern Ireland after 1969 and the containment of potentially violent tensions in Scotland, served to emphasise a distinctive ‘Scottish’ variant of sectarianism which had little resonance in much of Scotland and yet lacked the political extremity of Northern Ireland.

### **Ignoring the obvious in Northern Ireland after 1920?**

Partition dramatically raised sectarianism to the defining feature of political and social life in Northern Ireland.

Almost none of this was formally acknowledged by government, in state documents or in policy. Yet the fact remained the government was monopolised by an entirely Protestant government through the Unionist Party in the face of an ineffectual and marginalised Catholic Nationalist ‘minority’. Orange celebrations were raised to public holidays, emergency powers legislation to protect the state from republican insurgency became permanent and education was on a permanently separated footing (Hennessey 1997). Formal denial masked festering and unresolved suspicion and hostility.

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The unprecedented emergence of a public campaign for Civil Rights rather than Nationalism in the 1960s attracted some Protestant liberal support for reform and drew international attention to the conditions of Northern Ireland. But even this could not prevent the emergence of a spiral of political confrontation on increasingly national and sectarian grounds.

Following the emergency intervention of British troops in August 1969, the British Government pressed the Northern Ireland Government to introduce a limited Community Relations Act drawing on approaches developed in England to deal with increased multi-culturalism (Northern Ireland Parliament 1969). In practice the Act satisfied nobody: Unionists regarded it as an unwanted Trojan horse, Civil Rights leaders regarded it as a diversion from 'rights' and all politicians resented the emphasis on community development and participation. The Act and its institutions were first marginalised by the rapid descent into mayhem and then killed off by a new power-sharing Executive in 1974 on the grounds that it had become unnecessary.

Under restored Direct Rule, the British State took only limited further action, relying on specific reforms such as the introduction of a points system in the allocation of public housing in 1969, limited reforms to security, reforms to the voting system completed in 1973 and modest reforms to discrimination in employment through the Fair Employment Act in 1973 to restore 'normal service'. None of these measures succeeded in ending sectarianism, as the pattern of segregation cemented by mass flight in working class areas in the early 1970s took root and solidified behind a series of permanent peace walls. Above all, there was no evidence of political rapprochement. Ultimately, it took the crisis of the hunger strikes to convince ministers that there was no 'back to the future' normalisation, but that stability required a politics of radical transformation.

The most radical vehicle for transformation turned out to be the Anglo-Irish Agreement in 1985 when the concept of reconciliation was explicitly referenced in inter-State relations (Anglo-Irish Agreement 1985). In place of the zero-sum battle for constitutional legitimacy, the British and Irish governments now pursued accommodation and co-operation across sectarian lines. Problematically, it was driven by governments with a strong tendency to overlook their own implication in sectarianism. Furthermore, the scale of Unionist, and to a lesser extent Republican, anger at the Agreement made clear that reconciliation could not be anticipated in the short run.

The next decade proved to be a period of gradual policy change. Three priorities emerged: political attempts to end violence and start serious negotiations, this time including Republicans, alongside legal interventions to underpin anti-discrimination and community-based action to promote practical relationships on a non-sectarian basis. Reforms to equality law and legal support for parental initiatives for integrated education were accompanied by incentives to promote community participation outside of party politics, and inter-community contact under the rejuvenated banner of 'community relations.' Following the ceasefires of 1994, the language of 'peace process' was underpinned by the allocation of resources to promote economic reinvestment and anti-sectarian social action at community level. Importantly, most of this investment was sourced from the European Union and the US Government without requiring party political support in Northern Ireland.

In 1998, the structure of the United Kingdom and therefore the nature of policy-making in Scotland and Northern Ireland changed irrevocably. Devolution was no longer a unique

Ulster experiment to contain and manage sectarianism but a doctrine of the British state, not far short of full federalism. In both cases, this had significant implications for the way in which sectarianism was approached. In Northern Ireland, responsibility for the peace process where reconciliation had been the pre-eminent ideology was passed back to local politicians who had never previously prioritised eliminating sectarianism. In Scotland, devolution led to changes in priorities in social and economic policy.

### **Tackling Sectarianism in Northern Ireland since 1998?**

The Belfast/Good Friday Agreement (GFA) in 1998 made constant reference to reconciliation, but its structural interventions were targeted at ending violence, underlining the basis for legitimacy in political institutions and citizenship, establishing consociational devolution in Northern Ireland alongside North-South frameworks, making provision to address issues of law and order and establishing a role for equality and human rights. Reconciliation remained largely aspirational. The GFA made no detailed commitments to countering sectarianism or to dealing with the sectarian dynamics inherited from the legacy of conflict either in its causes or effects (Northern Ireland Office 1998).

It quickly became clear that agreement on institutions and treaties could not, of themselves, generate political trust and commitment. The British government established the Equality and Human Rights structures foreseen by the Agreement and the Patten Commission on Policing proposed in radical reforms to enable a new Police Service to win wider community legitimacy. But while the new Executive began consulting on changes to community relations policy, the political structures collapsed under the weight of mistrust over weapons decommissioning in 2002.

While political progress faltered, international programmes continued to generate a wide variety of cross-community and anti-sectarian community initiatives in increasingly unexpected places. Meanwhile, the interim Direct Rule Administration launched what turned out to be an exhaustive consultation on new approaches to sectarianism and racism. Despite regular delays, and without a clear operational plan, the Secretary of State finally published *A Shared Future* in 2005, complete with its apparently definitive declaration that “*separate but equal is not an option*” and formally acknowledging the need to address both sectarianism and racism by concerted and co-ordinated policy action across every Department in Government (OFMDFM 2005).

Although in theory, devolution and a shared future were integral parts of the same peace process, it was clear that devolution had primacy. So while immediately following the re-establishment of devolved government in 2007, the Office of the First and deputy First Minister (OFMDFM) committed to refreshing and updating *A Shared Future*, it quickly became clear that both Sinn Fein and the DUP were actively opposed to inherited policy and unable to agree any viable alternative (Northern Ireland Assembly 2007).

Despite repeated pressure for action from the British, Irish and US governments and an indication from the retiring Chief Constable of the PSNI that the greatest failure of the Executive was inaction on *A Shared Future*, the result was a six-year hiatus (McDonald 2009). When a policy did appear in 2011, it was widely criticised in a public consultation. Even an attempt at five-party consensus on the issue had to be shelved in 2012 after first the small inter-community Alliance Party and then the Ulster Unionist Party walked out in protest at the lack of progress.

Meanwhile disagreement over equality issues, especially in regard to sexuality, and profound disagreements over the content of a Bill of Rights had brought legislative intervention to a halt (Morrow 2012). Furthermore, integrated education ceased to be a priority. Indeed a major disagreement in the Executive over academic selection at 11, led to the development of two rather than one system of selection applied differently within the Catholic and State, overwhelmingly Protestant, school systems.

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Pressure for movement built from the British Government, who were becoming alarmed at the deterioration in the climate of community relations in disputes over the flying of the Union Flag in Belfast, and the US Government, who were anxious that the President should not be embarrassed at the G8 summit being held in Fermanagh in June 2013. The DUP and Sinn Fein now responded, but without consulting either other parties or the general public. Their new strategy on community and race relations called *Together: Building a United Community (TBCU)* was designed to “*improve community relations and continue the journey towards a more united and shared society*” (OFMDFM 2013).

The document surprised many with the apparent ambition of the programme. Among the striking commitments were promises to negotiate agreements on the most controversial legacy issues such as parades, flags and the past before the end of 2013. The parties promised to create 10,000 one-year placements in a ‘United Youth Programme’, to complete four ‘Urban Village’ regeneration projects in areas of deprivation and to begin building 10 Shared Educational Campuses within five years. Perhaps most unexpectedly of all, was a formal commitment to remove all ‘peace walls’ from Northern Ireland within 10 years “*with the consent of the community*” (OFMDFM 2013).

The plausibility of the commitments suffered, however, when inter-Party talks designed to address the legacy issues broke up without agreement in late 2013. Relations in the Executive deteriorated further over issues of parades and culture and then over the ability or willingness of Northern Ireland politicians to manage the impact of radical welfare reforms introduced by the British government at Westminster. Twice over the next two years, the Executive was forced into crisis talks with little evidence of progress on policy or programme. Ultimately further promises to deal with parades, flags and

emblems were shelved in 2015 when the so-called 'Stormont House Agreement' fell apart amidst differing interpretations of its clauses. Meanwhile progress in removing peace walls or sharing education remained stalled.

The publication of *A Shared Future* in 2005 marked a watershed in establishing that reducing the level of sectarianism would require concerted inter-Departmental public effort. Furthermore, it represented a signal that change would require a change in the culture, practice and resourcing of a wide variety of agencies alongside specific legislation, political agreement and the funding of community projects. While much of the mainstreaming approach was adopted in *TBUC*, the absence of dedicated resources and continued political tension continued to create scepticism about the prospects for medium term progress. Since devolution, progress on achieving the shared society set out in *A Shared Future* appears negligible (Morrow 2015).

### **A Scottish approach?**

Without doubt, the establishment of the Scottish Parliament in 1998 led to a measurable increase in attention paid by policy-makers to sectarianism in Scotland. Initially triggered by back-bench concerns about the sectarian behaviour associated with Scottish football, the Scottish Executive moved in 2002 to establish a 'Cross-Party Working Group on Possible Legislation to Tackle Religious Hatred in Scotland.' Ultimately the group concluded that further legislation might be necessary but that this *"should not overshadow the need for changes in practice, culture and attitudes to combat religious prejudice on a wider front."*

In 2003, a dedicated Review of Marches and Parades (Orr Report) gave responsibility to manage and regulate contentious parades to Local Authorities. In 2005, the First Minister called a 'Summit on Sectarianism' to press for further action, especially from football clubs. A year later, the Scottish Executive published an action plan introducing Football Banning Orders, establishing small-scale funding for community interventions and, later, creating a legislative role for Local Authorities in regulating marches and parades via the Police, Public Order and Criminal Justice (Scotland) Act (Scottish Executive 2006).

But a number of high-profile incidents in 2011 connected to Rangers and Celtic Football Clubs resulted in significant media and public pressure for more action. Despite opposition from other parties, the SNP government passed the Offensive Behaviour and Threatening Communications (Scotland) Act in 2012 giving the police the right to prosecute fans for 'offensive behaviour'. Amidst concerns about potential infringement of rights, and direct opposition from some groups such as Fans Against Criminalisation, the government also agreed to monitor and review the working of the Act annually.

The controversy over the Offensive Behaviour Act highlighted both the political sensitivity in intervention to tackle aggressive sectarian behaviour, but also the potential limits of crisis intervention. The Government therefore moved to complement legislation and opened up a parallel community-based pathway, committing £9m over three

years through community and voluntary organisations and establishing an independent Advisory Group on Tackling Sectarianism (AGOTS) drawn from civic and academic life.

The establishment of an independent civic advisory group ushered in an unusually detailed inquiry-based approach for the first time. In addition to monitoring emerging community practice, the engagement of civic leadership with the issue promised a problem-solving approach to a contentious issue that carried significant dangers for politics. Framing their work around two basic questions (“What is Sectarianism in modern Scotland?” and “What should be done to eliminate it?”) the Advisory group explored sectarianism and possible remedies with all political parties and with key interests including local government, parading and cultural organisations, police, football clubs and authorities, educationalists and Equalities and Human Rights organisations (Advisory Group on Tackling Sectarianism 2013).

The Advisory Group concluded that sectarianism in Scotland should be understood as the legacy of historical processes with consequences for perceptions, attitudes, actions, and structures and particular associations with issues of social and cultural identity. The discussions unearthed a broad consensus in favour of ending any tacit tolerance of sectarianism (the so-called ‘permissive environment’). They acknowledged that embedded historical issues could not be eradicated by single gestures or moral outrage but would require a complex and persistent mix of political and civic leadership, legislation and community action. By delineating three clear areas where sectarianism was incompatible with democratic values and required active intervention – equality and discrimination (Glass Ceilings), violence and threat (Glass Bottles), and risks to social cohesion and integration (Glass Curtains) – the report opened up the range of social cohesion policy tools beyond rhetoric and legislation and provided a new matrix for evaluating success.

Underpinning this, the group placed strong emphasis on creating an evidence base as an alternative to the twin traps of denial and emotive antagonism. Analysis of census data seemed to confirm that stark economic differences on the basis of sectarian background had declined in Scotland in recent decades (Scottish Government Crime and Justice Social

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Research 2015). While there are pockets of residual deprivation, this appears more closely correlated with educational attainment, gender and locality than with religion. Social Integration appears to be improving in Scotland: 30% of Catholics reported having a family member who is Protestant and 18% of Protestants have a family member who is Catholic. Furthermore over 75% reported having at least one close friend from across this division (Scottish Government Crime and Justice Social Research 2015).

Evidence from attitudes exposed a considerable discrepancy between the fear of sectarianism and the experience of sectarianism. Thus the *Social Attitudes Survey* revealed that 88% thought sectarianism was a live problem. Some 88% of respondents associated it with football, more than 70% associated it with Orange and Republican parades, with smaller proportions naming schools, social media and churches. At the same time, far fewer (8% of Protestants and 9% of Catholics) reported direct personal experience of sectarian incidents. Some 14% reported having experienced religious prejudice (ScotCen 2015).

Qualitative work on sectarianism in communities suggested that sectarianism was a greater concern in specific geographies, often in west central Scotland. It was most acute among Catholics, with a residual sense, especially among church-goers, that Scotland remains institutionally biased against Catholic advancement (Kay Goodall 2015). While there is no doubt that anti-Catholicism left a specific and unequal sense of exclusion in a number of institutions, the Hate Crime statistics and work conducted in support of the Offensive Behaviour Act suggested that violence and social media aggression operated in both directions in local communities. Other research identified that controversy over parades could often be managed if there was open dialogue with communities in advance of events (Niall Hamilton-Smith 2015).

The thrust of the report was to propose a shift from policy emerging in reaction to media events towards political commitment to addressing issues emerging from evidence of glass ceilings, glass bottles and glass curtains and mainstreamed through Parliament and local government. Political 'permission' to raise and take action against evident sectarianism was central to removing any residual tacit tolerance in wider society. In addition the government needed to monitor emerging trends through research including continuing monitoring of the Offensive Behaviour Act and invest in maintaining community capacity to address issues. The group also suggested that the introduction of strict liability by football clubs for sectarianism would become inevitable unless urgent action was taken. At the same time, emphasis was placed on ensuring that existing legislation was effective rather than proposing additional intervention. The goal was to remove the 'exceptionalism' of sectarianism, mainstreaming discrimination within common equality and human rights frameworks and community action within local government. The task of removing festering social division should lie with local government and schools working together with key agencies associated with sectarian behaviour such as football clubs, churches and schools rather than criminal justice. Although the group did not believe that sectarianism could be removed by ending

Catholic schooling they emphasised that Education Scotland and all schools had to play a significant and active role in ensuring that sectarianism was addressed in the experience of young people (Advisory Group on Tackling Sectarianism 2015).

In general, the report was warmly received by the government and opposition parties, by the media and by wider civil society. But in the absence of proposals for specific legislative instruments, it remains to be seen what its impact will be.

### **Tackling sectarianism in Northern Ireland and Scotland**

Sectarianism, in one form or another, has been a European standard since the 16th Century. Anti-Catholicism was a critical aspect in the formation of the British state, and its marks are visible in the constitution. So deep were its roots that it shaped the basis of social and economic experiences of whole communities, impacting on democratic development and the nature of citizenship even after formal discrimination was abolished in 1829.

While the structural effects extended across the whole of Britain and Ireland, the most visible effects were focussed where it entered mass politics in settings where large number of Catholics and Protestants lived side by side with a history of suspicion and hostility. This was especially true in the north of Ireland and west central Scotland where discrimination, threat and isolation on sectarian grounds became an everyday reality. Sectarianism shaping identity, social and community institutions, everyday behaviour and fears, emotions and attitudes became 'embedded' in behaviour and structure in a manner which equality legislation is designed to prevent. 'Tackling sectarianism' is therefore not only a question of eliminating something but of development and change.

With its association with organised resistance and violence, there has been a strong tendency to manage the effects rather than transform the causes of sectarian tension. Political approaches to sectarianism in both Scotland and Northern Ireland have therefore tended to alternate between the twin contradictory poles of 'not important' and 'too hard.' The fact that tackling sectarianism has become an appropriate area for policy innovation in both is therefore of some significance. In practice, it has exposed how differently sectarianism has developed in both jurisdictions.

In Northern Ireland, of course, sectarian tensions re-emerged as violent political antagonism. Dealing with the consequences has involved the resources of both Britain of Ireland and international partners over decades (Byrne 2010). After 1985, the government alternative to straightforward confrontation on ethno-nationalist grounds

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was international cooperation, acceptance that peace had to be based on cooperation and compromise, accompanied by direct attempts to change the dynamics of antagonism by reducing discrimination, ending violence and encouraging relationships across sectarian lines.

Thereafter policy to address sectarianism grew into a critical aspect of the doctrine of reconciliation at the core of the Belfast/Good Friday Agreement, although until 2005 it depended largely on formal legislation and the sponsorship of voluntary action rather than on systematic policy and culture change to prevent 'separate but equal'.

In practice, however, addressing embedded sectarianism of the scale evident in Northern Ireland is only feasible if it is addressed over a long period of time. This conflicted sharply with the short-term goal of both the UK and Ireland to end their direct involvement in the affairs of a small, and economically marginal, territory. Long-term policy within the peace process therefore ultimately relies on the commitment of devolved government.

Since devolution, the policy approach to sectarianism has been characterised by weakening commitment to inherited policy, prevarication and delay in developing policy and reluctance to endorse significant institutional change (for example in education) and polarisation over responsibility for violence in the past. Ultimately, the *Together: Building a United Community (TBUC)* policy made high level commitments which were either undelivered (agreement on parades, the past, flags), seem highly implausible (the removal of all peace walls), or suspiciously unsystematic (buddy schemes and summer camps) (OFMDFM 2013).

In Scotland, political indulgence of sectarianism has decayed to the point that the remaining obstacles to action appear to be inertia and a number of specific interests. Militant working class sectarianism appears to have little resonance in mainstream Scotland. No political party now sees advantage in exploiting sectarian tensions, and public pressure, where to act at points of crisis is evident (Michael Rosie 2015). The most recent evidence suggests that even the Offensive Behaviour Act is surprisingly popular with the public. During the referendum on independence, both sides rejected any association with sectarianism. Orange Parade support for the Union played a minor role in the 'No' campaign and an attack on Yes supporters in Glasgow following the result by a group chanting loyalist slogans was universally condemned (Scottish Government 2015).

At the same time, *Social Attitudes* surveys suggest that the fear of sectarianism remains widespread. Furthermore, there is a residual sense in some parts of Catholic Scotland of an establishment that is closed to Catholic inclusion. That said, the willingness of the government to sponsor a three-year public examination of the evidence and the establishment of cross-party consensus that is intolerant of sectarianism suggests emerging confidence that the underlying evidence points to progress, and that fears that the west of Scotland would follow Northern Ireland into violence have receded.

## Conclusions

Evidence from both Scotland and Northern Ireland suggests that sectarianism continues to play a role in cultural and community life that cannot be avoided as an area for social policy intervention under devolution with potentially important connections at the level of democratic values and practice development.

However, evidence also suggests that the nature and scale of the issue and the risks it poses to the political stability of Scotland and Northern Ireland have now diverged to the extent that policy must be developed in distinctive ways. The most recent Scottish policy initiatives suggest that sectarianism can increasingly be treated as an integral element of social cohesion and inequality with the potential for positive progress under Scottish leadership. Developments in Northern Ireland suggests that the connection of sectarianism with political and constitutional politics makes dealing with the social and structural consequences of sectarianism independent of a comprehensive process of political reconciliation a huge challenge requiring significant political effort and, potentially, external support.

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# Competition and Collaboration in the Anglo-Scottish Borderlands

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*The 2014 referendum on Scottish independence, and the success of the Scottish National Party (SNP) in May 2015's UK General Election, have ensured that the nature and significance of the Anglo-Scottish border is of growing political salience, particularly given the likelihood of additional devolution increasing the divergence between the two nations. In examining the implications of these developments, this article focuses on the changing nature of the relationship between Scotland and its nearest neighbours across the border, the North East of England. It captures the latter's traditional fears that a more powerful Scotland will undermine economic fortunes just south of the border, and illustrates how the region has utilised the granting of more powers to Scotland to strengthen its own case to Westminster for greater devolved powers. The article then highlights attempts to develop new collaborative cross-border approaches to economic governance in the 'Borderlands' and concludes by considering whether the border is increasingly being seen less as a 'barrier' and more as a 'bridge' – an enabling mechanism which brings opportunities to forge new cross-border relationships.*

## Introduction

In a short period of time, the whole dynamic of the relationship between Scotland and the rest of the UK has fundamentally changed. Despite the triumph of the 'No' vote in the 2014 referendum, and the subsequent offer of more economic and fiscal powers to Scotland by the UK Government, it is hard not to view – as somewhat complacent – the Westminster Government's assumption that Scottish independence has now been removed from the political agenda for a generation. Indeed, the size of the 'Yes' vote in the referendum (45% of voters actually wanted to leave the UK), the Scottish National Party's (SNP) stunning electoral performance in May 2015, and their opposition to the Government's 'limited' devolution offer, ensures that the process of fundamental change will continue. Put simply, the British political system will never be the same again.

Inevitably, the developing momentum of Scotland's case for devolution/independence has served to reopen debates about the growing divergence between the wide range of powers likely to be available to the Holyrood Government and the much more limited powers allocated for sub-national interventions south of the border. One area of England where greater Scottish autonomy has become a major political issue is in the North East of England, Scotland's 'closest neighbour' or 'cousin', which shares many economic and social characteristics with the Scots. As the First Minister of Scotland has recently highlighted,

*“My gran was from just outside Sunderland in the north of England, so I have got a particular personal affinity to that part of England. Scotland and the North East have many interests in common...there is huge scope to strengthen the links between Scotland and the north of England”* (Nicola Sturgeon MSP, quoted in *The Sunderland Echo*, 2015)

However, despite geographical proximity and a number of shared features, the past relationship between Scotland and the North East has also been characterised by conflict and contestation. Any quick historical glance at cross-border relations for most of the early modern period (between the 11th and 16th Centuries) would capture the many conflicts and battles between the rival kingdoms of Scotland and England to settle territorial disputes. The ‘bloody’ borders were also the site of cross-border raids and skirmishes between powerful families – the Border Reivers (Crofton, 2015).

Despite over 300 years of peace, it is noticeable that these historical themes of conflict and collaboration still operate as a dominant narrative within which the North East has understood – and interpreted the – contemporary rise of a much more powerful Scotland. Albeit one that sees the agenda being more about economic competition than military conquest.

Thus, in the run-up to the 2014 referendum, both political and business leaders in the North East of England became increasingly concerned that if Scotland gained greater control over the levers of economic development, and for example, became significantly more attractive as a location for inward investment, this would be to the detriment of the North East who would lose out in the battle for foreign direct investment. There is also a distinct lack of trust between politicians on both sides of the border. North East Labour MPs, in particular, being traditionally opposed to granting Scotland greater powers and to Scottish nationalism and the SNP. This was even before the wipe-out of the party’s electoral base in Scotland in the 2015 General Election when the SNP won 56 out of 59 seats in Scotland, including 40 of Labour’s 41 seats (Shaw, 2014).

However, while there is a strong sense in the region that a resurgent Scotland poses a considerable threat to economic development south of the border, there are others in the North East (in local Councils and development bodies for example) who are genuinely interested in using the opportunities afforded by the radically altered circumstances north of the border to examine areas where greater cross-border collaboration would be of mutual benefit (BBC, 2014a).

The Scottish Government has also been keen to emphasize that a more powerful Scotland would not only maintain close ties with the north of England, but that this would lead to new opportunities for collaboration and joint-working. During the referendum campaign Nicola Sturgeon looked forward to

*'...an independent Scotland having a relationship of friendship and co-operation with all our neighbours in these islands, including our next-door neighbours in the North of England'* (Quoted in *The Journal*, 2014).

This article aims to examine the implications of greater Scottish autonomy for the cross-border relationship between Scotland and the North East of England:

- The next section captures the concerns in the North East, that a more powerful Scotland will undermine economic development in a region that still faces major challenges in promoting economic growth.
- The article will then examine how the referendum campaign north of the border has been used as a springboard to argue for greater powers to be devolved to the North East.
- The third section will illustrate how the opportunities provided by enhanced Scottish devolution can be utilised to forge new cross-border collaborations: It reports on the Borderlands Initiative, which has been developed by the five local Councils that abut the Anglo-Scottish border and supported by both national governments.

### **The 'Best of Enemies'**

*"If a new settlement gives powers to Scotland which are seen as contributing to the long-term prosperity of Scotland, parts of the UK (for example the North-East) are likely to become very ill at ease with this settlement"* (Royal Society of Edinburgh & British Academy, 2015, p 53).

Bloody battles between the two kingdoms and cross-border cattle raids organised by rival Border families, are – fortunately – a thing of the past. However, over the last 40 years the contemporary relationship between Scotland and the North East has been, at best, uncertain and ill-defined, and at worst, characterised by mutual antipathies over powers and resources. There has also been an openly competitive 'gloves off' approach when trying to lure the same company to invest north or (just) south of the border.

Thirty seven years before the 2014 Referendum, North East Labour MPs helped undermine, the then, Labour Government's unsuccessful attempt to set up a Scottish Assembly. In helping to vote down the 1977 Parliamentary bill on devolution, they then voted to introduce a very challenging (and ultimately unachievable) requirement in the new bill that a minimum of 40% of the electorate had to vote 'Yes' in the referendum. At the time, North East politicians were furious that despite the region being poorer than Scotland, "...*public spending in the region was lower, not higher, than in Scotland*", and that giving the Scots their own devolved assembly "*would add insult to injury*" and merely serve to "*entrench Scotland's advantage*" (McLean et al, 2013, p 186).

The 1970s also saw the creation of the Barnett Formula, which has been the cause of a long-standing grievance in northern England, due to the consequent advantages

that Scotland enjoyed in relation to public expenditure allocations. Recent figures suggest that through this calculation, Scots enjoy a £733 per capita advantage over North Easterners (BBC, 2014b). For North East businesses, *“The Barnett Formula is an anachronism that leads to an entirely un-strategic distribution of resources and investment between different parts of the UK”* (NECC, 2014, p 2).

More recently, in evidence to the 2009 Calman Commission (on Scottish Devolution), the business organisation, the North East Chamber of Commerce, expressed their concern over any further devolution of fiscal responsibilities to the Scots that would allow them to gain advantage over the North East through lowering taxation rates north of the border (NECC, 2009). Indeed, prior to the announcement of the latest referendum, many political and business leaders in the region were already very concerned about the *existing* advantages enjoyed by the Holyrood administration. For example, it was strongly felt in the region that Amazon’s decision to invest in Scotland – rather than in North Tyneside – was influenced by the £1.8m subsidy provided to the company by Scottish Enterprise (Schmuecker et al, 2012).

It was the 2012 decision to allow the Scots to vote on full independence that really stoked-up feelings in the North East and saw niggling concerns become full-blown anxieties. While not all were taken-in by scare stories that independence would lead to border guards and passport controls, three particular worries were widely held. Firstly, that an independent Scotland would reduce the rate of Corporation Tax – by up to three percentage points – which would reinforce their competitive advantage with regard to inward investment. Secondly, that an independent Scottish Government would reduce or abolish Air Passenger Duty (APD) and that this would have implications for Newcastle Airport in particular. Thirdly, if an independent Scotland was not permitted to join a currency union with the rest of the UK, would North East businesses trading with Scotland suffer from any variation in exchange rates and from the potential administrative costs of dealing with two different currencies?

It is not surprising therefore, that on the morning of September 19th 2014 many political and business leaders in the in the North East breathed a collective sigh of relief when voters in Scotland rejected independence. However, this feeling didn’t last for long, as the recommendations of the Smith Commission, and subsequently, the UK Government, confirmed greater fiscal devolution on the rates and bands of income tax, Air Passenger Duty, the Aggregates Levy, and assignment of VAT revenues (HM Government, 2015).

For the North East Chamber of Commerce, there was an overarching concern over the lack of any post-referendum consultation with the region most likely to be affected by a more powerful Scotland. More specifically, there was hostility over the continuation of any form of the Barnett Formula (in a context where the Scots would be given greater powers to run their own affairs) and a rejection of *“devolving duties which*

could impact upon consumer behaviour such as air passenger duty" (NECC, 2014). Granting the Scottish Parliament powers to abolish Air Passenger Duty (APD) remains as a particular concern: the Chief Executive of Newcastle Airport has recently estimated that 1,000 jobs could be at risk in the region and £400 million drained from the region's economic output in the next ten years (*The Northern Echo*, 2015).

Concern over new powers granted to Scotland only served to add to the growing sense of unease in the North East that the question of full independence had not, despite David Cameron's statement on the morning after the referendum vote, been settled for a generation. Indeed, it is reported that the SNP's manifesto for 2016's elections to the Scottish Parliament will include a commitment to a second referendum (BBC, 2015a).

The momentous events of the last year have also sharpened cross-border political hostilities. Even before the SNP effectively wiped-out the Labour Party in Scotland in May's General Election there was no love lost between the Nationalists and Labour MPs in the region. Given that one leading North East MP (and former Labour minister for the North East) Nick Brown had expressed his "*hatred of both nationalists and nationalism*" before the General Election result, it is perhaps not surprising that Nicola Sturgeon's post-election rallying call, that a more powerful SNP group at Westminster would back North East plans for greater investment in road and rail infrastructure, was treated with a large measure of contempt by North East politicians (*The Chronicle*, 2015a).

### **A level playing field**

*"Scotland's capacity for policy flexibility is in marked contrast to those of English regions, for which devolution is extremely limited and tightly controlled by Whitehall.... Further extending this without ensuring English policy much more effectively considers the conditions of all regions would be damaging to the North East"* (North East Chamber of Commerce, 2014, p 2).

The granting of additional powers to Scotland has also produced a more pragmatic response in the North East: one that has used the Scottish experience to lobby the UK Government for more powers for the region. Again, this has happened before. In the 1980s and 1990s, the campaign for a Scottish assembly influenced the development of the case for a directly-elected assembly for the North East. While voters subsequently rejected this option in a regional referendum in 2004, it is clear that developments north of the border continue to be used as a benchmark against which the far more limited powers of the North East can be represented in negotiations with the UK Government over greater devolution to the region.

In considering such responses, it is also important to note that the likelihood of an even greater imbalance in the powers and resources available on either side of the border has come at a time when the English regions no longer have their Regional

Development Agencies. These powerful quangos possessed considerable resources and institutional capacity, were abolished by the Coalition Government in 2011 and only partially replaced by the much more geographically and financially circumscribed Local Enterprise Partnerships (Pugalis and Bentley, 2013).

The demand for greater devolution of powers within England generally, and specifically to the North East, formed a key component in the region's responses to both the Referendum and to the Smith Commission's recommendations. One leader of a major North East Local Authority felt that,

*"It is now time to have a full debate about the devolution of power throughout the UK. If additional funding is guaranteed to meet the needs of Scotland it is reasonable to ask that funding is also guaranteed to meet the needs of northern England in areas such as transport and the economy"* (Councillor Simon Henig, Leader of Durham Council quoted in *The Northern Echo*, 2014).

North East businesses also called for greater regional control over areas such as planning, housing and skills (NECC, 2014), while a ComREs poll in 2014 suggested that people in the North East were the strongest supporters of handing more powers to local areas in England. In this survey commissioned by the BBC, 85% of people in the region favoured handing powers over tax, policing and education down to more local decision-makers (BBC, 2014c).

While there is wide-spread support for more powers to be devolved to the North East in the light of further Scottish devolution, there is, as yet, no finally agreed governance framework for the region. Additionally, few in the region are optimistic that the Government's slippery and ill-defined 'Northern Powerhouse' approach will really benefit the North East, given its heavy focus on Greater Manchester (*The Chronicle*, 2015b).

More realistic proposals include strengthening the existing Local Enterprise Partnerships, applying for 'City Deals' which give English cities and city-regions greater powers (both Newcastle and Sunderland now have this status), and bidding to set up Combined Authorities. This latter model sees several adjoining Local Authorities coming together in a larger grouping, led by a directly-elected mayor, and with devolved powers in such areas as economic development, transport and skills. This is the route that the seven Councils in the 'north' of the North East have taken and the final Government agreement on the resources and powers to be delegated is expected in the autumn of 2015. Although not as well developed, it is also likely that a similar bid from the 'South' of the North East – the five local Councils in the Tees Valley area – will soon follow.

The eventual outcome of the devolution settlement in the North East still remains uncertain, being highly dependent on both local political agreement and central government approval. In terms of future cross-border negotiation with the Scots, it is important that the asymmetry in powers is rebalanced so as to ensure that whoever

speaks for the region has a suitably broad mandate and is able to enjoy at least a measure of parity with Scottish ministers.

### **'Looking North': collaboration in the Anglo-Scottish Borderlands**

*"We are so used to being governed by the South East that we have tended to forget just how much we have in common with the Scots in terms of our social and economic challenges. If we could forget that imaginary line on the map, we would see benefits from cross-border co-operation".*

(North East Local Government Officer quoted in Shaw et al, 2013, p 20).

The renewed importance of the Anglo-Scottish border has helped heighten awareness of the common bond between North East England and Scotland. This is not surprising, given that they both share a long border history and possess a number of common political, economic and social characteristics. This bond is particularly felt in the communities that live on the cusp of the Anglo-Scottish borderline. Here, a common historical and cultural heritage, coupled with extensive economic and social cross-border linkages, *"has underpinned the evolution of a distinct regional entity"* (Pike, 2002, p 1069) where people view themselves as *"Borderers first and foremost – and only then as either English or Scot"* (Welsh, 2013). This bond is not just a product of geography, including the daily cross-border flows of people for work shopping or family visits, but also reflects shared experiences of economic and industrial change and what some have seen as a common commitment to economic and social justice. There is also a strong shared sense of being on the periphery: a long way from the centre of economic and political power in London (and Edinburgh).

Reflecting this view, the independence debate has prompted organisations and individuals on both sides of the border to consider new, collaborative, cross-border approaches in which Scotland's closest English neighbours now 'look north' to consider how economic development south of the border can benefit from a stronger Scotland through enhanced cross-border collaboration.

One example of this new cross-border approach is the Borderlands Initiative which brings together the five Councils nearest the border, Northumberland, Cumbria, Carlisle, Dumfries and Galloway and Scottish Borders (Figure 1).

This development has its roots in the 2013 report, *Borderlands: can the North East and Cumbria benefit from greater Scottish Autonomy*, which was commissioned by the Association of North East Councils, (Shaw et al, 2013). The report captured how the combination of the debate on Scottish independence, and the continuing search for a post-regional future for subnational governance in the North East and Cumbria, had produced a genuine willingness to consider new, creative, cross-border approaches to boosting economic development.

The report also emphasised the more pragmatic view that while no one south of the border underestimated the robust nature of the competition provided by a resurgent Scotland, the prospect of further autonomy for Scotland also provides opportunities to work more collaboratively together in areas where there is mutual benefit. It was also argued that practical, 'common-sense' collaboration should be developed regardless of the outcome of the referendum – indeed, what was noticeable over the preceding years was just how little formal cross-border collaboration had actually taken place.

The Scottish Government was quick to respond to the positive nature of the report, and particularly highlighted their support for the recommendation:

*“The practical co-operation which we’re starting to see under Borderlands is – rightly – being taken forward primarily by local authorities. But any independent Scottish Government would support it wholeheartedly. This Government, if elected as the government of an independent Scotland, will work with local authorities to establish a borderlands economic forum. And we will nominate a lead minister to work with such a body”.* (Alex Salmond, quoted in the New Statesman, 2014).

**Figure 1: The Borderlands**



Source: ONS: Counties and Unitary Authorities (2009)

There was also support from the UK Parliament's Scottish Affairs Committee in their report, *Our Borderlands, Our Future* (House of Commons, 2015). As part of their inquiry into the economic future of the Scottish borders, the committee gave its support to joint-working across the border and recommended that an inter-ministerial forum (comprising both Scottish and UK Governments) should be set up to add further support to the work of the Borderlands Initiative.

Crucially, the recommendations of the 2013 *Borderlands* report were positively received by the five Councils on both sides of the border. This resulted in: three meetings of Council leaders being held in 2014-2015; the creation of a Borderlands Steering Group to develop the approach further; and the commissioning of additional research to establish an evidence-base upon which to identify the sectors and projects that would benefit from a Borderlands approach.

For the Councils concerned, there is a clear case for collaboration on the basis of a refashioned Borderlands economic area:

- The Council areas are similar on many economic and demographic indicators and, by extension, experience similar economic problems.
- They all have a large proportion of their populations living in rural areas, which provide challenges in relation to accessibility, connectivity with regards broadband and mobile infrastructure, transport infrastructure, and the economic future of market towns.
- There are particular problems with low level of wealth creation, low pay, a lack of representation of high growth economic sectors, the outmigration of young people, and an ageing population.

However, collaboration is also about making the most of the Borderlands' considerable assets:

The area has a population of over 1 million people and incorporates almost 10% of land area of Great Britain.

- There are high levels of self-employment in the area and the growth in micro and small businesses are opportunities which could be exploited.
- There are also opportunities to develop energy production, both on and off shore, and adding value to the tourism product.
- Just under 25% of the workforce work in agricultural, forestry and fishing businesses: a sector that provides a potential opportunity given the change in consumer demands for higher quality, locally-sourced, produce over mass production.
- The issue of 'voice' is also important. The Borderlands authorities working together could add substantial strength to a 'northern voice' that embraces Scotland and northern England, in the face of the continuing dominance of London and the South East.

The initial *Borderlands* report emphasized how the five Councils could seek to agree sector-based collaboration in areas of mutual benefit (Shaw et al, 2013). In subsequent discussions, the Councils have identified three sectors of strategic importance with growth potential and in which collaboration could add value.

*Tourism* is a significant sector for all of the economies and communities in the Borderlands. It builds on the region's key natural assets, is a major employer, and offers linkages with other areas of the local economy. It is also recognised that the sector is

currently limited by fragmented tourism operations and administration and that there is considerable scope to develop common marketing themes and opportunities across the Borders. Another key sector is *Forestry* – the Borderlands contain the largest most productive and fastest growing forests and woodlands in the UK. Collaboration in this sector could also include forging relationships between companies including supply chain logistics and timber transport investment. The sector also provides significant tourism opportunities such as ‘Dark Skies’ projects in two of the area’s main forests. The third sector, *Energy*, offers the potential of building on the area’s extensive renewables expertise in onshore and offshore wind energy production, in tidal hydro-electric and biomass opportunities. This is in addition to the large nuclear power sector based in the west of the Borderlands and the potential for energy capture and storage.

There are a number of challenges facing the Borderlands Initiative. Joint-working will be challenging in areas where there are major cross-border differences in terms of regulatory systems, legal frameworks, or variations in funding regimes. Where programmes are already up and running, it is important that any separate Borderlands approach does not lead to overlap or have a ‘displacement’ effect. The Borderland authorities are – necessarily – leading on their own, council-specific, developments and other collaborative initiatives which would clearly impact upon their use of the vehicle of Borderlands. For example, a number of economic development objectives may be more fruitfully pursued through other mechanisms such as City Deals, Combined Authorities or direct relationships with government departments on both sides of the border.

At the present time however, there is genuine political commitment to pursue opportunities for a cross-border approach. This emphasis echoes the direction of travel in Europe, where a recent OECD report, argues that the focus is moving away from competing with neighbouring areas for particular opportunities, to ‘co-optition’ which involves collaborating across borders to highlight propositions for investment: *‘The real competition is global; therefore neighbouring regions may need to engage in ‘co-optition’ - co-operation for competition’* (OECD, 2013, pp 12-13).

### **Conclusion: the growing significance of the Anglo-Scottish border**

As this article is being written (in the autumn of 2015) there is little sign that the shift towards greater Scottish independence is losing momentum. The Scotland Bill, which devolves further financial, welfare and constitutional powers is being considered by the UK Parliament, the SNP manifesto for the 2016 Holyrood elections places a second independence referendum firmly on the political agenda, and recent opinion polls suggest that a majority (53%) would now vote ‘Yes’ in such a vote (*The Scotsman*, 2015).

From this viewpoint, the article captures a border undergoing a process of rebordering which will radically alter the nature of the Union between the two countries set up in 1707. Gone are the days when the Anglo-Scottish border was regarded as a relatively unimportant and non-contentious ‘internal’ boundary within the United Kingdom, of

more interest to tourists and authors of historical novels than to politicians and the public. In the next few years, additional devolution will further re-enforce the divergence between the two, and potentially push the UK further down the road towards a more federal political system in which the English regions, Northern Ireland, Wales and Scotland become much more autonomous. Indeed, the momentous events of the last two years may even prefigure the eventual break-up of the United Kingdom into separate states.

Such changes have profound implications for Scotland's relationship with its 'close cousins' in the North East of England and have produced a mixed response from the latter. Some are genuinely fearful that their region's economic recovery would stall if Scotland had even greater fiscal and economic powers. Others are less hostile and take a more pragmatic view – using the granting of more powers to Scotland to highlight the urgency of devolving real powers to the constituent parts of England.

A more positive response stresses the common bonds and shared traditions between Scotland and the North East and highlights how a region that has traditionally spent its time looking 'south' for support and encouragement, should now look 'north'. Finding common causes and collaborative opportunities has been the impetus behind the Borderlands Initiative, where Council leaders in the five Local Authorities adjacent to the border, an area of 10 per cent of the UK and more than one million people, are working to create a partnership to ensure greater cross-border economic collaboration and to make a more effective case for 'Devo Borders'. Arguably, it is this desire to work with the Scots – and see the Anglo-Scottish border more as a 'bridge' than a 'barrier' – that is more in keeping with the spirit of the times. This route also offers real opportunities for the North East to redefine itself, rediscover its identity and find its collective voice.

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### **Prof Keith Shaw**

Over the last 30 years Keith has researched and published on urban regeneration, local and regional governance, and the community and voluntary sectors. He has also had extensive experience of working for governmental and non-governmental organisations in relation to project and programme evaluations, voluntary and community sector involvement, neighbourhood governance and local partnership working. He was a member of the Government Office/RDA Academic Advisory Panel for the North East and now sits on the management board of the North East Institute for Local Governance. He sat on the Newcastle Fairness Commission in 2011-12 and is currently the Independent Chair of the Newcastle Future Needs Development Board. He also Chaired the South Tyneside Living Wage Commission in 2013. Keith's recent research includes the studies: *'From Regionalism to 'Localism': Opportunities and Threats for the North East'*; and *Borderlands: can the North East and Cumbria benefit from greater Scottish autonomy?* His recent research also includes work on local and community resilience.

# Cross-border Cooperation and Peacebuilding: SEUPB 2004-2015



**Patrick Colgan**

*The Special European Union Programmes Body (SEUPB) is one of six cross-border bodies set up as part of the institutional arrangements put in place by the Belfast/Good Friday Agreement signed by the two Governments on the 10th April 1998 and subsequent legislation giving effect to the terms of the agreement<sup>1</sup>. The other five bodies deal with north south cooperation in areas such as tourism, trade, inland waterways, marine and language<sup>2</sup>. SEUPB is responsible for the management of EU funded cross-border cooperation programmes. In practice this role consists principally of managing the INTERREG Programmes and the PEACE Programmes. For the period up to 2006, SEUPB also had a role in the management of the LEADER, URBAN and EQUAL Programmes and was also responsible for what was known until 2006 as the Common Chapter.*

*This article will concentrate on the role that SEUPB fulfilled in the design, development, implementation, management, closure and accounting for the PEACE and INTERREG Programmes. The period covered (2004 to 2015), overlaps with four periods of the PEACE Programmes (PEACE I, II, III and IV) and three periods of the INTERREG Programmes (INTERREG III, IV and V). Patrick Colgan, CEO of the SEUPB from 2004-2015, reflects here on some of the challenges in the delivery of these programmes, the lessons learned and the legacies of the programmes for the people of Ireland, north and south.*

## **PEACE Programme**

It is important to remember that the PEACE Programmes in Ireland/Northern Ireland are unique – there is no similar programme anywhere else in the European Union. The INTERREG Programmes on the other hand, are part of a family of cross-border programmes that are in place throughout the EU.

The first PEACE Programme (PEACE I) was introduced in 1995, following on from the first ceasefire of 1994 and the emergence of a peace process that would eventually bring to an end a period of bitter armed conflict in Northern Ireland and the Border Counties of Ireland. It ran until 1999 but expenditure on the Programme continued for

- 1 The statutory basis for the creation of the SEUPB is to be found in the *Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland Establishing Implementing Bodies* signed on 8 March 1999 (the British-Irish Agreement of 8 March 1999). The Agreement was given domestic effect, in Northern Ireland and in Ireland, by means of the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999 and the British-Irish Agreement Act 1999 respectively (including the subsequent amendments in 2002 and 2005).
- 2 The five North South Bodies referred to are: Tourism Ireland; InterTrade Ireland; Waterways Ireland; the Loughs Agency; The Language Body.

a further two years until 2001. This is normal practice in EU funded programmes and facilitates the closure of individual projects and the completion of expenditure. The Programme was managed jointly by officials from Government Departments in Ireland and Northern Ireland. After its creation in 1999 the SEUPB took over responsibility for finalising expenditure on the projects that had been in receipt of funding and also assumed final responsibility for closing the Programme and accounting for all of the expenditure to the European Commission and both Member States (Ireland and the United Kingdom of Great Britain and Northern Ireland). After a prolonged and complex process of audit, negotiation and review, PEACE I was eventually formally closed in 2009.

The PEACE II Programme was initially intended to last for five years, from 2000 to 2004. It received an extension to its funding for the years 2005 to 2006. This extension brought the Programme into line with the standard seven year programme cycle that is applicable to all EU funded programmes. As was the case with PEACE I, expenditure on PEACE II continued for a further two years until the end of 2008 to enable all those projects that had been in receipt of funding to complete their work and finalise expenditure. The PEACE II Programme was formally closed in 2012.

The PEACE III Programme ran from 2007 to 2013, with an additional two years to complete expenditure until 2015. The closure of PEACE III is in progress at the time of writing this article.

A fourth PEACE Programme, PEACE IV, is scheduled to run from 2014 to 2020. An additional three years will be allowed for completion of expenditure in line with amended regulatory provisions for EU funded programmes, which will bring the life cycle of the Programme up to 2023. At the time of writing, the Programme is being finalised and will be formally opened before the end of 2015. By the time PEACE IV is closed, probably sometime in 2025, Northern Ireland and the Border Counties of Ireland will have benefited from 30 years of assistance from the European Union in addressing the legacy of the conflict.

### **INTERREG Programme**

The first INTERREG Programme ran from 1990 to 1993 and was followed by INTERREG II for the period 1994 to 1999. These programmes were what were known at the time as Community Initiatives – i.e. they were not a formal part of the Structural Funds family of programmes and were run as an initiative of the European Commission on behalf of the Member States to address the challenges and opportunities for cooperation that arise as a result of the presence of a border. In Ireland, these programmes were run by the Department of Finance and in Northern Ireland by the Department of Finance and Personnel.

SEUPB's first involvement in the INTERREG Programmes was for the programme period 2000 to 2006 – INTERREG III. By this time, INTERREG had ceased being a Community

Initiative and had been fully integrated into the family of Structural Funds programmes, governed by the relevant EU regulations that were put in place. This was also true for INTERREG IV, which ran for the period 2007 to 2013. At the time of writing the INTERREG V Programme has recently been launched and is scheduled to run from 2014 to 2020, with an additional three years until 2023 to finalise all expenditure. The continued success of the INTERREG programmes throughout Europe was acknowledged within the family of Cohesion Policy, Structural Funds Programmes by being provided with their own regulation. SEUPB had full responsibility for the design, development, implementation, management, closure and accounting of all of these INTERREG Programmes.

The following table provides a quantification of the scale and significance of the financial investment in the region provided by the programmes for which SEUPB is responsible:

Programme	Funding Period	EU Funding (€m)	Member State Contribution (€m)	Total (€m)
PEACE I	1995-1999	500	167	667
PEACE II	2000-2004	531	304	835
PEACE II Extension	2005-2006	78	82	160
PEACE III	2007-2013	225	108	333
PEACE IV	2014-2020	229	40	269
<b>Total PEACE</b>		<b>1563</b>	<b>701</b>	<b>2264</b>
INTERREG III	2000-2006	148	37	185
INTERREG IV	2007-2013	205	51	256
INTERREG V	2014-2020	209	31	240
<b>Total INTERREG</b>		<b>562</b>	<b>119</b>	<b>681</b>
<b>Total PEACE + INTERREG</b>		<b>2125</b>	<b>820</b>	<b>2945</b>

In summary, for the period in question, the Programmes for which SEUPB has been responsible have involved an investment of almost €3 billion. Of this, 77% (€2.3 billion) was spent on the PEACE Programmes and 23% (€681 million) on the INTERREG Programmes.

The PEACE Programmes operated throughout the geographic area of all of Northern Ireland and the six Border Counties of Ireland. This is referred to as the eligible area of the Programme. The rationale for confining the Programmes to this eligible area stemmed

originally from the conviction that this part of the island of Ireland had suffered most from the legacy of the conflict. From PEACE II onwards it was also determined from the classification of the Programmes as part of the family of cross-border cooperation programmes funded by the European Commission and covered by relevant regulations. Programmes of this nature were defined in relation to pre-defined statistical territorial units identified by Eurostat and the European Commission.

The earlier INTERREG Programmes also operated in the same geographic eligible area. This area was however extended for the programme period 2007 to 2013 to include parts of Western Scotland. This extension resulted from a decision to allow the use of marine borders to define cross-border cooperation areas. This however did not apply to the PEACE Programmes, in recognition of their unique nature in addressing the legacy of the conflict on the island of Ireland and in the area that had been most affected.

Given the scale of the investment for which the SEUPB is responsible, it is understandable why over the period in question it found itself at the centre of a lot of political and general public interest and debate in Northern Ireland and the Border Counties of Ireland.

### **Addressing the challenges of the Border Region and the legacy of conflict**

The INTERREG Programmes were part of the EU wide investment in regional development through the promotion of cross-border cooperation in a very wide range of social and economic activities. The ethos behind these programmes was to try to ensure that the existence of a border between two regions/states did not impede the economic and social development of the communities living in those areas. These borders presented challenges in areas such as the provision of healthcare, transport, policing, education, care for the environment and the building of sustainable economies capable of making real contributions to the well-being of the communities that lived in those areas.

The €681 million spent by the INTERREG Programmes includes over €60 million spent on healthcare; over €100 million spent on Local Authority-based initiatives in areas such as enterprise development, tourism and enhancing of the natural environment; over €50 million was spent on improving the quality and breadth of broadband and telecommunications infrastructure, resulting in the provision of a capacity to breed companies capable of competing on a global scale in the creative and knowledge based industries. The INTERREG Programmes focused on economic and social development in its broadest sense. The focus and reach of the PEACE Programmes however was more complex, embedded as they were in the challenges presented by the legacy of the conflict in the region.

The PEACE Programmes on their own provided funding for over 23,000 projects and involved direct participation by over 1 million participants<sup>3</sup>. In a region with a combined

3 These figures are based on regular statistical analysis of the activities of the programme carried out periodically by the Northern Ireland Statistics Research Agency (NISRA) on behalf of SEUPB.

population for Northern Ireland and the Border Counties of Ireland of ca. 2.1 million, this represents a very deep reach by the programmes into the fabric of society. In effect, it is possible to say that every family and every community in the region has in some way been touched by the PEACE Programmes.

Every family and every community in the region has in some way been touched by the PEACE Programmes

This is further confirmed if one considers the variety of sectors that received funding from the PEACE Programmes. In the final evaluation of the PEACE I Programme<sup>4</sup>, the following breakdown of where the funding was spent was provided: Education (15%); Community Development (12%); Training and Development (12%); Economic Development (11%); Childcare Provision (11%); the Environment (8%); Manufacturing (6%); Tourism (5%); Counselling/Advice (4%); Sport/Recreation (4%); Health (3%); Culture and the Arts (2%); Research (2%); Agriculture and Fisheries (1%); Accommodation and Housing (1%); Transport (1%); Catering (1%). This was spread over 15,000 individual projects.

The PEACE II Programme, which, when one includes the PEACE II extension, provided close on €1 billion of funding, continued the policy of funding projects across a wide range of sectors. In total, over 7,500 projects were funded in areas such as economic renewal; social integration, inclusion and reconciliation; socially based regeneration and development; international connectivity (referred to in the programme as the development of 'an outward and forward looking region'); and cross-border cooperation.

### **An EU Programme for Peace and Reconciliation: the challenges**

The shared strategic aim of all of the PEACE Programmes is to reinforce progress towards a peaceful and stable society and to promote reconciliation. This leitmotif runs throughout all of the programme documentation and publicity material generated over the years by the programmes. The challenge for SEUPB was how to deliver on this aim? How to ensure that the best and most appropriate projects would be selected and funded to contribute to the achievement of this aim and deliver the outputs, results and impacts that were required? It was also seen as important to ensure that the PEACE Programmes were seen as distinct and different from other standard EU Structural Funds Programmes.

It very soon became apparent that peace and reconciliation were very difficult concepts to integrate into the design of an EU funded programme. It was also clear that reconciliation was a difficult concept to define. At times it became associated with the quantitative element of getting large numbers of people in groups or in rooms together rather than on the quality of the interaction between these people.

4 Special EU Programmes Body, Ex Post Evaluation of PEACE I and Mid Term Evaluation of PEACE II, November 2003.

In the earlier years, there was also a belief that economic development would act as a catalyst for reconciliation. This, however, failed to address the challenges faced by those members of society (e.g. victims, survivors and their relatives) who were not actively engaged in the economy either because they were retired or because they were not capable of doing so. It also failed to address the significant and complex issues faced by former republican and loyalist paramilitaries, most of whom had been released from prison after the Belfast/Good Friday Agreement. A total of 25,000 republican and 15,000 loyalist ex-prisoners found themselves in this category. Their reintegration into the active economy was complicated by the legal provisions that determined their status and made it difficult for them to function as normal active members of a modern developing economy. It also failed to take account of the challenges of reintegrating former members of the security forces and their families (RUC, PSNI and the British Army) into a society that had been so divided for so long.

Addressing the needs of victims and survivors and their families, of ex-prisoners and former paramilitaries, of former members of the security forces and their families was always going to be a very complex and challenging undertaking in such a small intimate society such as Northern Ireland and the Border Region of Ireland. The existence of the PEACE Programmes provided in some ways a safe space where this could be addressed without the need for the nascent administration to tackle it head-on itself. Time was needed to allow people to find their voice and articulate their own story. Time was also needed to find the vocabulary and the methodology to allow for a safe exchange of stories and interpretations of what had happened. The PEACE Programmes provided that safe space and took on the difficult tasks that were too raw and painful and in that sense alone they provided an enormously valuable service in the process of reconciliation. After twenty years of PEACE Programmes, much of this work (although not all of it) has achieved some form of mainstreaming and integration into the policy arena within the eligible area. That must be seen as progress.

It soon became clear that economic development of itself could not address the challenges of building a cohesive society at peace with itself and its past.

It soon became clear therefore that economic development of itself could not address the challenges of building a cohesive society at peace with itself and its past. Reconciliation as the leitmotif of the Programmes proved to be a very significant challenge indeed.

### **From PEACE I to PEACE IV: 'Peaceful Coexistence' to Community Cohesion**

With the benefit of hindsight, it is possible now to identify a trajectory followed by the Programmes from PEACE I to PEACE IV. The first PEACE Programme, PEACE I, was a rapid intervention initiative, largely unstructured, aimed at building capacity and

competence for peaceful coexistence within a society that had been riven by divisions, hatred and violence for a very long time. This resulted in the funding of a very large number of projects (over 15,000) throughout the region in a very wide range of sectors and with a large emphasis on community development.

The second PEACE Programme, PEACE II, made the transition from being a community initiative to a Structural Funds Programme modelled on the INTERREG Programmes. It benefited from a great deal of planning, based on extensive consultation, and it was managed with a much higher degree of rigour. The focus shifted from capacity building to economic development. It also began the process of attempting to measure progress towards the achievement of the objective of reconciliation through the introduction of what became known as the distinctiveness criteria as a basis for the assessment and selection of projects to be funded.

It was in the run-up to the extension of PEACE II, for the period 2004 to 2006 that a deeper, more strategic approach to understanding reconciliation emerged. This was carried forward into the PEACE III and PEACE IV Programmes, which were almost entirely focused on the achievement of reconciliation objectives. In PEACE IV the concept of reconciliation was complemented by the idea of community cohesion, which is now a central plank of the EU's cohesion policy.

### **Defining and measuring reconciliation, understanding and respect**

The distinctiveness criteria used in PEACE II required of applicants to demonstrate how what they were proposing would have a direct or indirect effect on one or other of the Programme's objectives of addressing the legacy of the conflict and/or taking advantage of opportunities arising from the peace. The project applicants had to demonstrate this in their applications in relation to either identified geographic areas that had experienced the worst effects of the conflict; or identified economic sectors adversely affected by the conflict; or identified community groups experiencing polarisation, isolation or deep division as a result of the conflict. Applicants were also required to demonstrate effectively how the project contributed to the development of reconciliation, mutual understanding and respect between and within communities and traditions, in Northern Ireland and between Northern Ireland and the Border Region of Ireland. The scoring of project assessments was based on the degree to which the applicants managed to provide evidence based on these criteria.

Looking back now, it is possible to conclude that while this was a genuine, sincere and interesting attempt to do what had not been done before, i.e. measure the contribution of the programme to the achievement of the objective of reconciliation, it was rather contrived and perhaps even naïve. It soon became clear that those who were good at writing applications were being more successful in getting funding. It was also clear that the capacity to deliver a good project application did not guarantee that the qualitative impact on the ground would be significantly improved. The actual assessment of the applications, while well-intentioned and sincere, also had the potential to arrive at subjective, non-scientific conclusions.

The application of the distinctiveness criteria to the assessment of project applications provided a useful start in understanding how the funding could be best used to develop reconciliation, mutual understanding and respect between and within communities and traditions. It soon became apparent however that the use of these criteria in project assessment did not of itself guarantee that the project would deliver on increased reconciliation. Putting the focus on the assessment of the application shifted attention away from the delivery of outputs that reflected the stated objectives. Something else was needed if we were to gain a deeper insight into whether the Programmes were having any impact on the achievement of reconciliation.

In 2004, as part of the preparation for the extension of the PEACE II Programme, SEUPB commissioned research<sup>5</sup> aimed at developing a deeper understanding of what was meant by reconciliation and how it could be used to inform the strategic development of the programme and the assessment of progress towards the achievement of its core objectives. A working definition was arrived at through the work of Hamber and Kelly that subsequently influenced the future implementation of the PEACE Programmes. The definition regards reconciliation as a voluntary act which cannot be imposed and involves five interwoven and related strands, as follows:

- Developing a shared vision of an interdependent and fair society
- Acknowledging and dealing with the past
- Building positive relationships
- Significant cultural and attitudinal change
- Substantial social, economic and political change

These five strands subsequently provided a strategic framework for the two core objectives of the PEACE III Programme – reconciling communities and contributing towards a shared society. They are most clearly illustrated in the following diagram<sup>6</sup> (see next page):

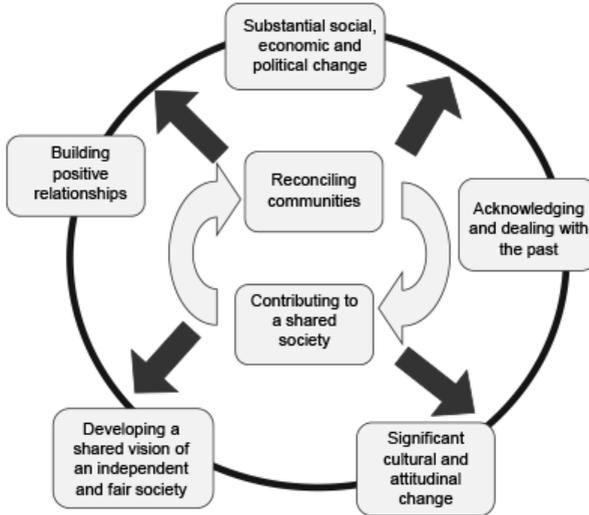
Based on this analysis, the PEACE III Programme was developed around four key areas of activity: (1) Building Positive Relations at a local level; (2) Acknowledging and Dealing with the Past; (3) Creating Shared Spaces; and (4) Building Capacity for a Shared Future.

The strategic analysis carried out as part of the preparation of the PEACE III Programme and included in the Operational Programme document<sup>7</sup> approved by both Member States and the European Commission represented a significant step forward in the understanding of how the objectives of peace and reconciliation could be woven into the fabric of the programme and how progress towards their achievement could be

5 Hamber, B. and Kelly, G. (2004) A Working Definition of Reconciliation. Occasional paper published by Democratic Dialogue, Belfast.

6 © Brandon Hamber & Gráinne Kelly September 2004.

7 PEACE III – EU Programme for PEACE and Reconciliation 2007-2013 Northern Ireland and the Border Region of Ireland Operational Programme, SEUPB, Belfast, 2007.



measured. Projects funded under the PEACE III Programme by their very nature already had reconciliation in-built into their design.

Evaluations of the Programmes have emphasised the fact that the Programmes have helped to develop understanding between communities and increasing empowerment and confidence in addressing community and conflict related issues<sup>8</sup>. They have also helped to sustain momentum towards peace building by facilitating a sense of engagement and ownership of the peace process within communities. For many, the PEACE Programmes have been the manifestation of the peace process on the ground<sup>9</sup>.

For many, the PEACE Programmes have been the manifestation of the peace process on the ground.

The richness, diversity, impact and soul of the PEACE and INTERRERG Programmes cannot be fully appreciated through any statistical analysis of expenditure or numbers of participants. Neither can they be fully understood by dissecting the theories underpinning the strategies that informed their design. The real life blood of the programmes runs through the projects that were funded and the individuals and organisations that made them possible.

Over the last ten years, the SEUPB has attempted to capture some of the soul of the projects and their promoters by creating a record of their work and making it available

8 Impact Assessment of the PEACE II Programme, (SEUPB), 2006.

9 Telling the Story of PEACE II, (SEUPB), 2003.

in the form of a quarterly publication entitled *YourEU*. It has developed into a digital e-Zine, populated with spectacular photographs and succinct descriptions of the work of the individuals and organisations that make the PEACE and INTERREG Programmes come to life. All of the back numbers are available on the SEUPB website<sup>10</sup> and are worth perusing to get a flavour of what the Programmes have achieved. It would be the work of a much longer piece than this to analyse the diversity of project interventions and to do justice to the work of the many thousands who were involved in their implementation.

### **The decision-making process: misunderstood and misrepresented**

During my time as CEO of SEUPB, there was an implication in much of the public debate about the Programmes that all the decisions regarding funding of individual projects were taken by me and my colleagues in SEUPB. Nothing could be further from the truth. This was a line that was frequently taken in political debates about the Programmes and in media reports. Mention was frequently made about decisions being taken by an unaccountable body that was biased in one way or another.

Apart from the army of individuals from all corners of the eligible area and from very different backgrounds involved in the delivery of individual projects, there was a wide array of people involved within the decision-making structures that were part of the architecture of the Programmes. As with all EU Structural Funds Programmes, there is a requirement to put in place a Monitoring Committee responsible for the oversight of the Programme. All decisions taken regarding the allocation of finance within the Programmes is ultimately taken by the Monitoring Committee through the medium of a number of Steering Committees set up for the purpose.

Representation on the Monitoring Committees and Steering Committees of the PEACE and INTERREG Programmes included representatives of all the political parties in Northern Ireland and the Border Counties of Ireland (usually elected local representatives). In addition there were representatives of the social partners (trades unions and employers), community and voluntary groups, NGOs, relevant State Agencies, Government Departments and representatives of the Member States. The European Commission also always attended the meetings of the Monitoring Committees as observers and advisers but did not take part in the work of the Steering Committees where decisions regarding the financing of individual projects were taken. Membership of the Committee consisted in total of over 40 individuals nominated by their respective bodies. The Monitoring Committee is chaired by the Chief Executive of the SEUPB and regular reports are submitted by the Managing Authority and other actors in the programme delivery structure for scrutiny and discussion.

The significance of the existence and functioning of these Monitoring Committees and Steering Committees during such a turbulent time in the evolution of the legal, administrative and political systems within Northern Ireland, is very often overlooked.

10 YourEU can be found here: <http://seupb.eu/NewsAndEvents/youreu/yourEUarchive.aspx>

During the period 2002 to 2007, when the institutional arrangements put in place by the Belfast/Good Friday agreement were suspended, the Programmes continued to function. It is fair to say that during that time the only place where political representatives from all sides met regularly to make decisions about the allocation of resources within Northern Ireland was at the meetings of the Monitoring Committees and Steering Committees of both the PEACE and INTERREG Programmes. As the person responsible for chairing those meetings, I can verify that they were frequently stormy affairs, with very heated debates about decisions that needed to be taken.

The policy at these meetings was to attempt to always reach agreement by consensus. We avoided taking votes that would split the Monitoring Committee. Once a debate/discussion had been allowed to play itself out, it was invariably always possible to reach agreement. This was due in no small measure to the robustness of the governance arrangements that were in place to ensure that the integrity of the Programmes were respected. Having a well-crafted Programme Document that set out a clear strategy for a period of 7 to 9 years and that had been signed off by the Member States and the European Commission, provided a solid platform on which to base decisions.

### **Devolution: onerous bureaucracy, duplication and delays**

During the period after 2007, once the institutions had been re-instated and direct rule was brought to an end, a new set of challenges emerged for the PEACE and INTERREG Programmes. The emergence in Northern Ireland of 12 new Government Departments, each with its own elected Minister, from different political backgrounds introduced a complexity into the decision-making structures of the Programmes that we could never have envisaged. In addition, the emergence of the Committee system within the Northern Ireland Assembly brought a new element of governance and accountability into play.

From a very practical programme management perspective, the re-instatement of the devolved administration in Northern Ireland brought with it a burden of bureaucracy that weighed very heavily on the ability of the Programmes to deliver on their objectives in an efficient, timely and end-user friendly manner. Feedback from Programme beneficiaries, particularly from smaller community-based organisations, became increasingly strident about the bureaucratic burden that was being imposed on them. The feedback was not confined to small organisations however. Larger institutions such as universities, NGOs, State Agencies, Local Authorities and other North South Bodies commented on the inordinate burden of bureaucracy that the Programmes entailed. In the eyes of many of them, this burden was attributed directly to the SEUPB and to EU regulations. However, as I mentioned earlier in this article when commenting on how financing decisions were made in the programme, nothing could be further from the truth.

There were in fact two principal sources of this bureaucracy. The first of these related to the process of verifying and certifying expenditure by projects. There are EU regulations in relation to this process. They are onerous and demanding but not unreasonable and are accepted practice throughout the whole of the EU. The difficulty arises when

one also has to apply national rules for the verification of expenditure. The SEUPB is regularly audited by the European Court of Auditors to ensure compliance with both EU and National Rules in relation to these procedures. The rules that apply in Northern Ireland proved to be very onerous. Representatives of the European Court of Auditors frequently commented to us that the national rules that applied in Northern Ireland were the most onerous that they had encountered throughout the whole of the EU. The public perception was that these were conditions set down by SEUPB and the EU. Unfortunately, SEUPB had no control over these national rules and was obliged to implement them to the letter of the law. In later years, after vigorous campaigning and lobbying of the Department of Finance and Personnel, we eventually succeeded in getting some relaxation of these rules. There is no doubt however that the reputation of the programmes suffered a lot as a result of the burden that these rules placed on project beneficiaries.

The second source of bureaucracy was directly attributable to the role that the new Government Departments in Northern Ireland assumed in the oversight and management of the Programmes. The cash required to finance payments to project beneficiaries arrived in the SEUPB bank account in the first instance from the budgets of what were known as accountable departments, i.e. the relevant government department responsible in Northern Ireland or Ireland for a particular area of policy being financed by the Programmes. SEUPB in fact regularly drew down finance from 14 different government departments in Northern Ireland and Ireland. Once the project expenditure had been paid by SEUPB and verified and certified as being regular, the money was then clawed back from the European Commission and reimbursed to the Department of Finance and Personnel in Northern Ireland and the Department of Finance/Department of Public Expenditure in Ireland.

This relationship resulted in the requirement for each government department to put in place governance arrangements to ensure that the funding was being spent prudently and in accordance with their standards and procedures. This was a relatively straightforward matter for the government departments in Ireland, who were satisfied to accept the control mechanisms put in place by SEUPB and agreed as being fit for purpose

Representatives of the European Court of Auditors frequently commented to us that the national rules that applied in Northern Ireland were the most onerous that they had encountered throughout the whole of the EU.

by both Member States and the European Commission. This was also the case for the Scottish Government in the case of INTERREG. In Northern Ireland however, the approach was different. Applications for funding for both Programmes, INTERREG and PEACE, once they had been agreed by SEUPB and submitted to the Steering Committee for approval, in most cases had to be subjected to a separate assessment and approval process for each government department in Northern Ireland. If the value of the application exceeded £1 million, the approval had to be signed off by the relevant

Minister. The assessment process was subjected to what was known as a Green Book Appraisal, i.e. an economic appraisal carried out in accordance with guidance issues by the Department of Finance and Personnel in Northern Ireland. In practice this resulted in a duplication of the decision-making procedures and the addition of considerable delays in issuing letters of offer to projects. The average delay was 52 weeks from initial application to issuing of a letter of offer. In many cases this extended to two years and there were cases where the application approval process took almost three years.

The seriousness of these delays became quite alarming. I am on the *Hansard* record at many meetings of the Northern Ireland Assembly Committee for Finance and Personnel and the Northern Ireland Assembly Committee for Enterprise, Trade and Investment requesting that something be done to free this system up and agree a single decision-making structure for the Programme. The EU average for programmes such as these in the other 27 Member States is between 26 and 32 weeks. It was impossible under the circumstances for the PEACE and INTERREG Programmes to achieve these averages. The public perception was that these delays were caused by SEUPB. This undoubtedly had a negative impact on the reputation of the organisation and the Programmes. I expended considerable energy in the latter years of my time in SEUPB dealing with this perception.

I am pleased to report that, through a combination of EU regulatory reform and regular lobbying by many agencies, most of all SEUPB, the arrangements for the Programmes for the period 2014 to 2020 include provisions for significant simplification. These apply both to the financing and verification of expenditure and to the length of time that will be allowed for decisions to be taken in the approval of projects. A commitment exists in the new programme documentation to ensure that, from the date of receipt of application for funding to the issuing of a letter of offer, no more than 32 weeks should be allowed. If this is achieved it will be evidence of extraordinary progress in the development of a mature and self-confident public administration system in Northern Ireland capable of delegating important functions to a North South Body such as SEUPB.

### **Conclusion**

A short article such as this cannot possibly do justice to the extraordinary richness and complexity of two Programmes such as INTERREG and PEACE. There is much about the experiences of the last 11 years that I have not been able to cover in the space available. There are aspects of these programmes that have profound implications and lessons for the emergence of a society at peace in Northern Ireland and the Border Counties of Ireland, with meaningful and productive relationships with its neighbours throughout the island of Ireland, Western Scotland, the rest of the United Kingdom and Europe. There are also lessons to be learned for other regions experiencing or emerging from conflict throughout the world.

Some steps were taken during my time as CEO of SEUPB to share the lessons learned within the Programmes with other regions. In doing this, we were always very careful to make a distinction between the work of the PEACE Programmes and the broader Peace Process. The latter was the work of the two governments, the political parties

in Northern Ireland and representatives of those who had been directly involved in the conflict. The PEACE Programmes on the other hand, complemented the Peace Process and, as I described earlier in this piece, became to a large extent the Peace Process of the people on the ground. This was never clearer than when the devolved institutions were suspended during the period 2002 to 2007. During that time the PEACE Programmes continued to function with the ongoing involvement of locally elected political representatives as part of the decision-making architecture built into the Programmes.

I have been witness to many heroic gestures by thousands of individuals from vastly different backgrounds who have had the courage to listen to others with whom they would traditionally have profoundly disagreed, to accept differences and to reach out in the spirit of reconciliation aimed at building a shared future where future generations can live in peace with each other.

It has been my privilege to work with some amazing public and civil servants in Ireland, Northern Ireland, Western Scotland and the European Commission. All of them had a deep sense of the significance of what we were involved in and the importance of ensuring that the momentum was maintained.

While there continue to be complex challenges associated with the Peace Process, I am convinced that the legacy of the PEACE Programmes is made up of the many thousands of individuals within Northern Ireland and Ireland who have found new ways of communicating with their neighbours and new vocabulary in acknowledging and dealing with the past. The work is not complete. There is still a long way to go. I believe that history will show that the EU funded PEACE and INTERREG Programmes made a deep and lasting contribution to Peace on this island.

### **Pat Colgan**

From 2004 to 2015, Pat Colgan served as Chief Executive of the Special EU Programmes Body (SEUPB), which was set up by the British and Irish Governments to manage the PEACE Programmes and INTERREG Programmes in Northern Ireland, Ireland and parts of Western Scotland. During that time he was the Accounting Officer for almost €3 billion in EU funding, distributed through over 23,000 projects. He is an expert in the design and delivery of EU Structural Funds programmes in cross-border, transnational and inter-regional cooperation in areas as diverse as local and regional government, enterprise, environment, health and peacebuilding. Prior to joining the SEUPB, he worked in Vienna for the Austrian Institute for Spatial Planning and Regional Development, where he was involved in the creation of the INTERACT Programme, which was set up by the European Commission to provide technical assistance to EU Programmes in all Member States of the EU. He has worked with public and private organisations in most European countries and enjoys working in a number of different languages, including Spanish, Italian, French and German. He holds MA Degree in Philosophy and a MSc. Econ from Trinity College in Dublin.

## The British-Irish Council: political expedient or institution in waiting?



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*The British-Irish Council (BIC) was created under the 'Third Strand' of the Belfast/ Good Friday Agreement in 1998 and is comprised of the UK, its constituent nations, Ireland, the states of Jersey and Guernsey and the Isle of Man. The BIC has received little academic attention beyond some early predictions that it may prove one institution too many in a crowded intergovernmental field, and has also been regarded as little more than a political expedient in achieving the peace process in Northern Ireland. In this paper, we argue that the BIC is slowly developing into a more significant institution. Following its reinvigoration in the St Andrews Agreement in 2006 and the establishment of a permanent secretariat in Edinburgh, the BIC now conducts work across twelve policy 'workstreams'. Drawing in particular on our research into the 'collaborative spatial planning' workstream, we argue that not only has the BIC been used in a special policy networking and developmental role for the island of Ireland, but has served as a means of policy transfer and mobility in a post-devolution UK. Further we argue that the BIC can be considered as an EU meso-level institution which is validated not only by the membership of the UK and Ireland in a cross-border agreement, but also through the membership of the external administrations of Guernsey, Jersey and the Isle of Man. We conclude by speculating on the BIC's potential future as a wider governance integration mechanism.*

### **Introduction: devolution and spatial planning**

During the period that the last UK Labour Government was in power, 1997-2010, we saw a large number of initiatives to modernise the constitution and governance of the United Kingdom. These were continued from the agreement to increase subsidiarity in the Maastricht Treaty in 1992 and its subsequent development in the Lisbon Treaty in 2007. Some of the applications have had far-reaching consequences, and have set processes and structures in motion which are still ongoing. Devolution and the settlement of the longstanding troubles in Northern Ireland through the Belfast/ Good Friday Agreement of 1998 must count amongst the most dramatic of such changes, with the original establishment of the Northern Ireland Assembly, the Scottish

Parliament, Welsh Assembly and also Greater London Authority all coming within a close period of time. Indeed, Marinetto called devolution “*the most notable feature of the Labour government’s plan to modernize the constitution*” (2001: 306) and it has been described as a democratic revolution (Barnett, 1997). Bogdanor called this a time of “*a new constitutional settlement, both among the nations which form the United Kingdom, but also between those nations and the other nation in these islands, the Irish nation*” (1999: 287).

Yet, whilst the Scottish Parliament, Northern Irish and Welsh Assemblies were first established over 15 years ago, former Welsh Secretary Ron Davies is widely cited as describing devolution as a “*process not an event*” and it seems we have yet to reach a new equilibrium in relation to our constitution and our territorial governance arrangements. There have been further increases in devolution to Scotland and Wales, some notable tensions in the peace process in Northern Ireland, the enduring question about how England is governed, and of course the independence referendum in Scotland last year.

We are still in somewhat unsettled, interesting times in the governance of these islands. Our own particular academic interest lies in the field of what we would now term ‘spatial planning’, which once might have been called ‘town and country’ planning or ‘land-use planning’. Devolution changed the landscape for our statutory planning system, with responsibility given to the new administrations so that the UK government is responsible for negotiating any spatial planning policy and legislation within the EU, but is only directly responsible for the statutory planning system in England. Alongside these broader changes to the governance context within which the planning system operates, the last 15 years have also seen dramatic reform of the planning system itself (Clifford and Tewdwr-Jones, 2013). These can be summarised as changes to the scope and scale of planning, with the changes to the scope of planning being summarised by the emergence of the concept of ‘spatial planning’. This attempts to take a more holistic, joined-up view to managing development, land-use change and the implications of policies related to ‘place-making’, and to do so with a broad evidence base and a firm sense of actual delivery (Morphet, 2010). Alongside this have been attempts to increase the efficiency of the planning system, and change its culture to be both more proactive in support of development and also more participatory.

The changes to the scale of planning have seen new levels of plan-making activity emerge, such as the national spatial plans of Scotland (the Scottish *National Planning Framework*, originally published in 2004 (Scottish Executive, 2004)) and Wales (the *Welsh Spatial Plan* (Welsh Assembly Government, 2004)), the similar plan for Northern Ireland (the *Regional Development Strategy* (DRD, 2002)) as well as the *London Plan* (originally published in 2004 (Mayor of London, 2004)), which all emerged in the early days of devolution and were often closely linked to attempts by new administrations to symbolically provide territorial leadership.

There have been interesting examples of cross-fertilisation in these changes (see Morphet and Clifford (2014) and Clifford and Morphet (2015) for further discussion). The spatial strategies for Northern Ireland, Scotland and Wales all had certain synergies in concept and content to Ireland's *National Spatial Strategy* (TSO, 2002). City-region strategic plans were developed for the four main cities in Scotland and are now being considered in Wales as well as for Greater Manchester and other parts of England, and new approaches at the local development plan scale were seen within a few years (2004-2006) in England, Scotland and Wales and are now being seen in Northern Ireland. In Ireland, the Local Government Reform Act 2014 is leading to the reform of Local Authorities, the merger of some authorities and discussion of a new regional Mayor for the Dublin Metropolitan Area, with a more robust role in spatial and economic planning, as well as management of EU funded programmes.

These similarities in terms of the broad direction of planning reform and some of the specific concepts, discourse and policy instruments being used between the different administrations of the UK and Ireland is in contrast to some of the predictions in the early days of devolution that the new constitutional arrangements and responsibilities would lead to increasing fragmentation between planning policies and systems (for example, Tewdwr-Jones, 1999). These early predictions reflect consensus from scholars concerned with many different areas of policy. However, devolution in practice has not necessarily led to ever increasing fragmentation or divergence between the different devolved administrations and the UK government, and indeed when a policy innovation occurs in one administration it has frequently then been adopted by one or more of the others (Keating and McEwan, 2005). A number of potential reasons are commonly cited, such as the fragmented nature of the devolutionary settlement, the role of the European Union and, in the earlier period of devolution, the fact the Labour Party was simultaneously in power in the UK, Scottish and Welsh administrations (Allmendinger, 2002).

Interested by the patterns of similarity and reform emulation apparent around spatial planning, and the fact these had continued after 2005 (when the Labour Party was no longer simultaneously in power in the three administrations responsible for planning in Great Britain), we became aware of the existence of a forum for officials from the UK and Irish governments and devolved administrations to meet: the British-Irish Council (BIC), which had a workstream related to 'Collaborative Spatial Planning'.

The presence of such meetings is of interest. Whilst some of the structural factors impacting policy-making in devolved administrations are clearly significant (for example the role of common European Union policy and legislation (Morphet, 2013)), we were particularly interested in the role of civil servants in the day-to-day policy process of governance and whether meetings between civil servants from the different administrations were significant sites for sharing ideas, leading to what has been termed 'policy mobility' (see, for example, Peck and Theodore, 2010; McCann, 2011). Indeed, a number of scholars such as Jones et al (2004) and MacKinnon et al (2010) have been

interested in the role of civil servants in the implementation of devolution and their role in relations and policy-making post-devolution.

It seemed therefore that investigating the role of the British-Irish Council's Collaborative Spatial Planning workstream would be a useful exercise in further understanding devolutionary processes and the potential role of civil servants in policy exchange between different administrations in the UK and Ireland. We investigated this by attending two meetings of the workstream, interviewing the civil servant representatives of each administration involved in those meetings and interviewing a member of the BIC's permanent secretariat.

This paper is informed by the results of that research. In the next section, we explain the background to the BIC and how it works in general, before moving on to consider the specific evidence of the role of the spatial planning workstream. We conclude by considering the potential role of the BIC in the emerging arena of European territorial cooperation.

### **The British-Irish Council: 'One institution too many'?**

The Belfast/Good Friday Agreement of 1998 contained three main 'strands' in relation to new institutional arrangements to try and secure a lasting peace in Northern Ireland. Strand One of the Agreement, which is actually an international agreement between the UK and Ireland, relates to the power-sharing Assembly and Executive in Northern Ireland; Strand Two established an Irish dimension to the governing arrangements of Northern Ireland through the North South Ministerial Council and Implementation Bodies; and Strand Three established the British-Irish Council and Intergovernmental Conference. The text setting out clearly the scope and operation of the BIC in the agreement is reproduced in box one, below.

As Meehan (2000) notes, the Belfast/Good Friday Agreement contains a 'variable geometry', reflecting overlapping and interlinking loyalties, or what Bogdanor calls a "recognition both of the various and distinctive national identities within these islands, and also of the close and complex links between them" (1999: 288). The institutions related to the first two strands are arguably much better developed than those associated with Strand Three (primarily the BIC).

**Box 1: The text of the Belfast Agreement in relation to the BIC**

**STRAND THREE  
BRITISH-IRISH COUNCIL**

1. A British-Irish Council (BIC) will be established under a new British-Irish Agreement to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands.
2. Membership of the BIC will comprise representatives of the British and Irish Governments, devolved institutions in Northern Ireland, Scotland and Wales, when established, and, if appropriate, elsewhere in the United Kingdom, together with representatives of the Isle of Man and the Channel Islands.
3. The BIC will meet in different formats: at summit level, twice per year; in specific sectoral formats on a regular basis, with each side represented by the appropriate Minister; in an appropriate format to consider cross-sectoral matters.
4. Representatives of members will operate in accordance with whatever procedures for democratic authority and accountability are in force in their respective elected institutions.
5. The BIC will exchange information, discuss, consult and use best endeavours to reach agreement on co-operation on matters of mutual interest within the competence of the relevant Administrations. Suitable issues for early discussion in the BIC could include transport links, agricultural issues, environmental issues, cultural issues, health issues, education issues and approaches to EU issues. Suitable arrangements to be made for practical co-operation on agreed policies.
6. It will be open to the BIC to agree common policies or common actions. Individual members may opt not to participate in such common policies and common action.
7. The BIC normally will operate by consensus. In relation to decisions on common policies or common actions, including their means of implementation, it will operate by agreement of all members participating in such policies or actions.

*Source: BBC, 2004*

The BIC itself has received very little academic attention, other than some early work published soon after the Belfast/Good Friday Agreement. Writing in 1999, Bogdanor was concerned that unlike the Nordic Council, which might serve as somewhat of a model for the BIC, there was little sense of consensus between different member states (particularly in light of Northern Ireland), but also that as all the devolved nations of the United Kingdom were members, the BIC itself could provide nationalism in Scotland and Wales with a new dynamic and act as a “centrifugal force insofar as the United Kingdom is concerned” (1999: 297).

Quortrup and Hazell, on the other hand, were concerned that the BIC could not play a 'pivotal role' in the devolution context of the United Kingdom, despite some seeing it as a potential "*final piece of the jigsaw, which will hold all the other pieces together*" (1998: 18). Quortrup and Hazell also note the comparison with the Nordic Council, arguing religious and political differences are greater in Britain and Ireland than the Nordic region but also noting that "*the British and Irish do share a common heritage and a long history of cooperation*" (1998: 13), for example through the British-Irish Parliamentary Assembly which, since 1990, has established dialogue over common problems and helped deal with some practical issues such as prisoner transfer, freight transport and fisheries.

Quortrup and Hazell conclude that whilst the BIC could over time become a significant institution, it might also simply fall away "*as one piece of machinery too many in an overcrowded intergovernmental field*" (1998: 19). This is similar to Lynch and Hopkins (2001), who suggested that the BIC might develop in the future into a key arena for intergovernmental relations both within the UK and between the UK and Ireland, but felt it was more likely to be seen as a low priority and not become a "*significant policy-making or agenda-setting body*" albeit it would provide "*a distinctive arena for the exchange of information and relationship building*" (2001: 758).

Since these papers were written, the BIC has tended to remain outside the spotlight of academic or media attention, but the institution is still very much in place. Following the St Andrews Agreement of 2006, a permanent secretariat has been established (based in Edinburgh) and the BIC continues to work towards an agreed mission to:

*"promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands ... the BIC will exchange information, discuss, consult and use best endeavours to reach agreement on cooperation on matters of mutual interest within the competence of the relevant administrations"* (BIC, 2015: online).

Like the Nordic Council, the membership of the BIC includes a mixture of both sovereign and non-sovereign administrations, comprising the governments of the United Kingdom and Ireland, the devolved governments of Northern Ireland, Scotland and Wales, and the Crown Dependency governments of Guernsey, the Isle of Man and Jersey. The BIC works through formal biannual Heads of Government summits, and sectoral meetings relating to specific work sectors and which may involve Ministerial meetings (there were three of these in 2014, for example) or meetings of relevant officials, as well as conferences, seminars and study visits.

The primary focus for the activity is through work sectors, which are topics which member administrations feel have "*a significant cross-border dimension, benefit from integrated policy making and lend themselves to the exchange of information and common action*" (Lynch and Hopkins, 2001: 755). Each work sector has been proposed

by one administration since the BIC was founded, with the other administrations then agreeing they would like to cooperate around that topic or issue. The proposing administration then leads work in the work sector.

There are currently 12 work sectors (see Box 2). These vary in format and operation with some, for example housing, being much more about the sharing of best practice and networking between officials, whereas others are focussed on specific projects or outcomes (for example around the mutual recognition of penalty points for drivers), and some having more Ministerial meetings (for example environment) whereas others are much more focussed around officials. The membership of the work sector in terms of officials may also be more static (for example Collaborative Spatial Planning, where there are designated officials representing each administration and this only changes if those officials change role) or dependent on the specific project/focus of work at that point in time. The outcomes of work streams might thus vary from the simple exchange of information to agreed common policies, common actions or other practical outcomes.

**Box 2: Current BIC work sectors**

Work sector	Lead member administration
Collaborative Spatial Planning	Northern Ireland Executive
Creative Industries	Government of Jersey
Demography	Scottish Government
Digital Inclusion	Isle of Man Government
Early Years Policy	Welsh Government
Energy - Electricity Grids - Marine Energy	UK Government Scottish Government
Environment	UK Government
Housing	Northern Ireland Executive
Indigenous, Minority and Lesser Used Languages	Welsh Government
Use and Misuse of Alcohol / Misuse of Drugs	Irish Government
Social Inclusion	Scottish and Welsh Government
Sustainable / Accessible Transport	Northern Ireland Executive

Source: BIC, 2014

Writing in 2001, Lynch and Hopkins wondered if the BIC might offer a more equitable and fruitful forum for intergovernmental relations. Evidence from the Collaborative

Spatial Planning workstream, which we consider next, certainly seems to suggest this has been the case.

### **Collaborative spatial planning**

The Collaborative Spatial Planning workstream was inaugurated in June 2009, following a proposal to the BIC from Conor Murphy MLA, then Northern Ireland Minister for Regional Development and a Sinn Fein MP. In interview we were told that Murphy had been keen to coordinate the Northern Ireland *Regional Development Strategy* more closely with the *National Spatial Strategy* of Ireland so you “wouldn’t get a white blank on the map at the other side of the border” (Interviewee 1), and to also help foster some more local planning collaboration (for example between Derry and Donegal) but was also keen to learn about best practice from the devolved nations of the UK (particularly Scotland) and felt promoting this agenda through the BIC would gain wider support than simply making it a North-South issue in Ireland alone.

The workstream has not yet had a Ministerial meeting but has instead worked through biannual face-to-face meetings (and more regular informal direct contacts via telephone and e-mail) between representative officials responsible for regional development and planning strategies in each member administration. Updates on the activity of the workstream then feed into the biannual formal BIC summits.

Interestingly, the BIC workstream is not the only forum for officials working on planning policy to come together: our research quickly discovered the existence of another biannual meeting, this one bringing together the Chief Planner (or senior civil service equivalent) responsible for central government planning policy in England, Ireland, Northern Ireland, Scotland and Wales. Known as the ‘Five Admins’ meeting, this was a forum which had existed since the early days of devolution, having been set-up by officials, for officials and not feeding into any broader institutional structure. This was further evidence of the desire for those working on planning policy to meet with equivalents from other administrations.

Our interviews and observation showed that the BIC workstream meetings were valued by all members, for a range of different reasons, and with clear benefits from this sort of cross-border working apparent. The meetings would always start with each member updating the rest on ongoing initiatives and work in their administrations, including those in the public sphere and those under development. Meetings would then move on to more in-depth discussion of a particular theme or topic. Sometimes this was to discuss a particular development of widespread interest, for example the negotiation or implementation of new European Union legislation; sometimes it was to share expertise from one particular administration which was of interest to others, for example over e-planning or renewable energy; and sometimes it was to share research commissioned by one or more members, for example around Planning Gain or EU requirements for Territorial Impact Assessment.

A key benefit provided by membership of the workstream was the ability to keep track of policy developments in other administrations in case there was a need to respond to these within their own territories: media interest can often mean that a particularly high profile policy initiative in one territory – for example the introduction of ‘Neighbourhood Planning’ in England following the Localism Act of 2011 – might lead to Ministers in the other territories being questioned as to whether they would then be doing something similar. The knowledge gained from these meetings helped officials prepare ‘lines to take’ and be pre-warned of such upcoming policy developments. As one interviewee put it: *“There’s inevitably, for, if there’s something big happening in England there is overspill into Scotland, Wales and Northern Ireland, at least”* (Interviewee 3).

These discussions were felt to be better held face-to-face through the BIC meetings as it allowed, in a ‘Chatham House Rules’ environment, a much more detailed discussion and understanding of policy developments in each territory around spatial planning than would otherwise have been possible. As Interviewee 2 commented:

*“I do find it very useful to get a flavour for you know how their thinking evolves ... also it’s quite nice to hear about the sort of political hilarities. We are all civil servants obviously following political direction and how that plays out can sometimes be quite interesting and when you talk face-to-face people can be more frank”* (Interviewee 2).

The quote from Interviewee 2 also hints at the ease of mutual understanding being reached as all the officials in the workstream meetings performed a similar role in relation to the same policy area. This meant it was easy to discuss issues and use the other meeting members as a sort of sounding board and a venue for personal professional reflection and development. As one other interviewee commented, *“who else would we talk to?”* as there was no one else in her administration with precisely the same role as she had.

Another clear benefit of the forum was that it could be a source of wider expertise, which was particularly important for some of the smaller administrations who were members of the BIC. As Interviewee 5 told us, in their government, *“You don’t have the extent of public administration and then you don’t have the extent of the sort of ancillary structures around that, so it is very easy to become very insular”* (Interviewee 5). Armed with knowledge about a particular policy area gained through the meetings, another interviewee explained how *“We basically lifted quite a lot of UK legislation”* (Interviewee 7) and put this into their own new planning legislation.

This access to wider networks and sources of policy expertise might clearly benefit some of the smaller administrations present in the BIC, and especially the Crown Dependencies, but expertise was also shared between some of the larger administrations. There were other benefits apparent for other members. The forum member from the largest administration in BIC, the UK Government, actually used the BIC workstream

meetings and contacts as a way to agree responses on EU matters, where he represented the UK at a number of meetings. This dual role of the UK Government – negotiating on planning issues with the EU and retaining responsibility for the planning system in England – differed from other members. However, the presence of two member state Leads on planning meant that on occasions both could be used to transmit views into EU negotiations. Agreeing positions on EU matters was apparently usually a fairly easy process, and as Interviewee 2 told us, *“at an official level ... relationships are extremely cordial despite all the sort of high level political drama”* between different administrations (particularly around the time of the Scottish independence referendum).

Another benefit from the BIC workstream was that the meetings could provide a source of new ideas, or reinforcement of existing ideas. For example, one official told us her Minister had asked for some *“quick win”* changes to policy in a particular area and her immediate thought was to look at recent reforms in the other administrations represented in BIC, and make enquiries with her counterparts in the workstream meetings. Such ideas were easier to capture due to the similarity between members of the workstream, as one Interviewee told us:

*“It is probably easier to talk to UK counterparts because you have a more similar government structure and a more similar approach to how you implement planning policy”* (Interviewee 1).

The BIC meetings, like the Five Admins meetings (we also interviewed all the officials attending those), seemed to have helped smooth the workings of devolution by ensuring no radical surprises between administrations and also ensuring that when colleagues did need to talk to a counterpart in another administration (for example over a specific cross-border issue, or because of the need to agree an approach on a matter of mutual interest or EU issue), they already had an established dialogue with that person.

The result was that there was a clear sense of community between the members of the BIC workstream. Contacts were maintained not just through the actual meetings but also individually between meetings, made easier by the framework of the meetings ensuring interpersonal relations had been built-up. The sense of community evident in the meetings seemed to be lubricated by the fact that all members of the workstream had a similar professional background (planning training and the planning professional body, the RTPI, being common in all territories represented, including Ireland). There was also a *“common understanding of what spatial planning’s about ... but the delivery of the framework is via policies appropriate to each administration”* (Interviewee 1).

Whilst a number of clear benefits from participating in the BIC Collaborative Spatial Planning workstream were evident, there were some challenges as well. One difficulty had been around the degree to which members were allowed to be open about forthcoming policy initiatives: one Minister had apparently been quite restrictive in what he wanted his civil servants to discuss with people outside his department, even

equivalents from other BIC administrations, and this had hampered discussion at a time of some high profile reforms. A degree of trust and open dialogue is clearly essential to enabling collaboration in forums such as the BIC workstream.

A second potential difficulty related to differences in scale and status between the administrations of the BIC. Not all issues being discussed applied to all members, for example some of the EU issues discussed were less relevant to the Crown Dependencies, as they are not members of the EU, and some of the substantial topics (for example around 'City Regions') would be of less applicability due to the size of those territories. Interestingly, however, all members said in interview they valued the workstream and there were sufficiently different benefits to make it worthwhile for all participants.

That said, differences in scale did come up in interview, and there was some link to differences in political direction as well. One interviewee commented:

*"There is an issue around scale which bites particularly when we're focussed on spatial planning. I think it probably works best for, if you like, the Celtic fringe administrations, it works best for Scotland, Irish administrations and Wales because we're all of similar scale. We've got similar territorial characteristics and we're probably, um, you know, facing common challenges"* (Interviewee 2).

In other words, there was a suggestion that the territorial, social and environmental issues that spatial planning was dealing with were more similar between the 'Celtic' nations, and it was also suggested that they all had a more positive attitude to planning than had been apparent from UK Government Ministers and particularly as expressed through planning policy and legislation in England. Another interviewee explained how, if he said a policy was from Ireland or Scotland and he thought it might work well in their territory, his Minister would be more interested than if the identical policy was presented as coming from England. Lynch and Hopkins (2001) did suggest the BIC had provided a spur to cooperation between the Government of Ireland and the UK devolved administrations, and there was clear evidence of that in our research.

Such views that England was the "odd one out" were present but not universally held. One interviewee from Ireland felt that there was a common "British Isles mindset", with similar planning systems, cultures and governance systems, and so mutual cooperation between all of them was valuable, whilst other respondents felt that devolution had led to more mutual respect and willingness to learn from good practice elsewhere between all administrations – including the UK government. As civil servants used to working to political leadership, there was also an ability to see beyond some of the political rhetoric from Ministers.

The status of England was, however, a bit of a challenge. The binary position of the UK government responsible for agreement and compliance of all EU policy relating to spatial

planning but only responsible for its implementation in England, meant that the UK government's official at the BIC workstream would use the language of *"the UK position"* when explaining a policy. This linguistic construction belies a wider constitutional issue around devolution in the UK being primarily focussed on the implementation of those policies and legislation that the UK has agreed within the EU but not any significant involvement in their negotiations (Morphet, 2013). The governance of England, without any specific governance institution for its territory, remains challenging, not least for UK Ministers and civil servants who may find it difficult to distinguish between these two roles. Another interviewee explained that when the group was first set-up they thought there might be more established regional government in England who might want to participate in the workstream as an aid to collaborative spatial planning, but that did not happen. That said, the other members of the group did all understand the status of the UK government representative and on a practical level this was not a big issue.

A final challenge was simply around capturing what the BIC workstream was actually contributing. Members of the group did note that at broader BIC events, some other officials had a low awareness of what spatial planning was at all. As well as low awareness within the BIC, there was the risk that the work of the group was not valued externally either: unlike some other BIC work sectors which worked on specific projects, with the idea that tangible shared policy outcomes would emerge, the collaborative spatial planning group was more about networking and comparing best practice. In times of austerity, the value in such activity is easy to overlook, as Interviewee 2 commented:

*"You know, these soft elements are easily under-rated, in the sort of just making connections, knowing who to go to when you have another issue ... to make and maintain contacts in other administrations".*

Our impression was certainly that the workstream was playing a valuable role in cross-border relations between the UK and Ireland and in having smoothed the everyday governance of spatial planning post-devolution. Even if there has been few policy outcomes explicitly labelled as resulting from this workstream, it was a productive forum valued by members and clearly influencing policy development back in their own administrations. This is likely to be even more the case in other work sectors which worked explicitly towards agreed, common policies and standards.

### **The future of the BIC in a European context**

Looking at spatial planning post-devolution, we can see there has been some important territorial differentiation in policy approaches and reforms, but this has not been divergent or led to fragmentation. There have been common practices of governance and delivery, so that spatial planning has been a *"policy fugue"* (Morphet, 2011) where similar themes and models are developed and delivered in culturally determined ways in each territory.

Wider factors such as the fragmented nature of the sovereignty (particularly in relation to the need to transpose the same EU policy and legislation), common challenges, broader imperatives such as the pursuit of economic growth, and political direction are all important factors in explaining such similarities in spatial planning policy post-devolution, but we also believe that the BIC workstream and Five Admin meetings have influenced policy-makers. The periodic co-presence of these state actors in specific places through these forums allows them to develop a community and to consider, compare and contrast different policy initiatives and delivery methods, shaped by shared understandings and values, and thus promotes policy mobility.

This spatial planning example suggests that, whilst the BIC may not have become a significant policy-making or agenda-setting body, neither is it *“one institution too many”*. It has helped smooth the devolution process, and fostered new relationships of mutual trust and respect. There is a great deal of work already going on through its work sectors, albeit largely behind the scenes, in the everyday world of civil servants.

It might also become even more significant in the future. Spatial planning is an interesting policy area as the Lisbon Treaty places as emphasis on ‘territorial cohesion’, or *“the harmonious and sustainable development of all territories building on their characteristics and resources”* (Holder and Layard, 2011: 358). Spatial planning, and the associated process of more integrated policy-making, is seen as central to the realisation of such cohesion. Cross-border working is also seen to be of increasing importance to greater European territorial cohesion, and is gaining greater significance in the way the EU is being spatialised, not least through the Juncker European Investment plan initiative as it further develops in this cycle to 2020.

Although resulting from the politics of Northern Ireland, the scale and nature of the BIC fits well with this spatialisation agenda of the EU. What started as a political expedient could therefore be an institution-in-waiting, able to play a greater role in territorial cohesion through collaborative working cross-border between the UK and Ireland. The BIC could fit well alongside the emerging meso-scale transnational cooperation approach and other collaborative forums such as the European Grouping of Territorial Cooperation (EGTC), which are legal entities (European Commission, 2015). The BIC might thus help promote even greater benefit from cross-border working in future.

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# Ireland, Northern Ireland and Britain in the EU: A Brussels Perspective



**Tom Hanney, Ambassador, Deputy Permanent Representative of Ireland to the EU**

*The accession in 1973 of Ireland and the United Kingdom, together with Denmark, to the European Economic Community was an important factor in facilitating the hugely improved relations between London and Dublin. Through our common membership of the EU, the relationship between UK and Ireland has been placed in a much broader framework in which cooperation between sovereign States in pursuit of common interests in the EU is the norm. Before our accession, the agenda for bilateral discussions between London and Dublin was narrow and relationships were influenced largely by developments in Northern Ireland. Our membership of the EU has greatly enlarged the agenda in the bilateral relationship with a shared appreciation of just how much we have in common when considering the challenges faced by the EU in areas such as competitiveness, climate change, energy, regulation and the internal market.*

*The EU has also added a new dimension to the North/South relationship on the island of Ireland. Belfast and Dublin discuss EU issues regularly in the North South Ministerial Council. EU legislation in areas such as water and air quality, transport, energy, agriculture and fisheries, transport, State aid and many others has similar implications for both North and South. It makes sense, therefore, for both sides to share views and to collaborate on a broad range of EU matters. In some areas the views of Belfast and Dublin are more closely aligned than between Belfast and London. In addition, North and South cooperate in our common objective to maximise the drawdown of EU funding, particularly in areas such as research and innovation. The EU supported PEACE programme has been a strong practical expression of EU support for peace and reconciliation on the island of Ireland.*

*This paper looks at current issues on the EU agenda from a Brussels perspective and examines areas where Ireland, Britain and Northern Ireland cooperate closely, including in areas where the UK is seeking improvements in the functioning of the EU in advance of its national referendum on EU membership.*

## **Introduction**

The European Union has been featuring prominently in the news and often for reasons that are not flattering to the Union's image in the Member States. The continuing, seeming never ending, effort to deal with the crisis in the Eurozone, particularly the parlous financial state of Greece, the impact of the economic crisis on growth and employment across the Union and the more recent fraught efforts to develop a policy response to the surge in refugees seeking asylum in the Union are just a few of the issues attracting massive media attention around the world.

Beneath the headlines and the very real challenges they identify, the European Union continues to work across a huge number of policy areas on matters that affect the daily lives of its 500 million citizens often in profound and unreported ways.

Despite the deep economic crisis the Union has suffered, and the difficult and often contentious policy responses required, the Union remains the largest and richest single market in the world. At the same time there is continuing frustration that the EU has not yet fully capitalised on the potential of this enormous market and has not succeeded in turning it into a real engine of growth, employment and prosperity for all its citizens.

The European Commission is strongly focussed on developing legislative proposals designed to re-energise the single market, particularly in the digital and services areas, to promote increased cross-border trade through the removal of remaining barriers. In the transport sector, the Commission has proposed measures designed to facilitate greater integration of the European rail system including through greater competition in national rail markets.

Ensuring a deep and liquid pool of finance for companies, both big and small, who want to invest and for Governments anxious to develop outdated infrastructure is also seen as an integral part of our common efforts to restore growth to the Member States. The new European Fund for Strategic Investments (EFSI) and other instruments, including the EU's structural funds, will make an important contribution. In the longer term, the proposed development of an EU Capital Markets Union is aimed at establishing a pan European source of potential funding for companies similar to that already available in the United States.

Complementing this work on the Single Market is a renewed effort by the Commission to respond to the growing concern of both the Member States and business about excessively onerous EU regulation and its impact on the competitiveness of European companies.

Also underpinning the EU's future growth prospects is the continued promotion of free and open trade, both at a global level and with the Union's key trading partners. The successful completion of the negotiations with the US on a Transatlantic Trade and Investment Partnership (TTIP) is a major objective. Other trade negotiations with major

economies such as Japan and India also have the capacity to boost the external trade of the European Union.

The EU is taking a global lead in the fight against climate change and is at the forefront of the international efforts to secure an agreed, ambitious and legally binding outcome to the December 2015 Paris Conference of the Parties to the UN Convention on Climate Change. As part of this effort the political leaders of the Union have agreed on ambitious EU targets for reducing greenhouse gas emissions, promoting renewable sources of energy and increasing energy efficiency.

The EU is taking a global lead in the fight against climate change.

Turning these political commitments into concrete legislation will require many months of difficult negotiations among the Member States the outcome of which will have far reaching implications for national energy systems, energy consumers, both commercial and private, and economic sectors such as agriculture and transport.

The Member States are also intent on tackling high unemployment in the Union and the pressing need to provide support and future job prospects for the jobless, particularly young people and the long term unemployed.

Of course, the Union also continues to take decisions on more immediate challenges including the continuing management of the Common Agriculture and Fisheries policies, State aid and competition issues, the allocation of the huge EU Research and Innovation budget and ensuring that the member States comply with their legal obligations including through the correct implementation of EU law at a national level.

There are also the major immediate challenges mentioned at the outset; the stabilisation of the Greek economy and its return to growth; the further development of Economic and Monetary Union, not least to ensure that the Eurozone members have the right tools to ensure their increasingly integrated economies can collectively and successfully deal with any future crises: and the handling by the Union of the surge in migrants fleeing from war and civil strife in countries such as Syria and Libya. And finally the position of the United Kingdom in the Union and the handling of its proposals for improvements designed to make the EU more attractive and acceptable to its citizens will increasingly become the focus of attention.

In the day to day work in Brussels on the vast range of EU issues, both major and minor, it is natural that Irish and UK officials should be in regular contact to explore where collaboration and cooperation is possible on issues of common concern. The following paragraphs look in some depth at the nature and level of cooperation between Ireland, Britain and Northern Ireland in Brussels and, in particular, on areas where such

cooperation has been mutually beneficial. It also examines some areas where closer future collaboration could yield benefits.

### **Promoting Ireland's interests in Brussels**

The Irish Government promotes and protects its interests and values on EU issues primarily through its Permanent Representation in Brussels. This office, staffed by around ninety officials including administrative staff, includes officials from almost every Irish Government Department. The work of the office is overseen by Ireland's Permanent Representative to the European Union, Ambassador Declan Kelleher, the Deputy Permanent Representative, Ambassador Tom Hanney and the representative to the Political and Security Committee, Ambassador Joe Hackett.

The work of the Permanent Representation covers a huge range of activities from participation at expert level in EU Working Groups (Finance, Transport, Energy, Environment, Health, Trade.....) where the technical detail of Commission proposals for legislation are negotiated, to the Committee of Permanent Representatives (Parts I and II) where files for Ministerial discussion or decision at the Council of Ministers are prepared and where negotiations with the European Parliament on legislation are managed. The work also includes day to day contact with the Commission on all issues of concern to Ireland, discussions with other Member States, contacts with the European Parliament and with important stakeholders such as NGOs. The Representation is also in close contact with the Oireachtas whose Committees discuss and provide opinions on major pieces of EU legislation.

The UK and all of the other Member States also have Permanent Representations in Brussels also with expert officials from their capitals covering the many issues under discussion in the EU.

The twenty eight Member States of the EU strive to agree acceptable compromises on EU legislative proposals tabled by the Commission. Ministers and officials negotiate between themselves and with the European Parliament in an effort to arrive at agreements. In these negotiations groups of Member States often collaborate on issues where they share common interests.

As one of the smaller Member States such so-called Like Minded Groups, the composition of which can vary according to the issue under discussion, are particularly important for Ireland. If our national concerns on the implications for us of proposed EU legislation are shared by other Member States, particularly other large Member States with their greater voting weight, the chances of having our concerns successfully addressed are greatly increased. On many of these issues Ireland and the United Kingdom find themselves together in such Like Minded groups and frequently have very similar if not identical concerns and objectives.

Scotland, Northern Ireland and Wales all have representative offices in Brussels separate from, but linked to, the main UK Government's Permanent Representation. These offices pursue their specific regional concerns and promote their distinctive perspectives within the overall framework of UK EU policy.

Ireland's EU Permanent Representation in Brussels has a particularly close and constructive relationship with the Northern Ireland Executive office, not least on the many issues where we share common concerns given our extensive cross-border links in trade, tourism and transport, our relatively large agricultural sectors and the priority we both give to rural development, the importance we both attach to the fishing industry, similar environmental concerns including on air and water quality and, not least, our common interest in the successful implementation of the EU PEACE programme.

Ireland's EU Permanent Representation in Brussels has a particularly close and constructive relationship with the Northern Ireland Executive office.

The UK Government shares similar concerns on many, but not all, of these issues. For example, in agriculture and fisheries, the interests of Dublin and Belfast are often more closely aligned than between Belfast and London. Belfast and Dublin regularly discuss EU matters within the North South Ministerial Council both at Plenary sessions and when Ministers meet twice a year in the various sectors of cooperation; agriculture, transport, environment, education etc.

### **The Single Market**

The European single market underpins the free flow of goods, services, capital and information across the internal borders of the Union. Although a huge amount of work has gone into the creation of a true single market since the late 1980s, and the Union has already derived considerable benefits from the market, it is clear that we have yet to capture fully all of its benefits.

The impact of the economic crisis on the economies of the Member States and the difficult decisions that have been taken to restore stability have given rise to a renewed focus on the single market as a future engine of growth and jobs. There are two areas in particular where the single market is still hampered by obstacles at national level and incomplete regulation at an EU level. These are the digital and services sectors.

In June 2014, the European Council (Heads of State and Government of the Member States) agreed a *Strategic Agenda for the Union in Times of Change* setting out, in five priority areas, a longer term vision for the development of the Union. The first of these areas is "A Union of jobs, growth and competitiveness" where the European Council, inter alia, agreed that the Member States should fully exploit "the potential of

*the single market in all its dimensions; by completing the internal market in products and services; by completing the digital single market..."*

This commitment was in turn echoed in the ten political guidelines the incoming Commission President, Jean Claude Juncker, issued to the new European Commission where, he said, the new Commission *"would take, within the first six months of my mandate, ambitious legislative steps towards a connected digital single market..."* President Juncker also added:

*"By creating a connected digital single market, we can generate up to €250 billion of additional growth in Europe in the course of the mandate of the next Commission, thereby creating hundreds of thousands of new jobs, notably for younger job-seekers, and a vibrant knowledge-based society."*

The Commission has since followed up its commitment with the publication, in May 2015, of a Communication *A Digital Single Market Strategy for Europe* paving the way for the presentation over the coming year of sixteen new initiatives designed to break down barriers within the EU digital single market.

This push to develop the EU's digital sector also meets one of the UK's concerns. In his address to Bloomberg in January 2013, Prime Minister Cameron set out, in general terms, the UK's key concerns which need to be addressed before a UK referendum on EU membership is held. He said:

*"... when the Single Market remains incomplete in services, energy and digital – the very sectors that are the engines of a modern economy – it is only half the success it could be....It is nonsense that people shopping online in some parts of Europe are unable to access the best deals because of where they live. I want completing the single market to be our driving mission."*

Both the British and Irish Governments are strongly supportive of the Commission's objectives for the digital single market not least because the economies of both have large and flourishing IT sectors open to foreign investment and competition, and well placed to capitalise on further openings in the internal market. Both Governments have also urged the EU to remain open to investment by foreign IT companies and also expressed caution on the need for new regulation of Internet platforms except in cases where it can be convincingly demonstrated, through thorough impact assessment, that regulation is both necessary and beneficial.

In an important speech in London on Ireland, Britain and Europe on 14 November 2014, the Minister for Foreign Affairs, Charlie Flanagan TD, expressed Ireland's position clearly:

*"We share with you (the UK) the view that the EU must do more to restore its competitiveness and boost productivity. This will include the completion of*

*the single market in services and further progress in the digital single market. Again the UK will find a partner and ally in furthering this agenda in its close neighbour and friend across the Irish Sea."*

In June 2015, in advance of the European Council and at the initiative of the Taoiseach, Prime Ministers from Ireland, the UK, The Netherlands, Sweden, Finland, Estonia, Poland and the Czech Republic sent a joint letter to Donald Tusk, the President of the European Council, commending the Commission for its new strategy and emphasising that "Europe's Digital Single market is open and connected to the wider world."

Before the end of 2015 the Commission is expected to issue legislative proposals on two of the sixteen areas for future action: the reform of copyright law and reform of consumer rights for consumers who trade online. In the meantime the Commission has also opened public consultations on the reform of the Audiovisual and Media Services Directive and on the EU's Telecoms Framework.

While much of this work is technical in nature, it aims to deal with issues such as ending so-called geo-blocking under which consumers in some markets are blocked from accessing online broadcasts or from buying certain goods in other Member States. It will greatly simplify the consumer rights regime for consumers who wish to buy goods online across borders but who are currently deterred by lack of certainty about their rights. It will also create an EU legislative basis for EU companies wishing to engage in new, innovative and job creating activities such as text and data mining where current copyright law creates legal uncertainties deterring investment.

As this digital single market strategy moves forward, the UK and Ireland, together with other like-minded partners, will continue to work closely together to ensure that the commitments are delivered. While we see the strategy as a major instrument for promoting growth and jobs through eliminating national barriers, a number of other Member States remain concerned about the impact of foreign, principally US, companies on the EU market in areas such as search engines. Some Member States also see the strategy more as an instrument for supporting national European digital champions than for enhancing cross-border trade and fostering competition and innovation.

In addition, the issue of copyright law remains contentious between the Member States against the background of very different national copyright regimes and continuing concerns about the impact of the Commission's proposals on the European film and TV industries.

Past efforts to revitalise the European digital sector have not been particularly successful as they have rapidly become bogged down in complex technical negotiations between experts and suffered from a lack of continuing high level political oversight. This is why, in their common letter mentioned above, the Prime Ministers called for regular reporting on implementation progress to the European Council.

These efforts to develop the EU's digital single market received a boost in June 2015 when the Member States and the European Parliament, after many months of difficult negotiations, agreed a legislative measure which, by 2017, will effectively end roaming charges for consumers travelling within the EU. Both the UK and Ireland were to the forefront in supporting an early end to roaming charges and together played an active role in securing this agreement.

Beyond the digital sector, the EU's internal market in cross-border services also remains, as PM Cameron said, "*incomplete*". The services sector in Europe employs over 150 million people and amounts to more than two-thirds of EU GDP. Yet considerable national barriers to the trade in services remain. Commission studies have shown that in three priority sectors – construction, retail and business and professional services – constituting 30% of EU GDP, companies continue to face national level barriers to cross-border trade.

In addition there are no less than 6,000 professionals in the EU regulated at a national level. Such national regulations often serve as barriers to entry to particular professions for non-nationals and frustrate the development of the single market in services.

Later this year the Commission is expected to produce proposals designed to deal with these concerns. Both the UK and Irish Governments support the Commission's objectives and are urging the Commission to be ambitious in its approach. And again, the further development of the EU's internal market in services is an issue on the UK's reform agenda, on which the Irish Government, along with those Member States traditionally committed to open, liberal free trade, will, as in the digital sector, be strongly supportive of the UK's objectives.

### **Mobility**

The single market relies on the free movement of people in the EU for its proper functioning. Free movement of people, including workers, is one of the so-called four freedoms guaranteed under EU law (the others being goods, services and capital). The freedom of EU citizens to move across borders to live, work, study and to provide services in another Member State is at the very heart of the European Union.

In the context of the free movement of people across the EU, cross-border mobility is particularly relevant for people living in border regions on the island of Ireland. Considerable attention has been given to issues around tax, insurance, health provision etc. which arise for trans-frontier workers. The CCBS *Border People* project which is supported by Irish Government funding provides valuable assistance and information in this regard.

In 2004 – following the accession of ten new Member States from Central and Eastern Europe – Ireland, the UK and Sweden whose economies at the time were flourishing, immediately opened their domestic labour markets to workers from the new Member

States. Other Member States availed of provisions allowing them to delay such opening but over the years all Member States have opened their labour markets to those countries that joined in 2004.

The opening of the labour markets gave rise to a surge in migration from East to West as workers from eastern countries, where unemployment was high and wages relatively low, moved west in search of employment opportunities. Ireland and the UK received large number of such workers with the result that now, for example, mobile Polish workers represent 3.9% of the labour force in Ireland and 1.4% in the UK.

This surge in internal migration, while hugely beneficial to the receiving economies, has, particularly in the UK, given rise to controversy as the migrant workers have put pressure on public services such as health and education in certain areas. There have also been concerns in many Member States about possible abuses of the rules governing free movement of workers through, for example, false benefit claims.

Rising public concern in some Member States about the impact of the internal migration within the EU has been magnified on foot of the surge in the numbers of refugees from outside the Union's external borders fleeing war in countries such as Syria, Libya, Afghanistan and Somalia seeking asylum in the Union. Member States are grappling with difficult decisions on the handling of these claimants for asylum and the pressure they have placed on the EU's current legal framework.

Many Member States, including Ireland, sympathise with many of the concerns expressed by the UK relating to internal migration, particularly concerns related to abuse of the rules of free movement. At the same time we have very firmly indicated that we could not conceive of any watering down of the principle of free movement in the EU. The Minister for Foreign Affairs said

*"...to try to place limitations on the free movement of EU citizens within the Union would be to strike at a basic principle on which the Union is founded. Equally, I cannot conceive of any way in which such limitations would find the necessary political support around the table."*

At the same time, the Minister indicated *"it is true that the right to free movement can be abused. Such abuses can be legitimately prevented."*

The European Commission is expected to publish a Mobility Package late in 2015 which will be an opportunity for the Member States to discuss the rules governing the free

In the context of the free movement of people across the EU, cross-border mobility is particularly relevant for people living in border regions on the island of Ireland.

movement of people in the EU and to consider whether any tightening of these rules is warranted to deal with cases of abuse. The Mobility Package will include a targeted review of the *Posted Workers Directive* governing the temporary movement of workers from one Member State to another to provide a service and also the social security coordination Regulation, a complex law that governs the payment of benefits to EU citizens moving across borders.

The Minister for Foreign Affairs, in his London speech, already identified one issue which could be addressed in the forthcoming Mobility Package: *"Ireland and Britain have both raised with the Commission the appropriateness of people who work in our countries being able to claim child benefit for children living permanently elsewhere, where such benefits may be lower."*

On the issue of mobility, therefore, there is considerable scope within the existing EU rules to address many of the UK's legitimate concerns. Ireland shares many of these concerns and will be supportive of EU legislative proposals designed to fight against fraud and abuse of benefit systems while remaining firmly committed to the protection of the right of free movement within the EU.

This will be a difficult and sensitive debate as those Member States whose citizens are working in large numbers in other Member States will clearly want to ensure that the rights of their citizens are fully respected and compatible with the EU Treaties. Also the full and effective implementation of the *Services Directive*, a priority for both the UK and Ireland, needs clear rules that facilitate, rather than hinder, the movement of workers from one country to another to deliver a service (Posted Workers).

### **Reducing red tape and bureaucracy**

An important corollary of these efforts to revitalise the single market is a parallel effort to reduce red tape, over-regulation and bureaucracy in the European Union. While the creation of the single market necessarily required a large volume of legislation aimed, in many cases, at harmonising product specification rules across the EU, there is a widespread view that the volume of EU legislation is now excessive and is posing a threat to the global competitiveness of European companies.

Criticism of EU bureaucracy and over-regulation is a strong theme in Prime Minister Cameron's Bloomberg speech and is clearly seen by the UK as one of the issues that needs to be firmly addressed in any push to improve the EU: As the Prime Minister said:

*"Excessive regulation is not some external plague that's been visited on our businesses....These problems have been around too long. And the progress in dealing with them, far too slow... That means creating a leaner, less bureaucratic Union, relentlessly focused on helping its Member countries to compete."*

The Juncker Commission is well aware of the concern about about red tape and bureaucracy. President Juncker established a powerful new Vice President post in the new Commission responsible for better regulation and appointed the former Dutch Foreign Minister, Frans Timmermans, to the position. One of the tasks given to the new Vice President is to steer the Commission's *Regulatory Fitness and Performance Programme* (the so-called REFIT programme) which is the central instrument used by the Commission for regulatory burden reduction.

In May 2015 the Commission published a Communication on *Better Regulation for Better Results – an EU Agenda* setting out a far reaching and ambitious programme for regulatory reform in the EU which will both review and amend existing legislation to reduce regulatory burden and subject future legislation to a new and enhanced impact assessment process. In advance of the publication of this Communication, Ireland joined an initiative, spearheaded by the UK, and co-signed a paper submitted to the Commission setting out priorities and a ten point plan for better regulation in the EU. Other signatories to this letter included Germany, Italy and Sweden. Many of the suggestions in the letter were subsequently reflected in the Commission's Communication.

Better regulation is another area where the views of Ireland and the UK are closely aligned and where we would share many of the UK's proposals for EU reform. As the Minister for Foreign Affairs said in London: *"Prime Minister Cameron has said that a key British aim will be to liberate Europe businesses from red tape and overregulation. This is a goal we fully share in Ireland."* As in the case of the single market, progress is now being made on this issue and the Commission and many Member States have indicated they support further progress. The next step will be to ensure that the reform proposals now presented by the Commission are speedily agreed and are not watered down. Ireland the UK will continue to work closely together, and with other like-minded States, to ensure this happens.

### **Trade**

Ireland the UK both have open economies highly dependent on exports. We are both, therefore, strongly supportive of the EU's commitment to expanding the number of its free trade agreements, particularly with major trade partners. Most attention is now focussed on the early conclusion of the Transatlantic Trade and Investment Partnership (TTIP) between the EU and the United States, the EU mandate for which was agreed during Ireland's 2013 EU Presidency. We have welcomed recently concluded agreements with Canada, Vietnam and Singapore and look forward to further progress in the negotiation of agreements with countries such as Japan and India and the Latin American Mercosur group of countries.

### **Rail transport**

An efficient EU single market will require an effective transport system across the Union to facilitate the free flow of goods across borders. Despite extensive existing EU

legislation covering the rail sector, the EU market in rail, particularly passenger rail as opposed to freight, remains fragmented with national rail operators broadly confined to their home markets. In 2013, the European Commission published a comprehensive legislative proposal – the 4th Railway Package – designed to facilitate the interoperability of railway systems operating across borders, providing a European legislative basis for rail safety, binding rules on the Member States covering how rail sectors should be governed and, most contentiously, proposing to open up national rail passenger markets to competition, including by compelling member States to put all Public Service Obligations for the operation of subsidised rail networks out to international tender.

The technical aspects of this package, covering rail safety and interoperability, are now agreed leaving the more political governance and competition aspects still under discussion. Ireland has strongly argued that there would be no benefits gained by our national rail system through putting the existing Public Service Obligation, awarded to and operated by Irish Rail, out to tender. This would simply impose a huge, costly and unjustified additional administrative burden on a very small rail network comprising just 0.4% of the EU's passenger rail market. Together with other Member States with small rail markets such as the Baltic States, Luxembourg, Portugal, Slovenia and Slovakia we have presented a detailed case to the Commission that markets whose size is less than 1% of the EU's overall rail market should be exempted from the legislation.

This is an area where the views of Ireland and the UK differ as the UK, with its very large domestic network, has already opened the market in Britain fully to competition and is strongly supportive of the proposal that other Member States should do likewise. Northern Ireland, whose network is not open to competition, would tend to share the views of Ireland on the need for an exemption for small rail networks. Discussions on the 4th Railway Package will intensify in the autumn as Member States seek a compromise.

### **Climate change and energy**

Another priority area for the EU where Ireland, Northern Ireland the UK will continue to work closely together is the climate change agenda. In December 2015, the signatories to the UN Climate Change Convention will gather in Paris with the aim of reaching a new global agreement designed to ensure that any rise in the earth's temperature is limited to less than two degrees.

The European Union, which already has the world's most ambitious programme to tackle climate change, has taken a leading role in supporting a new global agreement. In October 2014 the European Council agreed the basic elements of the EU's approach to the Paris conference. At its core is an agreement to reduce the EU's greenhouse gas emissions by 40% over their 1990 levels by 2030, an obligation that should become legally binding on every Member State. In addition the Council agreed that the share of renewables in the EU's energy mix should increase to 27% by 2030 and that energy efficiency should increase by 27% by 2030, both of these latter targets being binding on the EU as a whole rather than on individual Member States.

Both Ireland and the UK are members of Climate Change Green Growth Group at EU level which is supporting an ambitious outcome to the Paris conference and a leadership role for the EU. While members of this Group supported the target for greenhouse gas reductions of 40%, there were differences over the renewable energy and efficiency targets and how they should be dealt with. The UK, for example, was opposed to a renewable energy target, particularly any target that would be binding at national level whereas Ireland was more supportive.

In 2016 the EU will have to decide how the 40% greenhouse gas reduction target is shared out between the Member States. This will be a complex and difficult negotiation, particularly the burden sharing arrangement covering the areas of transport, heating and cooling and agriculture (the so-called non-ETS – Emissions Trading Scheme – sectors).

Ireland has a fundamental national concern in this forthcoming negotiation which we have been stressing throughout all of the EU talks on climate change. In the non-ETS sector approximately 45% of all greenhouse gas emissions in Ireland come from agriculture where mitigation possibilities are limited. We are unique in this regard in the EU, as no other Member State has agricultural emissions higher than 30% with most Member States having emissions below 20%. The only other country in the world with a similar emissions profile to Ireland is New Zealand. For this reason we have been consistently arguing, and our argument has been broadly accepted, that any EU climate change policy must take food security into account.

This is one area where the views of the UK and Ireland differ. The UK fears that any special status given to agriculture, land use and land use change, including afforestation, in the accounting system for climate change emissions could weaken the overall level of ambition. The views of Northern Ireland, with its large agriculture sector, could be expected to be closer to Ireland.

In general much work remains to be done in developing the detailed technical legislation that will translate the overall EU 40% greenhouse gas reduction target into national level targets. Ireland, Northern Ireland and the UK will continue to work closely both on the overall package of legislation and on developing measures to resolve Ireland's particular national concerns.

It is worth noting that the EU's role in these global negotiations, and the very strong role played by the UK within the EU in helping to shape the EU's overall policy approach, is a good example of how the UK's EU membership is leveraged to ensure that the UK can influence a global negotiation involving such major powers as the United States, China, India and Russia.

## **Energy**

The fight against climate change is closely linked to energy policy as efforts to reduce greenhouse gas emissions through decarbonising economies and to increase energy

efficiency and the use of renewables have a huge impact on the energy sector. In addition to its proposals on climate change, the European Commission has also presented a strategy aimed at achieving an Energy Union in the EU. The future implementation of this strategy will have implications for the single energy market on the island of Ireland, on North/South and East/West electricity and gas interconnection, the possible development of a regional market in renewable energy and on research issues such as the development of wave energy where Ireland, the UK (particularly Scotland) and Northern Ireland are all active.

As part of the Energy Union, each Member State will have to devise a national energy and climate plan setting out how the EU's climate change targets will be met at a national level. These national plans are expected to be based on a high level of regional cooperation. We can expect, therefore, that the already high level of cooperation on energy between North and South and with Britain will become even more intense in the coming years.

### Other

The EU's programme for research, innovation and development, *Horizon 2020*, provides a budget of €70 billion between 2014 and 2020. *Horizon 2020* succeeds the previous programme, *Framework Programme 7 (FP7)* under which Ireland met its target of securing €600m for Irish researchers, a result which was greatly facilitated by the support to the research community provided by Enterprise Ireland and its network of focal points. For *Horizon 2020*, Ireland has set a target of securing €1.2 billion in EU research funding.

Similarly, though on a considerably lesser scale, Northern Ireland has adopted a strategy and a target for *Horizon 2020*. Northern Ireland's target is €145m, a 65% increase in its receipts of €88.5m from *FP7*. In recent years North South cooperation on accessing funding under the EU's research programme has intensified, particularly following the strong engagement by InterTradelreland in its promotion. InterTradelreland chairs an all-island *Horizon 2020* steering group looking at maximising the drawdown of funds from the programme. A target of €175m has been agreed jointly between Ireland and Northern Ireland for specific North South collaborative projects.

Given the ambitious targets by both Belfast and Dublin for accessing EU research funding, there is scope to continue to improve the intensifying cooperation between research institutions on the island, including in the submission of joint bids for EU funding. This is particularly important at a time when Government research budgets are under severe pressure.

The reform of the *Common Fisheries Policy*, agreed during Ireland's EU Presidency in 2013, is now being gradually rolled out. A central element in this reform is the so-called Landing Obligation designed to end the practice of trawlers discarding often large volumes of fish for which they do not have a quota. The implementation of the

Landing Obligation will pose a significant challenge for the Irish fishing industry. The Government is committed to implementing the Obligation but stresses the need to move forward pragmatically and with the support of the industry. Given the similarities in the structure and geographic range of the Irish and Northern Irish fishing fleets, North South discussions on the implementation of the Landing Obligation and its implications will intensify.

### **UK Referendum**

Ireland's position on the debate in the UK about its future membership of the EU was most succinctly and bluntly stated by the Minister for Foreign Affairs in his London speech: *"Ireland's position on this is unequivocal: we want to the UK to remain a full, integral member of the EU."*

As the Minister stated:

*"Ireland and the UK are like-minded on very many issues. In terms of history, culture, language and human ties we are closer to one another than to anybody else in the EU. And like several other Member States, Ireland sees the UK as a key ally and partner. In fact, the UK is the single most important champion of many of the European policies we support."*

In addition the EU has been a strong force for peace and reconciliation, and has provided a framework for cooperation between unionist and nationalist, and between North and South. The EU has also supported the peace progress, not least through its PEACE and INTERREG programmes.

As the UK's proposals on improving the EU are refined further and become more precise, it is already clear that in areas such as trade, deepening the single market in services, strengthening the digital single market, rolling back red tape and over-regulation and dealing with abuse and fraud in national benefits systems, the EU has begun to act with determination. Far reaching proposals on these issues are either on the table or will soon be produced. As the Minister for Foreign Affairs has stated, Ireland, and many other Member States, are on the same side as the UK on these issues and we will be ready to support speedy agreement on and implementation of any agreements reached.

In Brussels, Ireland, the UK and the Northern Ireland Executive office will closely collaborate in the months ahead on all issues where we have common interests and where we all agree that much remains to be done to improve the EU's competitiveness, restore growth, create

The EU has been a strong force for peace and reconciliation, and has provided a framework for cooperation between unionist and nationalist, and between North and South.

jobs and ensure that the EU is seen throughout the Union as working in the interests of all our citizens.

**Ambassador Tom Hanney**

Ambassador Tom Hanney was appointed Deputy Permanent Representative of Ireland to the EU in September 2011, after serving for two years as Irish Ambassador to the Kingdom of Belgium, and Head of Ireland's Liaison Office to the Partnership for Peace at NATO. From 2006-2010, Tom Hanney was Joint Secretary of the North South Ministerial Council, based in Armagh; prior to which he worked in the Department of the Taoiseach on matters related to EU coordination and the European Council. He had responsibility for UN and globalisation issues for the Department of Foreign Affairs (1999-2004) and was in Ireland's Permanent Representation to the UN at Geneva, where he dealt with the UN Conference on Disarmament (1995-99). His previous diplomatic service involved appointments to the Embassies of Ireland in Germany, Saudi Arabia and Sweden, and work with the Anglo-Irish and Economic Divisions of the Department of Foreign Affairs.

## Northern Ireland in Europe

**Andrew Elliott, Head of Office, Northern Ireland  
Executive Office, Brussels**



*The Office of the Northern Ireland Executive Office in Brussels was officially opened to represent the interests of Northern Ireland in January 2002. The primary focus was to promote Northern Ireland as a dynamic and outward looking European Region with a particular interest in developments at a European level where many of the laws and policies of the European Union have a direct and lasting impact on the lives of the people in Northern Ireland.*

*Northern Ireland has benefitted greatly, both economically and socially, thanks to significant contributions from the various EU funding programmes and other initiatives. Northern Ireland is unique as a European Region in that it has a dedicated EU Peace Programme. This funding supports the peace process and promotes mutual understanding and reconciliation in Northern Ireland and the border regions. This commitment from the European Commission is ongoing, with a further tranche of funding soon to come through Peace IV.*

*The Office in Brussels employs three OFMDFM staff and four locally engaged staff who support the Executive to influence European policy and legislation. In 2014-15, the Office hosted seven Ministerial visits and over 60 events with approximately 2,450 visitors. This has included policy seminars and workshops, cultural events and networking receptions.*

*The Executive Office in Brussels shares information and supports Ministers and officials of all Departments in their European engagement. Its presence enables the Executive to keep informed and engaged in the European Parliament particularly with local MEPs and the European Commission, and to work closely with the Permanent Representations of the UK and Ireland, Member States and other EU institutions.*

*Also to put this in context the Executive has drawn down £72.7 million of competitive EU funds in the last three years.*

*In addition to this, Northern Ireland's relationship with the European Commission has been further strengthened with the establishment of the Barroso Task Force in 2007. The aim of the Task Force was to facilitate the development and continuation of Northern Ireland's long-term relationship with the European Commission and to ensure that we contribute to and benefit from the wide range of EU programmes and initiatives that are available.*

*This article provides details on the various funding streams and initiatives that Northern Ireland has benefitted from; highlighting the impact that each has had on economic and social development within Northern Ireland, as well as across the border region and in neighbouring Scotland.*

### **The European Union Sustainable Competitiveness Programme for Northern Ireland (2007-2013) Part-funded by the European Regional Development Fund (ERDF)**

The €566m Programme provided support for economic growth and jobs in Northern Ireland. The Programme, which was 50% funded through the European Regional Development Fund, has supported a huge range of projects in areas such as:

- business research;
- business growth and development;
- enterprise and entrepreneurship;
- local Economic Development;
- tourism development;
- energy efficiency; and
- clean urban transport.

The Department of Enterprise, Trade and Investment (DETI) manage the overall Programme, delivered through schemes run by Intermediate Bodies such as Invest NI and Tourism NI. More information about the Programme is available on the Programme website [www.eucompni.gov.uk](http://www.eucompni.gov.uk).

#### **Business research**

Invest NI's Grant for Research and Development Programme has provided streamlined, transparent and accessible support for R&D and technological innovation to both large companies and SMEs across a range of large and small projects. ERDF support for the Programme has facilitated increasing project applications and private sector investment in R&D projects. £114m (£57m ERDF) was made available to Invest NI to encourage and drive research, development and innovation activity in Northern Ireland.

**Wrightbus:** Invest NI offered Wrightbus more than £4.5m (£2.3m ERDF) to support R&D projects on development of a range of buses, including low carbon and electric zero emissions vehicles for UK, European and Asian markets.

#### **Business growth and development**

Invest NI's Grant for Research and Development Programme has enabled businesses to grow and develop.

One business to benefit from the Programme was **Cross Refrigeration (NI) Limited**. Investment of £22k (£11k ERDF) in the project has led to the development of innovative technology to provide an efficient and controlled environment to ripen bananas. This

investment has generated orders totalling £10.4m (with more orders anticipated) and the company has increased the number of employees in their Northern Ireland operation from 27 (in 2013) to 35 (in 2014).

### **Enterprise and entrepreneurship**

Financial Engineering Instruments – Co-Fund NI: Financial Instruments help to mobilise additional public and private co-investments by way of loans, guarantees, equity and other risk bearing mechanisms. Under the Programme an equity investment instrument was created and funded. The objective of this Co-Investment Fund was to support new and innovative existing businesses to improve competitiveness and productivity. Thirty-six investments have been made to date with a private sector contribution of almost €9m.

Northern Ireland-based **BubbleBum UK Ltd**, manufacturer of the world's first inflatable car booster seat for children, rolled out its product in one of America's largest retail chains. The company succeeded in securing £700,000 from a combination of a bank loan, private equity and investment from the Co-Investment Fund.

### **Local Economic Development - LED**

Delivered through Invest NI, the EU Sustainable Competitiveness Programme has part-funded a variety of projects taken forward by local councils. One such project was Cookstown District Councils, Multi Sectoral Tendering Programme.

In its first phase this unique and innovative programme delivered significant results for participating businesses. It assisted 44 businesses to successfully work towards tendering for public and private sector contracts:

- Equipping businesses from the engineering, construction, manufacturing and business services sectors to identify and access tendering opportunities to broaden their customer base;
- Assisting in the process of implementing pre-qualification accreditations; and
- Creating sustainable jobs.

### **Tourism development**

Tourism NI have delivered a number of *Tourism Development Schemes (TDS)* including high profile projects such as the Giant's Causeway Visitor Centre (£5.9m ERDF), Belfast Welcome Centre (£0.6m ERDF) and the Waterfront Conference and Exhibition Centre (£13.8m ERDF) which is due to open in 2016.

**Giant's Causeway Visitor Centre:** The Programme provided £11.9m (£5.9m ERDF) to the award-winning redevelopment of the Giant's Causeway Visitor Centre, which is making a significant contribution to the development of a vibrant and sustainable tourism industry and the NI economy. Built to the highest architectural standards, it offers a fully integrated visitor experience with state-of-the-art facilities. Its unique and striking design has won various awards for sustainability, tourism and architecture.

Since opening in 2012, the Centre has proved a huge draw for tourists both at home and abroad, with visitor numbers exceeding expectation. During the first two years of operation there were 1.4m visitors from 178 countries.

### **Energy efficiency**

The Programme allocated £12m (£6m ERDF) to the Department for Social Development's Boiler Replacement Scheme (administered through the Northern Ireland Housing Executive) to assist low income home owners to replace inefficient domestic heating boilers in a bid to improve energy efficiency and reduce fuel poverty. Incentive grants of up to £1,000 were made available to assist owner-occupiers in replacing inefficient boilers for a more energy efficient condensing oil or gas boiler; switching from oil to gas; or switching to a wood pellet boiler. The Programme supported more than 7,500 homes across Northern Ireland with improved energy efficiency.

### **Clean urban transport**

The Programme allocated more than £29.2m (£14.6m ERDF) to the Department for Regional Development to support an upgrade of Northern Ireland's public transport fleet to meet European emissions standards (Euro V). As well as the significant environmental benefits, the new vehicles have provided a more attractive option for passengers, delivering greater comfort and accessibility in a number of ways:

- Metro buses are now 100% wheelchair accessible;
- Additional double deck buses enhance capacity on busy routes; and
- Goldline coaches offer free WiFi, leather seats and additional legroom.

### **Northern Ireland European Social Fund Programme 2007-2013**

The overall strategic aim of the Northern Ireland European Social Fund (ESF) Programme 2007–2013 is to reduce economic inactivity and increase workforce skills via two main priorities namely:

**Priority 1:** will help to improve the employability of those groups experiencing significant employment gaps by identifying and tackling their personal barriers to entering and competing effectively in the labour market.

**Priority 2:** will raise the skills levels of workers and new entrants to the labour force and invest in human capital.

An allocation of €115,037,174 and €71,840,121 are in place for Priorities 1 and 2 respectively. Therefore the ESF Programme is primed to play a pivotal role in supporting the voluntary and community sector to address the needs of a number of disadvantaged groups and in contributing to skills development for those in work.

### **ESF supporting employment in Northern Ireland by sector**

In addition to addressing social disadvantage the ESF programme continues to be a significant source of employment for those responsible for administering and running

ESF projects in Northern Ireland. The ESF Managing Authority recently commissioned an exercise to quantify the contribution of ESF to supporting employment in NI. Assisted by PROTEUS (ESF Support Structure) they surveyed all participating projects in the 2007-2013 programme to determine the number of full-time equivalent (FTE) employees whose salaries are supported by ESF funding.

It was interesting to note that the programme supported 564 Full Time Equivalent (FTE) positions with the largest recording 77 FTEs and the smallest only 1 FTE. Over half (53%) were in jobs in the disability sector, 8% in women's groups, just under 7% in youth groups and the remainder (32%) in projects dealing with a mixed target groups. It is anticipated that a similar number of jobs will continue to be supported under the ESF Programme 2014-2020.

### **Impact of ESF on a wider level: Priority 1**

Results from the programme to date has been encouraging as 89,754 beneficiaries have participated on Priority 1 projects, exceeding the revised target of 53,220.

Interestingly, the number of Priority 1 participants in work on leaving currently stands at 14,520 which have exceeded the programme target of 14,070. This is indicative of the positive outcomes that can be achieved through participation in the ESF Programme.

Northern Ireland as with many other member states has been focussing on the challenging problem of addressing the needs of those young people not in education, employment or training (NEET). The programme target stands at 4,500 and to date 3,710 have participated on the programme which represents some 82% of the target and we are optimistic that the figure will be attained by the end of the Programme.

The figure for NEETs entering education, employment and training on leaving currently stands at 2,706 against a target of 2,400. The attainment of this target is heartening and highlights that when NEETs can be successfully recruited on the programme positive outcomes can be achieved.

### **Impact of ESF on a wider level: Priority 2**

The impact of Priority 2 on skills development and the acquisition of qualifications on the Apprenticeships NI programme have been impressive and are evidenced in the following:

- The number of participants gaining essential skills qualifications was 19,691 against the revised Priority 2 target of 8,540.
- The number of participants gaining level 2 qualifications was 18,671 against a Priority 2 target of 8,540.
- The number of participants gaining level 3 qualifications was 10,804 well in excess of the programme target of 3,200.

The acquisition of skills and qualifications as detailed will be of vital importance to the economy as it emerges from a number of years of recession.

Although the figures detailed previously are satisfactory, the real testimony to the continued impact and importance of ESF is best portrayed in the many personal testimonies which the Managing Authority have accumulated and are illustrated in the Annual Implementation Reports submitted to the Commission to date.

### **ApprenticeshipNI Programme, funded under Priority 2 of the ESF NI Programme**

The programme aims to:

- support employers in developing their future workforce;
- provide apprentices with the knowledge, understanding, and competence to work at a high level in their chosen occupation;
- offer high quality training to fulfil the requirements of an appropriate Apprenticeship Framework;
- contribute to raising the skills level of the NI workforce;
- provide opportunities for progression to further and higher education and training; and
- encourage the direct involvement of employers in training key personnel.

The Department funds approximately 140 Frameworks which cover a range of occupations at Levels 2 and 3. The programme is employer-led with employers recruiting and employing apprentices before referring them to one of the ApprenticeshipNI contracted training suppliers. The network of training suppliers include organisations from the private sector, large employers and Further Education Colleges.

### **Occupancy and performance**

See data taken from the *Department's ApprenticeshipNI Statistical Bulletin*, first published 27th May 2015 and revised June 2015. The latest issue will be available at: <http://www.delni.gov.uk/index/publications/r-and-s-stats/apprenticeshipsni-statistical-bulletins.htm>

Table 1 shows the number of apprentices who started the programme in the period 2007 to 2014.

Tables 2 to 4 show the performance for the ApprenticeshipNI 2008 and 2013 programmes.

**Table 1: ApprenticeshipsNI starts by age and gender (2007/08 to 2014/15) <sup>(1)(2)</sup>**

Academic year	Aged 16 to 19			Aged 20 to 24			Aged 25+			
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
2007/08	4,280	2,141	649	2,790	621	851	1,472	5	13	18
2008/09	8,080	1,807	670	2,477	697	978	1,675	1,150	2,778	3,928
2009/10	7,835	1,483	618	2,101	770	1,002	1,772	1,412	2,550	3,962
2010/11	8,948	1,158	496	1,654	962	1,216	2,178	1,995	3,121	5,116
2011/12	7,880	1,141	388	1,529	931	1,088	2,019	1,630	2,702	4,332
2012/13	6,331	1,233	396	1,629	1,086	1,258	2,344	915	1,443	2,358
2013/14	5,409	1,520	576	2,096	1,385	1,541	2,926	245	142	387
2014/15 (up to Apr 15)	4,458	1,549	458	2,007	1,035	971	2,006	240	205	445
Total	53,221	12,032	4,251	16,283	7,487	8,905	16,392	7,592	12,954	20,546

(1) From September 2007, ApprenticeshipsNI were aimed at individuals aged 16-24, however in September 2008 they became all-age apprenticeships. From August 2012 adult apprenticeships have been restricted to the priority economic sectors needed to rebalance the economy.

(2) These figures are for apprentices on ApprenticeshipsNI, they do not include those apprentices who remain on the Jobskills Modern Apprenticeships programme.

Source: Data extracted from the Department's Client Management System on 31st July 2015.

**Table 2 Performance on ApprenticeshipsNI 2008 Level 2 (2009/10 to 2013/14)**

Financial Year	Completed 4 Weeks	No. of Participants				% of Participants			
		Still on this training programme	Left without an NVQ or Full Framework	Achieved NVQ Level 2 (1)(2)	Achieved Level 2 Framework (1)(2)	Still on this training programme	Left without an NVQ or Full Framework	Achieved NVQ Level 2 (1)(2)	Achieved Level 2 Framework (1)(2)
200 9/10	4971	0	1561	3269	2701	0%	31%	66%	54%
182 8/11	6125	2	1787	4113	3569	<0.5%	29%	67%	58%
167 7/12	5244	1	1534	3574	3291	<0.5%	29%	68%	63%
2012/13 (3)	4194	39	1324	2810	2645	1%	32%	67%	63%
2013/14 (3)	838	34	306	517	465	4%	37%	62%	55%

(1) The Target Year for achievement of qualifications is 2 years after a participant starts on a programme. For example, starts in 2009/10 will have a Target Year for achievement of March 2012.

(2) It should be noted that a participant can gain more than one qualification.

(3) Participants who began in these years still have time remaining to achieve their targeted qualification. For example, starts in 2013/14 will have a Target Year for achievement of March 2016.

**Table 3 Performance on ApprenticeshipsNI 2008 Level 2/3 (2009/10 to 2013/14)**

Financial Year	No. of Participants					% of Participants							
	Completed 4 Weeks	Still on this training programme	Left without an NVQ or Full Framework	Achieved NVQ Level 2 (1) (2)	Achieved NVQ Level 3 (1) (2)	Achieved Level 2 Framework (1) (2)	Achieved Level 3 Framework (1) (2)	Still on this training programme	Left without an NVQ or Full Framework	Achieved NVQ Level 2 (1) (2)	Achieved NVQ Level 3 (1) (2)	Achieved Level 2 Framework (1) (2)	Achieved Level 3 Framework (1) (2)
2009/10	684	1	169	273	421	12	370	<0.5%	25%	40%	62%	2%	54%
2010/11	785	25	142	255	571	25	552	3%	18%	32%	73%	3%	70%
2011/12	907	89	146	216	633	28	601	10%	16%	24%	70%	3%	66%
2012/13 (3)	309	138	40	260	52	47	46	45%	13%	84%	17%	15%	15%
2013/14 (3)	17	4	0	6	11	2	11	24%	0%	35%	65%	12%	65%

- (1) The Target Year for achievement of qualifications is 2 years after a participant starts on a programme, with the exception of the Level 3 elements of a Level 2/3 start, which can be up to 4 years after a participant starts on the programme.
- (2) It should be noted that a participant can gain more than one qualification.
- (3) Participants who began in these years still have time remaining to achieve their targeted qualification. For example, starts in 2013/14 will have a Target Year for achievement of March 2016.

**Table 4 Performance on ApprenticeshipsNI 2008 Level 3 Progression (2009/10 to 2013/14)**

Financial Year	Completed 4 Weeks	No. of Participants				% of Participants			
		Still on this training programme	Left without an NVQ or Full Framework	Achieved NVQ Level 3 (1)(2)	Achieved Level 3 Framework (1)(2)	Still on this training programme	Left without an NVQ or Full Framework	Achieved NVQ Level 3 (1)(2)	Achieved Level 3 Framework (1)(2)
2009/10	1293	2	371	828	654	<0.5%	29%	64%	51%
2010/11	2341	3	600	1624	1445	<0.5%	26%	69%	62%
2011/12	2206	2	655	1478	1378	<0.5%	30%	67%	62%
2012/13 (3)	2438	48	604	1799	1722	2%	25%	74%	71%
2013/14 (3)	419	68	106	251	231	16%	25%	60%	55%

(1) The Target Year for achievement of qualifications is 2 years after a participant starts on a programme. For example, starts in 2009/10 will have a Target Year for achievement of March 2012.

(2) It should be noted that a participant can gain more than one qualification.

(3) Participants who began in these years still have time remaining to achieve their targeted qualification. For example, starts in 2013/14 will have a Target Year for achievement of March 2016.

**Table 5 Performance on ApprenticeshipsNI 2013 Level 2 (2013/14)**

Financial Year	Completed 4 Weeks	No. of Participants			% of Participants				
		Still on this training programme	Left without an NVQ or Full Framework	Achieved NVQ Level 2 (1)(2)	Achieved Level 2 Framework (1)(2)	Still on this training programme	Left without an NVQ or Full Framework	Achieved NVQ Level 2 (1)(2)	Achieved Level 2 Framework (1)(2)
2013/14	1887	606	473	952	806	32%	25%	50%	43%

- (1) The Target Year for achievement of qualifications is 2 years after a participant starts on a programme. For example, starts in 2013/14 will have a Target Year for achievement of March 2016.
- (2) It should be noted that a participant can gain more than one qualification.

**Table 6 Performance on ApprenticeshipsNI 2013 Level 2/3 (2013/14)**

Financial Year	Completed 4 Weeks	No. of Participants					% of Participants						
		Still on this training programme	Left without an NVQ or Full Framework	Achieved NVQ Level 2 (1)(2)	Achieved NVQ Level 3 (1)(2)	Left without an NVQ or Full Framework	Still on this training programme	Achieved NVQ Level 2 (1)(2)	Achieved NVQ Level 3 (1)(2)	Achieved Level 2 Framework (1)(2)	Achieved Level 3 Framework (1)(2)		
2013/14	359	226	78	200	16	21	12	63%	22%	56%	4%	6%	3%

- (1) The Target Year for achievement of qualifications is 2 years after a participant starts on a programme, with the exception of the Level 3 elements of a Level 2/3 start, which can be up to 4 years after a participant starts on the programme.
- (2) It should be noted that a participant can gain more than one qualification.

Proteus NI Ltd has made a unique contribution to the ESF landscape in Northern Ireland over the last 23 years. Initially contracted by the then Training and Employment Agency as the National Support Structure for the EU's ESF-funded Community Initiatives, Proteus contributed to the successful implementation of NOW, Euroform, Horizon, Employment, Adapt and EQUAL over the period 1992 to 2008.

Proteus was also appointed by the European Commission in 1996 as the lead Intermediary Funding Body (IFB) on the Employment Sub-programme of the first and second Peace Programmes, disbursing a total of €60m in ESF and ERDF funding to over 600 peace projects across Northern Ireland.

Most latterly, Proteus has been acting as the Support Structure to the Department for Employment and Learning (DEL) for the main ESF programme in Northern Ireland 2007-2013. The work has mainly concentrated on the transnational aspects of the programme and included the successful management of the EU Learning Network on Empowerment and Inclusion. The end of an era approaches, however, with the closure of the ESF Programme for 2007-2013, Proteus and the company will go into liquidation at the end of 2015.

### **Common Agricultural Policy (CAP)**

The Common Agricultural Policy (CAP) continues to play a vital role in supporting farm businesses and the wider rural economy in Northern Ireland. Over the 2007 – 2013 EU Financial Perspective, €2,228 million (£1,778m) was paid out to farmers under the Single Farm Payment. Approximately 38,000 farm businesses received payments each year.

In the current EU financial perspective (2014 – 2020), it is envisaged that Northern Ireland will receive €2,280 million of direct payments. The importance of this support is illustrated by the fact that in most years Single Farm Payment has exceeded Total Income from Farming. Single Farm Payment ranged from 79% to 166% of farm income. In other words, without CAP support, farm incomes would either be negative or extremely low and many farm businesses would not survive. The Beef and Sheep sector which has many small farms typically has low incomes and a very high dependence on EU payments.

A vibrant agricultural industry is essential for the success of the food processing sector and also supports a very considerable agricultural input supply sector. It is in these sectors that the wider benefits of the CAP are manifest as well as more generally in rural villages and towns.

Over the 2007 – 2013 period (2006 – 2012 scheme years), €2,228 million was paid out under CAP Pillar 1 (Single Farm Payment) equating to £1,778m. Over the 2006 – 2012 calendar years aggregate total income from farming (TIFF) reached £1,538m. Therefore without Single Farm Payment, total income from farming would have been negative.

SFP as a percentage of TIFF each year is as follows:

2006	166%	2009	147%	2012	109%
2007	112%	2010	107%	2013	79%
2008	131%	2011	81%	2014	88% (provisional)

On average around 38,000 farm businesses received Single Farm Payment each year over the 2006 – 2012 scheme year period.

### **Northern Ireland Rural Development Programme (NIRDP)**

The Northern Ireland Rural Development Programme (NIRDP) is jointly financed by Europe through the European Agricultural Fund for Rural Development (EAFRD) and the Department of Agriculture and Rural Development (DARD) in Northern Ireland.

The Programme is a wide ranging package of support measures based around three broad themes of enhancing the competitiveness of our agri-food industry, protecting and enhancing our natural environment and broader rural development.

The NIRDP 2007-13 is worth approximately £535 million. Of this, €329 million (£269 million) is EAFRD funding with the remainder coming from DARD's own budget. Levels of expenditure under the 2007-13 Programme have been very good, with almost 98% of European funds drawn down at the end of March 2015.

Through the Programme, over 16,000 farmers have received training on how to improve practices on their own farm business through the Focus Farms scheme. Funding totalling £22m has been awarded to 115 projects through the Processing and Marketing Grant scheme, and over 5,000 farmers have received in excess of £14 million in the form of capital grants to help modernise their farm businesses.

Over 35% of all agricultural land in Northern Ireland is currently under an agri-environment agreement, helping to ensure that farming practices are carried out in a sustainable way which protects the natural environment and enhances biodiversity. Over 800 farmers and landowners have received financial assistance in excess of £10 million to create 1850 hectares of new woodland.

Almost 600 farms have received support totalling £15 million to help them diversify into non-agricultural activities, creating over 270 jobs in the process. A further 490 jobs have been created in our rural areas by providing almost £10 million of grant support for business creation and development.

The successor to the 2007-2013 Programme is the Rural Development Programme 2014-20. This Programme has been recently approved by the European Commission and is the result of over three years work by DARD and its stakeholders. The 2014-2020 Programme, which has an indicative budget of up to £623 million, will aim to build on the success of its predecessor by delivering a balanced package of measures to meet the needs of our rural areas and our stakeholders.

### **PEACE III Programme**

The PEACE III Programme is a distinctive programme part-funded by the European Union (€225 million from the EU with further national contributions of €108 million) through its Structural Funds programme. The full title of the PEACE III Programme is the EU Programme for Peace and Reconciliation in Northern Ireland and the Border Region of Ireland. The programme covers the period 2007-2013.

The main aims of the PEACE III Programme are to reinforce progress towards a peaceful and stable society and to promote reconciliation by assisting operations and projects which help to reconcile communities and contribute towards a shared society for everyone.

The programme is divided into two main priorities. These are:

- Reconciling Communities
- Contributing to a Shared Society

It delivers these priorities through “themes” - these themes are:

- To build positive relations at the local level
- To acknowledge the past
- To create shared public spaces
- To develop key institutional capacity for a shared society

Key achievements to note at the Programme level include:

- 7,243 events organised that address sectarianism and racism, or deal with conflict resolution against a Programme target of 5,000;
- 7,367 individuals have received trauma counselling against a Programme target of 5,600;
- 43,782 individuals have participated at events assisting victims and survivors against a Programme target of 25,000;
- 25,365 participants have attended conflict resolution workshops;
- 2,409 participants from interface areas have engaged in activities to build cross-community relationships. This is against a cumulative target of 1,090;
- 17,232 people have benefitted from shared services. This is against a Programme target of 10,000.

### **PEACE III Case Studies**

#### **Teaching Divided Histories**

In response to the challenge of how best to approach the teaching of conflict issues in schools, the Nerve Centre devised *Teaching Divided Histories*, an innovative three year project which introduced new, curriculum-linked, digital approaches to the study of conflict into schools in Northern Ireland, the Republic of Ireland and internationally.

The project, which was awarded £469,200 under the EU's PEACE III Programme, offered teachers free training and gave them the confidence, resources and transferable digital skills necessary to teach issues around the conflict in the classroom. Through close collaboration with schools and examination boards on both sides of the border, the Nerve Centre team developed a programme of teaching which used film, digital imagery, animation, comic books and webcasting to expand the scope of conflict education to subjects including History, English, Art, Music, RE and Geography for students at Key Stages 3 and 4.

Partnership with the British Council brought a wider perspective to *Teaching Divided Histories*, bringing in project visits to countries such as South Africa, Sierra Leone, India and Lebanon (in addition to a new partnership with the Basque Country). Students in these countries have been learning about the conflict in Northern Ireland as an introduction to addressing issues around conflicts in their own countries and creative responses to conflict education have been shared digitally, on an international basis.

**For further information on 'Teaching Divided Histories', please visit**  
<http://www.nervecentre.org/teachingdividedhistories>

### **Sharp Focus - Crossing the Divide**

*Sharp Focus –Crossing the Divide* brought together four groups of young people aged 14-18 from Northern Ireland and the Border Region of Ireland with professional filmmakers to produce four short films exploring the legacy of the conflict.

Managed by Drogheda's Calipo Theatre and Picture Company, the project received funding of €620,261 from the EU's PEACE III Programme and worked with participants from the Shankill and Falls Women's Centres in Belfast, Monaghan Youth Theatre and Craobh Rua Youth Project in Dundalk.

Collaborating with Calipo's cross-border partner Shankill Women's Centre in Belfast and in association with WAVE Trauma Centre and Healing Through Remembering, Calipo's researcher undertook comprehensive explorative work which included interviews conducted by project facilitators and participants with victims and survivors of the conflict.

A series of drama taster workshops was held with groups of young people on both sides of the border, followed by a number of residential sessions, during which the project participants worked with professional screenwriters to devise, rehearse and produce their own screenplays, inspired by the real-life stories which had been shared with them.

The groups brought out relevant issues and themes in their scripts with the help of professional filmmakers and suggested locations in their communities for the film shoots where the effects of the conflict were often still visible.

The four films which were produced by Sharp Focus – *Collusion*, *Forget Me Nots*, *Melter* and *Escape Plans* – were premiered at the Lighthouse Cinema in Dublin and also shown at the Belfast Waterfront as part of the city's film festival. The films went on tour across Northern Ireland and the southern Border Counties for screenings in 12 locations in the Cinemobile mobile cinema and there are further plans to share the films and disseminate the groups' experience of the process.

**For further information on Sharp Focus – 'Crossing the Divide', please visit [www.calipo.ie](http://www.calipo.ie)**

### **Accounts of the Conflict**

Developed by the International Conflict Research Institute (INCORE) at Ulster University, the *Accounts of the Conflict* Archive is a permanent digital archiving project that will preserve personal accounts of the conflict in Northern Ireland for future generations through best archival practice.

The project, which received funding of £948,509 from the EU's PEACE III Programme, allows users to search for information on past and present story-telling projects about the conflict which can be deposited digitally within the archive. *Accounts of the Conflict* aims to support individual story-tellers and those who manage story-telling collections, by offering an objective arena for the presentation of personal narratives of the conflict.

This publicly accessible digital resource of audio, audio-visual and text formatted stories and testimonies of the Northern Ireland conflict features the personal stories of a wide variety of individuals who have been affected by the Northern Ireland conflict in various ways over the past few decades.

**The INCORE Accounts of the Conflict Archive is available at [www.ulster.ac.uk/accounts](http://www.ulster.ac.uk/accounts)**

### **INTERREG IVA Programme**

The INTERREG IVA Programme for Northern Ireland, the Border Region of Ireland and Western Scotland is a European Union supported Structural Funds Programme which seeks to address the economic and social problems which result from the existence of borders. It supports strategic cross-border cooperation for a more prosperous and

sustainable region. The INTERREG IVA Programme is worth €256 million (€192 million from the EU with further national contributions of €64 million).

The INTERREG IVA Programme continues INTERREG IIIA's strong focus on Northern Ireland and the Border Region of Ireland. However, the eligible area now also includes Western Scotland. INTERREG IVA assists two categories of projects: (i) Northern Ireland and the Border Region of Ireland projects, as before; (ii) Tripartite projects that involve Northern Ireland, the Border Region of Ireland, and Western Scotland. Every project will therefore have a Northern Ireland and Border Region of Ireland element.

The Programme is delivered through two priorities.

**Priority 1:** Cooperation for a more prosperous cross-border region: It will do this by helping to diversify and develop the economy

- By encouraging innovation and competitiveness in enterprise and business development; and
- By promoting tourism.

**Priority 2:** Cooperation for a sustainable cross-border region: It will do this by supporting activities that

- Promote cross-border cooperation in policy development; and
- Improve access to services to promote the quality of life for those living in the eligible area.

### Summary of programme achievements

A key achievement of the programme is a significant increase in cross-border cooperation to support truly innovative solutions and to improve the lives of citizens in the eligible area. As such, effective partnerships have been established between government departments, agencies, academic institutions and industry to find joint solutions in the areas of health, research & development, SME growth and development, tourism, the environment, transport infrastructure and urban and rural regeneration.

This high level of cross-border cooperation is evident through the programme's core indicator achievements (based on all approved projects) with 72 projects demonstrating joint development, joint implementation, joint staffing and joint financing. In addition, 47 of these have developed collaboration in the field of public service, 12 projects are encouraging and improving the joint protection and management of the environment and five projects are reducing the isolation through improved access to transport, ICT networks and services.

Programme indicator achievements, based on all approved projects, also evidence the impact of this collaboration with 2,723 businesses assisted, 23% of these collaborating on a cross-border basis, resulting in 295 jobs created. There have been just over 114,000 beneficiaries of cross-border services, with the majority of these benefiting from cross-border health services.

In 2014, cross-border infrastructure funded through the programme including road improvement retained a 6.8% reduction in the number of killed or seriously injured (KSI) figures with an average reduction in journey times remaining at 33%. Similarly, funding intervention in the area of telecommunications retained a 25% reduction in the time taken to transmit data between North America and the North West of Ireland and the 4% increase of businesses taking up Broadband.

### **INTERREG IVA (2007-2013) - Case Studies**

#### **North West Regional Science Park – Innovation Centre**

The Northern Ireland Science Park has officially opened its Derry headquarters at the new purpose-built Innovation Centre at Fort George in the city.

The North West Regional Science Park, which received funding of £12,051,825 from the EU's INTERREG IVA Programme, will anchor the work of the Science Park across the North and West of Ireland and will cement a cross-border partnership with Letterkenny Institute of Technology (LYIT).

The Park provides 50,000 square foot of flexible workspace on the banks of the Foyle, on the site of a former army barracks. It has its own Data Centre and houses specialists in software, telecoms, digital media, health and bioscience, clean tech and television production, among many others.

The high-tech, super-connected premises provides flexibility for start-ups and companies of any size, ranging from a single 'hot desk' to large-scale workspace, as well as meeting spaces, a café, on-site parking and secure cloud data storage.

**For further information on the North West Regional Science Park, please visit** <http://www.nisp.co.uk/north-west/>

#### **Royal Social for the Protection of Birds – 'Halting Environmental Loss Project' (HELP)**

In response to the serious decline in the numbers of breeding waders in Northern Ireland, Donegal and western Scotland, the RSPB created the Halting Environmental Loss Project (HELP), which received £1,485,689 in funding from the EU's INTERREG IVA Programme.

HELP project officers made contact with almost 300 farmers in key areas, provided detailed, field by field advice to over 150 farmers and ran over 20 training events. As a direct result of these measures, farmers have been cutting rushes, targeting grazing, clearing scrub and creating shallow pools and muddy areas for chicks to feed. This habitat management work has also been of benefit

to other wildlife including the great yellow bumblebee, the Irish Lady's Tresses orchid, the marsh fritillary butterfly and the Irish damselfly.

In addition to restoring habitat for birds and other ancillary plant and animal species, there have been some tangible economic benefits from the project. Visitors, attracted to the natural landscapes of the remote islands off the west coast of Scotland, have been able to learn more about the landscape, have been encouraged to make repeat visits and have contributed more to the remote rural economy.

**For further information on HELP, please visit** <http://bit.ly/1Ctxfvk>

### **Scottish Centre for Ecology and the Natural Environment (SCENE)**

Located on the shores of Loch Lomond, SCENE is Scotland's flagship centre for ecological field research. The centre recently benefitted from a £3m state-of-the-art teaching extension, which was funded by public donations and the EU's INTERREG IVA programme.

The extension incorporates a new lecture theatre, teaching laboratory, specialist stores and accommodation for 45 students and teachers. The facilities were supported by funding from the INTERREG IVA project IBIS (Integrated Aquatic Resources Management Between Ireland, Northern Ireland and Scotland), which is an £8m collaboration with Queen's University Belfast and the Loughs Agency. The project is working to protect aquatic resources across Northern Ireland, the Border Region of Ireland and Western Scotland.

SCENE's access to Loch Lomond's pristine aquatic and terrestrial environments makes it ideal for research, teaching and training in ecology and environmental science. The facility's researchers work on terrestrial and freshwater ecosystems and address fundamental and applied questions in ecology, evolutionary biology, physiology and disease ecology.

The facility also benefits from the expertise of scientists from the University of Glasgow's Institute of Biodiversity, Animal Health and Comparative Medicine, part of the College of Medical, Veterinary and Life Sciences.

**For further information about SCENE, please visit** <http://bit.ly/1JDMOGK>

### **Cross-Border railway projects**

Approximately €21.45m of funding has been awarded to two separate cross-border railway projects that will significantly enhance the transport infrastructure of the region.

Supported through the European Union's INTERREG IVA Programme, both projects are scheduled for completion in 2015.

£12.2m of the funding award has been allocated to a major upgrade of the Belfast to Dublin Enterprise service. It will involve a significant overhaul of the train's mechanical systems, new interiors, new livery, replacement of the Passenger Information System and a completely new electronic passenger reservation system and CCTV system. The project is expected to contribute to delivering increased passenger numbers. It is anticipated that the 'Enterprise' overhaul will ensure the long-term reliability of the service and the newly designed interiors and improved passenger features will increase customer satisfaction and encourage potentially increased usage.

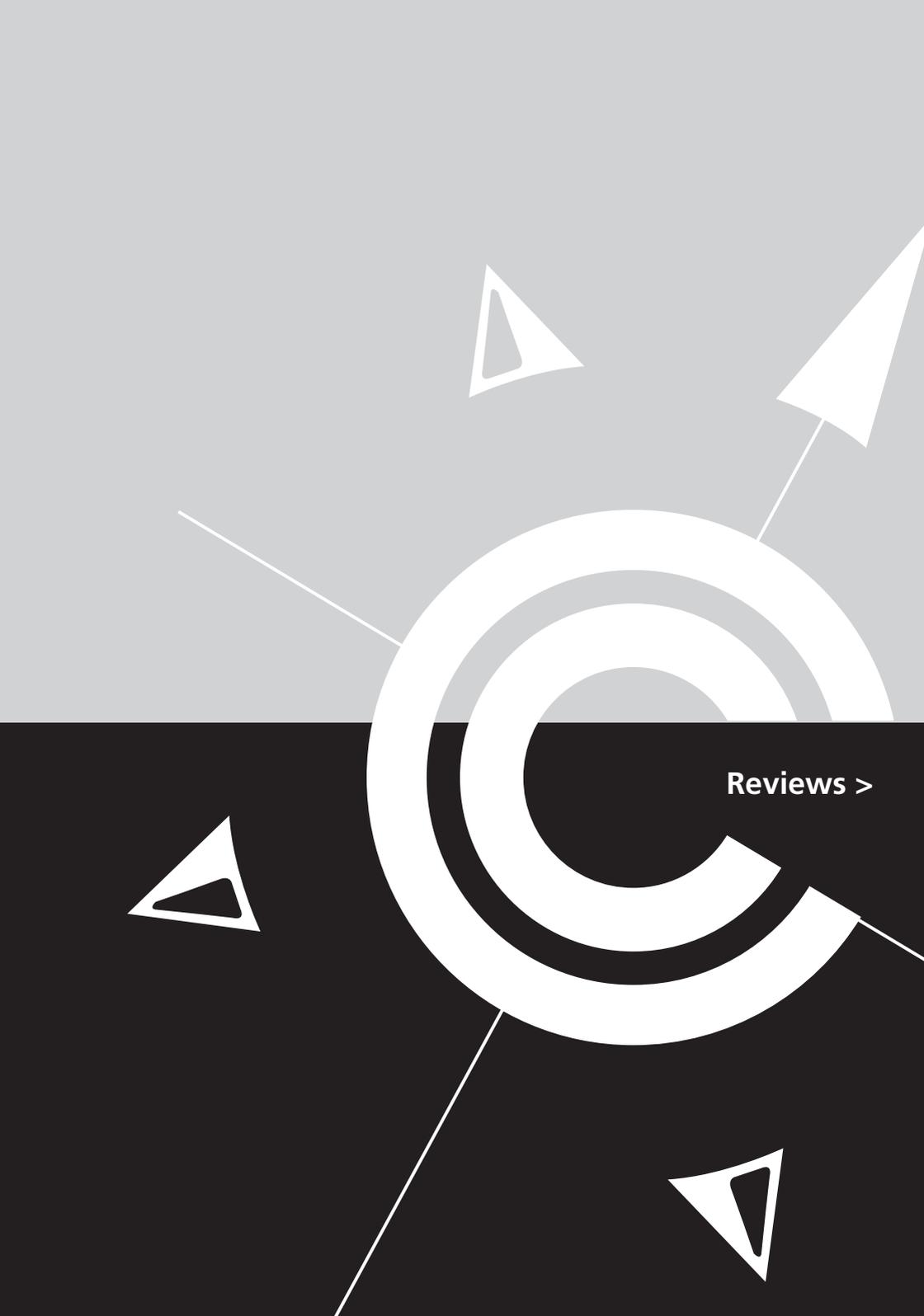
Over €6m has also been awarded to a major refurbishment of the Drogheda Viaduct. Originally built in 1885 the viaduct supports the main Dublin-Belfast railway line and is in need of prioritised investment to ensure its long-term efficient operation. The Drogheda Viaduct project will involve a number of essential refurbishment activities including steel repairs and full re-painting, renewal of track work over the viaduct, waterproofing of the deck, and installation of a new drainage system.

#### **Lifelong Learning and Erasmus +**

From 2010/11 to 2014/15 Northern Ireland Higher Education Institutions and Further Education Colleges drew down approximately £8 million of funding from the Lifelong Learning Programme and Erasmus+. Over the same period over 2300 students and 250 staff from Northern Ireland institutions have taken part in overseas mobility placements across the 28 member states.

#### **Andrew Elliott**

Andrew Elliott has been employed by the Northern Ireland Civil Service since 1988 and joined the Senior Civil Service in 2000. He became Head of the Office of the Northern Ireland Executive in Brussels in February 2015. Just prior to that, from 2010, he was responsible for a programme of major reform to the delivery of Common Agricultural Policy grants and subsidies to farmers in the Department of Agriculture and Rural Development in Northern Ireland. As a result of this work, the exposure of the Department to financial correction by the European Commission was significantly reduced. He was previously Secretary to the Parades Commission from 2000 to 2004, with responsibility for providing senior advice to the Commission on the discharge of its duties and powers in relation to issues concerning human rights and the promotion of mediation and peace-building. From 2005 until 2010, he was responsible for directing the development of population health policy in Northern Ireland, including the introduction of legislation to ban smoking in enclosed public spaces and the preparations for pandemic influenza.



Reviews >

## Multi-level Governance and Northern Ireland



**Derek Birrell and  
Cathy Gormley-Heenan  
Palgrave Macmillan (2015)  
£70 pp 264  
ISBN: 9781137453990**

Through the application of a multi-level governance lens, Birrell and Gormley-Heenan are able to proficiently and succinctly disseminate the myriad of forces at play in policy-making in Northern Ireland. Policy-making in Northern Ireland since the reintroduction of the devolved institutions in 2007 has been the subject of much assessment, and the authors in this book successfully draw the spotlight to what is a truly unique governance structure, given the various actors at play. Through the explanations in this book, the authors are able to demonstrate that multi-level governance in Northern Ireland is both well-defined and a subject of some confusion. Formal tiers of multi-level governance are easily identifiable, yet

this book looks to assess where the true power and efficacy lies in this framework with regard to policy-making.

In order to accomplish this, the mechanism of a multi-level governance (MLG) lens is utilised, through which the input of various actors is plainly more discernible. Drawing upon the previous research of Hooghe and Marks (2003), the authors place the theoretical foundations of the book by drawing a distinction between two variations of multi-level governance. The first variation (or MLG 1 as the authors refer to it) is what can be considered the formal tiers of government at national, devolved, regional and local levels. The scope and authority of these levels are typically written into law or constitution. The second variation assessed by the authors (MLG 2) refers to organisations that typically possess a degree of autonomy in their actions, and are not necessarily accountable to the electorate directly. These organisations may also exist for a specific purpose within a certain policy-field and can include “*quangos, boards, agencies, commissions, partnerships and local bodies*” (p.1). By making this distinction at the outset, the book is able to be tailored around this principle definition.

This distinction provides a basis from upon which to analyse the efficacy of various polities within the MLG system. From the outset, the authors work from the notion that “*Northern Ireland has complex policy processes and the multi-level governance lens has value in understanding its complexity and shows that policy-making is not confined to one site*” (p. 23). The fragmentation

of policy-making in Northern Ireland is one that hampers analysis of, and development upon it. Therefore, by viewing policy-making through the MLG lens, the merits and deficiencies therein become far more evident. Moreover, it is claimed that *“the plurality of levels that have been identified increases the opportunities for political participation and lobbying”* (p. 23).

Drawing upon a vast array of academic and legislative sources, the authors provide a necessary degree of clarity through their definitions and summary boxes throughout each chapter, clearly outlining otherwise ambiguous concepts and organisational structures. The book proceeds in a coherent and structured fashion by initially identifying and assessing each MLG 1 level in turn, before addressing MLG 2 and the interconnectivity between these structures.

Following an overview of the applicability of the MLG lens in Chapter 1, the authors begin their level-by-level dissection of the MLG structure of Northern Ireland by analysing the national level government (UK Government) in Chapter 2. Birrell and Gormley-Heenan meticulously present the case that the central UK Government has a much more significant level of control over Northern Ireland policy-making than perhaps is attributed to it. The authors claim that UK Government has traditionally taken a *“restricted approach”*, reacting to problems as and when they occur through the Secretary of State and the Northern Ireland Office (NIO) (p.51). Following from this, Chapters 3 and 4 highlight

the somewhat isolated and restricted devolved bodies of the Northern Ireland Executive and Assembly, respectively. Within the Executive, the authors acknowledge the significant autonomy exercised by the ministerial departments as well as difficulties encountered because of an *“absence of collective responsibility, the frequent lack of consensus and the impact of veto mechanisms”* (p. 70). These problems are echoed in the Assembly, it is claimed, with *“blocking mechanisms and the strength of political divisions”* being at the source of a perceived poor performance (p. 86). Unfulfilled potential is a theme continued in Chapter 5 in which the authors discuss the MLG 1 EU and international tier. Despite benefitting from EU special funding through the likes of INTERREG and PEACE initiatives, Northern Ireland *“has not fully engaged with Europe nor made full use of the potential of the Northern Ireland Office in Brussels”* (p. 107).

Chapter 6 considers the MLG 1 level that, according to the authors, makes Northern Ireland unique in this field: ‘Cross-border Governance in Ireland’. In discussing this matter at length, Birrell and Gormley-Heenan present a full account of the vast array of institutions – which operate at various levels of government themselves – that have been established in order to facilitate either North/South or East/West cooperation. The authors align this form of governance with other MLG 1 levels due to its formal and constitutional nature. Yet despite providing a forum for cooperation to be discussed, the authors question the impact that these institutions can have on producing

policy, positing: *“These bodies are often regarded as merely consultative bodies with no significant influence over the policy-making process and there is no way of envisaging that their contributions will have an impact on policy. It begs the question: how does ‘discussing and collaborating’ on matters of mutual interest actually turn into agreed policy outcomes without a clear conduit to do so?”* (p.126)

The authors go on to state that the acceptability of cross-border initiatives varies across levels, as well as whether they are of a North/South or East/West nature.

Similar conclusions are found in Chapter 7 which claims that the acclaimed impact of local government is decidedly overstated when compared to Ireland or Great Britain. The authors subsequently (Chapters 8-9) assess delegated governance (or MLG 2 organisations and their partnerships) and demonstrate the vast profile that some of these organisations now possess in large part due to their roles during the suspension of the devolved institutions. The book concludes with an application of the MLG lens to four policy areas with particular significance to Northern Ireland, in which the efficacy of each MLG level (and type) was analysed.

By assessing each tier of the MLG model, Birrell and Gormley-Heenan are able to successfully demonstrate the impact of each level in policy-making in Northern Ireland. Furthermore, this book presents a potential hierarchy of these governance levels according to the policy area. Policy-making in Northern Ireland is often fragmented, and has the

potential to run into many obstacles due to ingrained political differences and veto mechanisms. In order to overcome this, the authors illustrate the importance of *“inter-level and intergovernmental relationships”* (p. 220). The de-politicised and flexible nature of MLG 2 allows such bodies as quangos and arms-length agencies to act as go-betweens in coordinating efforts to create and implement policy.

*Multi-level Governance and Northern Ireland* provides the application of a clear, accurate and structured theoretical framework to multi-level governance structures in Northern Ireland. The utilisation of the MLG lens to a truly unique political set-up aids in the demonstration of the efficacy and shortcomings in Northern Ireland policy-making. This book illustrates piecemeal nature of Northern Ireland’s structurally-tangled MLG 1 institutions, and how the flexibility of delegated and voluntary organisations can help them play a significant role in policy formulation and implementation.

**STEPHEN DAWSON**

## Britain and Europe: The Endgame – An Irish Perspective



**Daithí O'Ceallaigh and  
Paul Gillespie, (Ed.)**  
**The Institute of International and  
European Affairs (2015)**  
**£15.00**  
**ISBN 978-1-907079-20-7**

The title of this book reflects the collective view of the contributing authors that the present impasse regarding Britain's relationship with Europe represents "*not just another episode in the saga but its closing scene.*" This clear-sighted, penetrating and informed analysis provides the reader with the conclusion that the current state of affairs has reached the endgame for both sides.

Moreover, it is argued in this book that, regarding its future relations with the European Union, Britain faces a choice of four potential scenarios. These scenarios range from 'Fully-in', 'Half-Out', 'Half-In' and 'Fully-Out'. While 'Half-Out'

and 'Half-In' as scenarios appear more realistic, based upon the current UK-EU climate, undoubtedly 'Fully-Out' appears much more likely than 'Fully-In'.

This comprehensive study is uniquely delivered through the lens of the Irish perspective on the prospect of a UK withdrawal from the EU. Largely reflecting the stated official position of the Irish Government to date, the authors of this book are of a consensus that a UK withdrawal would have grave political and economic consequences for both Europe and Ireland. One of the potential implications noted by this study is not merely the revival of an 'Irish border' between Northern Ireland and the Republic of Ireland, but rather its transformation into an external EU border. The authors of this book constructively shed light on the seldom discussed harmful impacts of such increased border controls, including enhanced barriers to trade relations between North and South and the undermining of an already fragile peace process in Northern Ireland.

A key strength of this book lies within its historically informed nature. Here the authors not only successfully endeavour to enlighten their readers as to how UK-EU relations have descended to its present condition; they concurrently provide a number of avenues to alter the future direction of this troubled marriage of unions.

Certainly the turbulent relationship between the UK and the EU has been reinforced by the evidence that Britain stood aside during the first steps towards European integration and has perpetually

agonized about the EU's form, scope and direction. A further understanding of Britain's awkward status is attributed to Britain's propensity to be deliberately obstructive in pursuit of its own national interest.

However, it is worth noting that the UK has not been entirely unique in expressing its reluctance to embrace the EU, as other Member States have analogously pursued national interests. France's insistence upon obtaining agricultural and trade policies, culminating in the 1965 'Empty Chair Crisis', contained an implicit threat to destroy the fledgling Union (Cooper 2012: 1192). Likewise, Sweden and Denmark declined participation within the single currency in favour of the krona and krone, respectively, and the Republic of Ireland initially rejected both the Nice Treaty and the Lisbon Treaty.

When considering how the UK's ailing relationship with the EU can be remedied the authors of *Britain and Europe* note the opportunity for the Republic of Ireland to play a vital role in facilitating Britain's continued membership. On three occasions the Irish are attributed to have brokered compromises at European summits. The task of brokering a new and improved relationship between the UK and the EU will undoubtedly be a formidable one for Irish diplomats. However, the strategic approach for Ireland, as outlined by the authors, is to "encourage its EU partners to offer the UK a prominent role in developing new spheres of cooperation at European level". Such "complimentary cores" on issues of importance to UK national interests, such as energy, security and capital markets, it is argued, will provide

the necessary incentives to dissuade the UK from withdrawal.

For any student or practitioner in Irish, UK or EU affairs, this book offers an essential read. While *Britain and Europe* ties together a diverse range of views from sources with varying fields of expertise, one common theme has emerged. This is that one cannot deny that the decision facing the UK ahead of determining its future inside or outside EU resembles the climax of long-running saga which will have a significant outcome, not only for the UK but also for Ireland and its fellow EU member states. However, whatever the result of the UK's prospective EU referendum, given the present interdependent nature of Britain and Europe, in addition to the diverging views of the UK's devolved regions on Europe, Britain's 'European' question will undoubtedly continue to endure post-referendum.

**MARTIN McTAGGART**

## Northern Ireland and the European Union: The dynamics of a changing relationship



**Mary C. Murphy**  
**Manchester University Press (2014)**  
**£70, pp 214**  
**ISBN: 978-0—7190-7982-5**

In *Northern Ireland and the European Union*, Murphy offers a multi-faceted and informative examination of the evolving relationship between Northern Ireland and the EU, and assesses the extent to which it may have facilitated a move away from government to governance. Underpinning this assessment is a questioning of the capacity of theories of multi-level governance (MLG) to adequately capture the regional experiences of membership of a European Union that has become increasingly multi-polar in its development of policy, with national, sub-national and supranational entities contributing to its direction and implementation. As the author

explains in the introductory chapter, MLG theories were developed as alternatives to neofunctionalism and inter-governmentalism where the latter were viewed as no longer reflective of a fast-changing EU. For its proponents, MLG provides a more appropriate theoretical framework to understand a policy landscape that is decentralised and includes non-state actors, especially in a period that has seen several EU member-states experiment in the devolution of powers to its constituent regions.

Northern Ireland has, of course, been at the centre of the UK's own devolutionary process, a process that could be interpreted as conforming with a move away from government to governance that the EU has, to some degree, facilitated. It is in order to shed light on the outworkings of this process that the author has focused on *"the governance component of MLG and its application in Northern Ireland"*, questioning *"how well the EU affects a shift from government to governance at the subnational level, or indeed whether the reverse is in fact the case"* (p. 3). Murphy, however, also sets out in the introductory chapter her conclusion which, in view of the example of Northern Ireland, is that the *"central MLG argument that state power is undermined does not find strong endorsement here"*, since *"the changing multi-level character of the EU policy process is not matched by comparable changes in the nature of contemporary governance"* (p. 3).

Crucially, however, and which must be commended, Murphy's study sets out an assessment and argument that

are explicitly intended to represent the experiences of Northern Ireland's relationship with the European Union as part of a much wider European landscape where other regions have been living the process of European integration. *"This study of Northern Ireland"*, as the author states, *"contends that in a wider EU context, treating Northern Ireland as distinct is no longer warranted or justified"* (p. 4). Consequently, the issues raised in what follows are not to be seen as simply of consequence to and as the result of an always 'different' or 'exceptional' Northern Ireland, but also as a result of the relative failure of the European Union to support moves away from government to governance in other regions, particularly those with some form of devolved powers.

That failure is compounded by what the author recognises from the outset as the significant challenges faced by the devolved administration in Northern Ireland as it attempts to deal with a complex range of policy networks. These include the various departments in the European Commission, the UK central Government, the other devolved UK administrations, other European regions, the Irish Government, and civic society, to name but a few. Such a task becomes all the more challenging *"for Northern Ireland politicians, who were initially unfamiliar with the practical operation of the EU and its institutions, and often ill-acquainted with the means of accessing and influencing EU policy"* and, according to Murphy, due to *"the fact that political parties in Northern Ireland have been slow to engage fully with the EU"* (p. 12).

What follows the introductory chapter that sets out the theoretical framework for the analysis of the range of issues it identifies are chapters looking at the underlying context for Northern Ireland's experiences of the European Union (Chapter 2); the economic consequences of those experiences, including how these may have altered (or not) the nature of governance in Northern Ireland (Chapter 3); the political currents directing EU interactions with Northern Ireland, the UK and Ireland (Chapter 4); the forms of governance and devolved institutions in the region and how these have not given rise to a *"new politics"* (Chapter 5); the nature of Northern Ireland's interaction with external actors (Chapter 6); the extent to which devolution and interaction with the EU may have enabled the emergence of novel policies (Chapter 7). The final chapter (Chapter 8) offers a final summation and conclusions, which include the assessment that *"Neither the EU nor devolution have occasioned a movement away from government and towards governance"* (p. 191).

Although there are a range of interlinked factors contributing to Murphy's assessment, it is evident throughout her painstaking and informed analysis that among the principal reasons for the deficit of governance in Northern Ireland is the marginalisation of civil society, as well as the disempowerment of cross-border institutions. Thus, for example, the author notes how the *"consociational nature of the Belfast Agreement, with its emphasis on a central role for political elites, effectively limits the extent to which an engagement with civil society can be*

supported," (p.84) and that "Devolution has to some extent elevated political parties, and simultaneously demobilised civil society" (p.19). This demobilisation negates governance in favour of government and significantly limits the capacity of non-governmental actors to shape policies relating to Northern Ireland's relationship with the EU. Similarly, and in terms of the cross-border dimension, Murphy states, for example, that "the consociational features of Northern Ireland's devolved system, the political divisions it sustains and the fears which Unionists attach to North-South cooperation, mitigate against the [North South Ministerial Council] fully testing the limits of its own autonomy" (p. 142). In turn, the Special EU Programmes Body – "a unique body [with] no obvious precedent for its operation" – "continues to experience difficulties in asserting its role and position as an innovative and effective institution" (p.144) due largely to "the absence of widespread political support for the body" (p. 145).

It is worth citing Murphy here at some length, as she sets out clearly how the opportunity to move towards governance has thus far been wasted, even as a number of innovative cross-border arrangements were put in place:

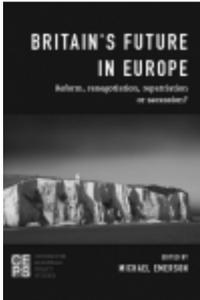
*"The Strand 2 institutions of the 1998 Belfast/Good Friday Agreement have created new forms of cross-border cooperation. In the case of the EU, these are especially complex, involve numerous actors and elicit only lukewarm political support. It is a case of much has changed, and yet*

*little has changed. The dynamics are clearly different but the outputs are not similarly so. The mere creation of novel institutions does not guarantee the achievement of either 'new politics' or new outputs, nor does it signal the emergence of a shift from government to governance. Key features of governance are absent here. No strong sense of interdependence has developed between actors; the support shown by the Irish and UK governments does not demonstrate a clear sense of shared purpose [...]. Both governments maintain a hold over the dynamics of this experiment in cross-border governance. The hand of the state is omnipresent"* (p.148).

Murphy's book, by placing under the analytical spotlight areas where devolved government has failed to bring about more governance in Northern Ireland, represents an essential tool to those who seek to fulfil the potential of the range of innovative institutions that were created in the wake of the 1998 Agreement. Only then will we be able to say that it is a case of much has changed, and more change is coming – for the good of those living in both parts of the island.

**ANTHONY SOARES**

## Britain's Future in Europe: Reform, Renegotiation, Repatriation or Secession?



**Michael Emerson (Ed.)**  
**Centre for European Policy Studies**  
**(2015)**  
**£19.95 192 pp**  
**ISBN 978-1-78348-372-3**

Over forty years on from its accession to what was then the European Economic Community in 1973, today the United Kingdom's relationship with the European Union has reached a crossroads, prompting vigorous academic and policy-making debate regarding Britain's continued role within the integration process. Indeed, the complex relationship between the UK and the EU has long been a persistent theme within British politics and is one which *Britain's Future in Europe* commendably endeavours to untangle. From its initial application for accession in 1961 until today, a dominant narrative of Britain's reputation in Europe, as an 'awkward partner', has remained. Accordingly,

while the title of this book appropriately reinforces the vicissitudes of uncertainty when observing Britain's place within Europe today, the 'Europe' question has, in many ways, reverberated throughout the course of Britain's turbulent membership.

In recent years, nonetheless, the impact of a long economic and financial crisis, the upsurge in support for Eurosceptic parties, and a deepened sense of alienation from decision-making in Brussels, has led Britain to re-evaluate its relationship with the EU. Thus, against this setting, on 12 July 2012 the UK's Coalition Government committed itself to audit the balance of the EU's competences to assess how these affect national interests. This commitment led to an unprecedented exercise which today offers the most comprehensive assessment to date of the EU, known as the *Balance of Competences Review*. In short, the *Review*, which comprises 32 volumes and 3,000 pages of evidence submitted by over 1,500 sources, queries whether or not the present competences of the EU are excessive. In this book, Emerson and his fellow authors successfully distil this enormous amount of evidence into more accessible proportions to aid those seeking to critically reflect upon Britain's future in Europe.

According to the Command Paper, the *Review* was intended to inform policy and public debate concerning the UK's place in Europe. Yet, Prime Minister Cameron's speeches in Bloomberg in January 2013, and Staffordshire in November 2014, set the tone for Government policy towards the EU

before the *Review* had published all of its reports. Nevertheless, the 2015 UK general election witnessed a prevailing Conservative government, committed to deliver its pledge to renegotiate the terms of its EU membership and to put these to the public in a referendum. The prospect of a referendum on whether the UK should stay in, or withdraw from, the EU is perhaps the single most important strategic choice the British people in the UK have faced in decades. Secession would have significant implications, not only for Britain's place in the world, but also for the EU's future political and socio-economic direction. Furthermore, secession could threaten the unity of the UK itself, as Emerson accurately recognises the conflicting interests between England, Scotland, Wales and Northern Ireland on Europe.

Given the gravity of this decision, it is vital that public opinion be grounded in and informed by evidence-based sources, such as that provided by the *Review* itself and by the authors of *Britain's Future in Europe*. One may be sceptical about the intended purpose of the *Review*. Eurosceptics have fallen silent about it and the Conservative Government has, thus far, made no concerted effort to make the *Review* more readily accessible, as its conclusions reveal that the existing balance largely works for Britain and that comprehensive change would be contrary to the national interest. Indeed, as this book reveals, according to the vast majority of respondents to the *Review*, the UK has reason to be content with its present semi-detached relationship with the EU. Equally most respondents acknowledged that the UK is a formidable force for reform in

numerous European policy areas, in particular those that are a strategic priority for the UK, including the single market, transport, energy, food safety, and climate change. Likewise, in areas such as agriculture, fisheries and budget contributions, where, as a consequence of its delayed accession to the EEC in 1973, reform previously appeared doubtful, the UK has demonstrated an uncanny ability to gradually secure more favourable reform.

One of the most contentious areas covered by the *Review*, and one which represents a core principle of the EU, is the free movement of people. This book offers a desperately required nuanced analysis to a long-running debate on the free movement of people, which goes to the heart of why the UK's attitude towards EU integration has shifted from benign neglect to overt hostility. Indeed, while large-scale immigration into the UK, following the EU's 'Big Bang' enlargement of 2004, moulded the subject of Europe into a highly politicised issue, the *Review* constructively adds the perspective that many British employers, including essential public services, welcomed this development, as have some 1.4 to 2.2 million Britons living across Europe who benefit from free movement rights. Overall, the *Review*, in tandem with this book, provides us with a far broader range of information and analysis on the multifaceted topic of free movement of people than is customarily in evidence within the current debate.

Given the degree of rhetoric and distortion which currently envelops the crucial debate on Britain's Future in Europe, the value of this book emerges

in its ability to provide a succinct, objective and comprehensive analysis of the *Review of the Balance of Competences*. The picture that emerges is that the current balance between the national government and Brussels, in most areas, is broadly logical. Moreover, the case that the EU is 'un-reformable' is proven to be overly simplistic and misleading, as the EU's reform agenda – past, present and future – is shown to be extensive, and the UK has a track record of leading policy reform across multiple sectors, from energy, to financial sectors and the completion of the single market. Emerson et al must be commended for producing an evidence-based analysis which is applicable beyond the UK and could easily be utilised by other member states. Equally, while each author provides their own coherent evidence-based analysis of the Review, readers are encouraged to draw their own conclusions based upon reliable information. Indeed, the fact that this book raises further questions to its intended audience is a true indicator of its quality. This timely and expert analysis makes it an invaluable resource for all students and researchers in the broad field of European, as well as British and Northern Irish politics.

**MARTIN McTAGGART**

## How to Change the European Union



**Andrew Duff**

**John Harper Publishing (2015)**

**£11.50 / €15.00122pp**

**ISBN: 978-0992974862**

This book, written by a former Liberal Democrat MEP, advocates a federal EU and warns against other "less ambitious" choices. The author argues that a review of the EU's long-term political prospects is a democratic necessity. He argues that the EU requires 'proper' government to survive and that a federal government is required if the EU is to be democratic. Federal means, "that constituent states pool elements of national sovereignty centrally over a range of competences which, contemporary circumstances prevailing, are more usefully governed in common than separately" (p. 10). Competencies may fluctuate, but the EU institutions must be capable of taking and executing effective decisions, first applying the principle of subsidiarity.

Chapter One provides a very useful review of the steps to the Lisbon Treaty – the Laeken European Council in 2001; the Convention on the Future of Europe in 2002-2003; the Constitutional Treaty in 2004; the Penelope project that produced an alternative draft of a new EU constitution published in 2002; a ‘No’ in the 2008 Irish referendum, the Protocol on Ireland’s ‘guarantees’ and a second Irish referendum; approval by the German Federal Constitutional Court and the addition of the Czech Republic to the British Protocol on the Charter of Fundamental Rights. In light of the current crisis of the Eurozone, and the debate around the possible exit of the UK from the EU, it is helpful to be reminded that Part One of the Constitutional Treaty set out how a country may join or leave the Union.

A special formation of the Council was to be established for the Eurozone, which in the Constitutional Treaty took on the appellation of the Eurogroup. (p 24) The Convention proposed that the ministers of the Eurozone should meet ‘informally’ – as a compromise to address objections to new institutions being created, “*the Eurogroup was established formally as an ‘informal’ body*”(p 26). Perhaps the significance of this arrangement has only become apparent since the recent exclusion of (now former) Greek Finance Minister Varoufakis!

Chapter One reminds us also, of the continuing tensions about the executive authority and political accountability of the EU Commission, its size and composition and how those have evolved since the Treaty of Rome. The

Treaty of Maastricht, the Treaty of Nice and the Convention brought us to the Treaty of Lisbon. This chapter concludes with a reflection on the balance of power between the Council and Parliament. He takes us through the ‘battleground’ of the Council voting system – from the Treaty of Paris to the Treaty of Rome through the Treaty of Maastricht and the qualified majority voting ‘fiasco’ of Nice.

Chapter Two focuses on the financial crisis that has dominated the period since the signing of the Lisbon Treaty, noting that Europe is both poorer and more insecure; “*it would be difficult to design a set of geopolitical circumstances less conducive to the smooth introduction of a complicated new EU treaty ...*” (p. 35). Duff suggests that the EU has proved its worth when faced with the survival of the Euro, however, “*As the cohesion of the Eurozone laboured under severe macro-economic imbalances, the original assumption that monetary union would lead inevitably to economic convergence was rudely dispelled*” (p. 36). He goes on to discuss the Irish and Greek bail-outs, followed by Portugal, Spain and Cyprus and the second Greek bail-out; and the Treaty amendment required to establish a permanent European Stability Mechanism.

The chapter goes on to discuss the European Council’s efforts from 2012, to consolidate economic integration; first, through building a ‘banking union’, and second through moving towards ‘fiscal union’. He charts some of the difficulties in accomplishing this agenda, arguing that the central problem is the

weakness of government; no executive decision can be taken *“without the involvement of a rather large gallery of important people ...”* (p. 47). Logic requires *“the further pooling of national sovereignty in an economic government of the Union. And this requires treaty change”*– the most difficult matter of all for many national leaders (p. 47).

Chapter Three considers the respective roles and relationships of the European Parliament and the Council and how these have changed and developed since Lisbon. There are tensions between the Parliament and the Council, with MEPs having gained new powers, but the Parliament also having to adjust to the stresses caused by enlargement and the turnover of MEPs at elections, raising continuity problems. While significant efforts have been made to maintain constructive relations between Parliament and the Commission, *“a number of important inter-institutional agreements ... have not yet been extended to involve the Council”* (p. 52). Overall, however, Duff argues that the assessment of the Parliament since Lisbon must be positive.

The impact of Lisbon on the Council has been similarly significant. Qualified majority voting (QMV) is now the rule; legislative decisions must now be taken in public (not always honoured); and importantly, the introduction of a permanent chair who is not a serving government leader. He notes that under the chairmanship of Herman Van Rompuy, many of the formal and informal Council meetings have been taken up by the financial crisis and its consequences; many of its decisions

straying into the legislative arena,

*“strictly speaking the preserve of the Council and Parliament. ... As the European Council has accrued power, albeit in exceptional circumstances, the lack of parliamentary scrutiny of its performance has become more embarrassing”* (p 54).

The final major institutional change brought about by the Lisbon Treaty was the creation of the European External Action Service. Duff’s assessment, however, is that Catherine Ashton’s “personal successes” in Kosovo and as leader of the nuclear negotiations with Iran,

*“overall the Union’s efforts to build a common foreign and security policy that leads rather than follows events have been underwhelming, a lacklustre performance that cannot be dissociated entirely from the institutional ways and means provided by the Lisbon treaty”* (p. 55).

The author suggests that some of the dissatisfaction of national parliaments with the pace and scale of European integration is a reflection of their own lack of capacity to hold their own governments to account for action in the EU arena. *“If there is really a ‘democratic deficit’ in the European Union,”* it is not just the fault of the EU institutions, but also that of national parliaments (p. 55). The evidence suggests that the principle of subsidiarity *“seems to be well enough respected by the Commission and the legislature”* (p. 58). He goes on to discuss concerns about the process for electing MEPs and the composition of

the European Parliament. Duff suggests that there is a need for a “*constitutional package deal*” involving reform of the Parliament, reforms to the Council of Ministers and adjustments to the role of national parliaments (p. 61).

Chapter 4, “*The Rise of Revisionism*” addresses the ‘Counter Reformation’ – the arguments of various strands of Eurosceptics on both right and left. The chapter starts with the UK, about which he comments, “*In terms of revisionism, ... the United Kingdom is in a class of its own*” (p. 67). He reminds us that the Tory-led coalition took power in 2010, just five months after the Lisbon treaty came into force. Responding to growing anti-European public opinion, the coalition “*made an ill-judged lunge towards Brexit*” (p. 67). He quotes at length the speech by David Cameron in January 2013, “*surfing the nationalist wave*”, in which he called for a renegotiation of the terms of Britain’s EU membership.

Duff reminds us of the UK government’s commissioning in 2012 of a unilateral review of the EU’s balance of competences (discussed elsewhere in this issue). While the review’s conclusions “*are reassuring*” to those who want to stay in the EU, “*they are equally illuminating about the extent and effects of Britain’s numerous current derogations from the EU norm*” (p. 69). In addition to the well-known opt-outs from the currency and banking union and the free travel area, the UK has opted out of police cooperation and judicial cooperation in criminal matters; indeed it has removed itself en bloc from all pre-Lisbon legislation. At the same

time, it is in danger of disrespecting the European Court of Human Rights and putting itself in breach of both the EU Treaty and the Charter of Fundamental Rights (p. 69). While noting that so far, Britain has not spelt out what form of new relationship it wants after renegotiation, “*Britain’s EU relations look set to deteriorate further ...*” (p. 70).

He goes on to focus on the rise of Euroscepticism in the Netherlands and the ‘subsidiarity review’ of Dutch EU policy – which has a generally negative assessment about the EU. The government is seeking to limit the competences of the EU. However, he notes that “*amid the Dutch disillusion,*” there is some useful pragmatic advice. The financial crisis and economic downturn have left public opinion across Europe more generally disaffected and pessimistic – and the reaction to the rise of revisionism by traditional pro-European forces is “*fairly lame*” (p. 73).

Chapter Five sets out an Agenda for Change’. The author discusses at some length *A Fundamental Law of the European Union*, the federalist draft treaty by a cross-party group of MEPs, the main innovation of which is to “*install an economic government to run the fiscal union, empowered not only to coordinate national economic policies but also to develop a common economic policy of its own*” (p. 77). The draft treaty aims at “*lifting the many prohibitions*” on the powers of the Commission, the Parliament and the European Court of Justice (p. 78) and streamlining the law-making process. It maintains the ‘Four Freedoms’

while strengthening the defence of European social models, facilitating the portability of entitlements across national frontiers and affording more salience to promotion of employment and social protections (p. 81) EU competences would be widened towards an 'energy union' and there would also be changes in policies on transport and R&D, the environment, and harmonisation on justice and home affairs, *"raising the prospect of a more integrated European area of freedom, security and justice, including fully-fledged common asylum and immigration policies"* (p. 82). Foreign and security policies would be aligned more closely and provisions on EU enlargement would apply the Copenhagen criteria on good governance.

Finally, he puts forward two proposals: the first on the method of future treaty change; i.e. no longer insisting on unanimity among Member States, but rather treaty change by qualified majority. The second proposal addresses the case where one or more Member States fail to ratify a treaty. The Fundamental Law proposes a category of associate membership for states that do not wish to join a federal union, each associate state negotiating its own arrangement with the Commission, similar, but an improvement upon the existing arrangement with the EEA. *"Associate membership .... Might offer a parking place for the United Kingdom, on either a short-stay or a long-stay basis, should it choose to exercise its right not to remain a full member state"* (p. 87).

The penultimate chapter opens bluntly

with the statement that *"It will soon be time to take the plunge"* towards political union (p. 92). There should be a change of direction towards a federal government and a quicker pace of integration. The EU lacks *"proper government"*; the European Council should be re-directed to running the Council of Ministers (p. 93). A *"more functional and less legal approach to what the EU can and must do well, and what may be better left to its states"* should be applied (p. 94). The Council should cede most of its executive powers to the Commission (p. 95). The main objective should be the formulation of a common economic policy

*"which takes account of geographical and demographic disparities, macro-economic imbalances between debtors and creditors, economic cycles, rates of growth and competitiveness, as well as structural issues like education, technology and levels of corruption"* (p. 96).

There should be a systematic modernisation of the common policies, sector by sector. Priorities are upgraded employment policy, the fight against global warming and integrated border management and *"true burden sharing"* linked to both labour market and humanitarian policies. Civic rights should be enlarged, based on the Charter (pp. 98-99). Treaty change is needed to re-focus the Council on resetting the strategic orientation of the Union in international affairs (p. 101). The primacy of the Commission as the Union government would be established, accountable to the bicameral legislature of the Council and the Parliament. *"The*

*European Court of Justice will evolve naturally into the role of a federal supreme court” (p. 103).*

Finally, Chapter Seven discusses how this agenda for constitutional reform can be taken forward:

*“We have concluded that it is now time for the Union to take its next steps towards a constitutional settlement, but only in so far as those steps lead boldly in the federal direction. More pussy-footing will not do: indeed, more temporisation and dissembling may lead to the very break-up of the Union we are attempting to salvage and strengthen. Choosing the intergovernmental route may be easy, indeed lazy, but it will lead to an over-centralised technocratic Europe and provoke democratic resistance” (p. 113).*

Andrew Duff has put forward a comprehensive argument for the federalist position. While there are many who will not agree, this small book is in any case a helpful resource that lays out succinctly the background to the key issues which will inform the current debate on the way forward (or not) for the European Union.

**RUTH TAILLON**

## Molise-Montenegro Cross-Border Cooperation



**Emilia Sarno, (Ed.)**  
**Arcidia: Arcadia Editrice (2015)**  
**€16, pp 244**  
**ISBN 978-88-548-7977-5**

This collection of essays, sponsored by the Regional Agency for the Development and Innovation of Agriculture in Molise (ARISAM), offers an interesting proposal for developing cross-border cooperation between the region of Molise, in Italy, and Montenegro, bringing their agricultural expertise to bear on the task of mapping the existing natural resources of the regions in order to draw out their potential to become focal points in the development of sustainable agri-touristic spaces in the Adriatic region. The volume is divided into four parts, each of which taps into different aspects of the region(s) natural endowments for the purpose of bolstering the agri-tourist sector.

The first section focuses on the natural landscapes, ecological endowments and the human populations that make up these spaces. Through a comprehensive

cataloguing of these regions' complementarities and particularities, the opening section provides a portrait of an environmentally rich set of territories separated by the Adriatic Sea, which as the authors in the Introduction note has recently acquired great import for the eco-tourist sector (p. 16).

The second section sets out to map the agri-food sector as a potential area of agricultural cooperation, which is strengthened by the common crops and forms of production undertaken between Molise and Montenegro. Specifically, the region of Molise, as the authors note, maintains a somewhat narrow margin for intensive forms of agricultural production and a natural landscape that remains relatively unchanged over time. In economic value terms, "*Molise is not quantity, but quality!!*" (p. 100). This state of affairs thus pushes the rationale for cross-border cooperation to a premium.

Section three moves the focus onto the tourism sector itself. Drawing direct political conclusions between these chapters (V and VI) is more challenging, given their inherently analytical content that tends to present comprehensive indexes of each region's tourism potentials, rather than any socio-political comparisons in an explicit sense. Interestingly, given Molise's underperforming agricultural sector (in a region that is overwhelmingly rural), the author points towards the importance of maximising the region's appeal to "*satisfy a need for escape from the frenetic urban concerns of post-modern man*" (p. 141).

The final section draws together the quantitative findings of the book for the purpose of establishing the potential pathways towards building a regional space of cooperation between Molise and Montenegro. The institutional structure that forms the bridge between the two regions, the Adriatic Eurodistrict, aims to coordinate the targeted measures and planning initiatives across all sectors of development in an attempt to boost the standing of this cross-Adriatic space that has, like so many other peripheral areas of Europe, endured great challenges during the 20th Century.

Despite the interesting points raised by this book and the thorough compilation of data provided, there are aspects that have been underexplored or simply overlooked. Yet this can be attributed to the explicitly policy-oriented nature of the book, which seeks to position itself as a tool for state planning rather than sociological analysis. Nevertheless, these aspects are worth pointing out. On one hand, there is a certain tension between the acknowledged structures of power that contextualise these initiatives for cooperation. As the Preface underscores, "*the primary sector is facing up to a difficult challenge imposed by a market that is increasingly globalised and uses quantities and prices (the lowest!) as the only competitive instruments*" (p. 13).

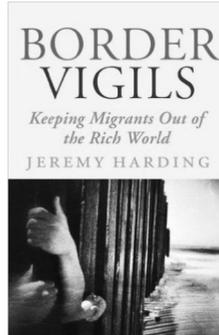
On the other hand, this condition is juxtaposed against the emphasis placed on bottom-up policy making (p. 197), in which the Adriatic Eurodistrict is composed of community and municipal level involvement. Yet precisely how the

efficacy of local level participation – in the spirit of community development and ecological sustainability – is to be reconciled with a highly competitive world market is never fleshed out. The very fact that these initiatives for regional cooperation are deeply embedded within the wider dynamics of European region building (a process that largely flows outwards from Brussels) merely underscores the potential for uneven relations of power and influence between stakeholders to transmute into outcomes that may undermine the well-meaning intent of policy makers.

Overall, this book will be of great interest for policy makers and local stakeholders who are attempting to steer the geographically separated yet politically connected territories of Molise and Montenegro into a future capable of developing the full potential of both the natural and human landscapes under admittedly challenging contemporary European conditions.

**GIULIA CARABELLI**

## **Border Vigils: Keeping Migrants Out of the Rich World**



**Jeremy Harding**

**Verso (2012)**

**£9.99 164pp**

**ISBN: 978-1-78168-063-6**

*"In the past, refugees have won greater international sympathy than economic migrants. Theirs has been the more identifiable grievance: at its source there is often an identifiable persecutor. Yet the order of economic difficulty that prevails in some parts of the world is akin to persecution. No consensus exists about the identity of the tormentor, and so those who try to put it behind them are more easily reviled than others fleeing the attention of secret policy or state militias" (p. 155).*

The author of this compelling book has visited borders and border camps in the USA and Mexico, Kosovo, North Africa and Western Europe. He has met and listened to the 'economic migrants' and refugees, and shares their stories in this book. But this book also provides historical context, as well as facts and

figures to support his challenging social and political analysis and argument.

He tells us in the Introduction that the book began as a long report at the end of the 1990s,

*“when asylum seekers were entering Western Europe in numbers that had not been seen for sixty years or more. ... “For these unfortunate people on the move, the end of history was never in view ... The question under the circumstances, was whether governments would honour their obligation to asylum”* (p. vii).

In 2015, with the Mediterranean becoming a graveyard for hundreds or probably thousands of mostly uncounted and unidentified men, women and children; and fences and riot police at the borders of Europe, this book could not be more relevant or timely. Harding both describes and explains this unprecedented flow of people by framing his analysis directly in the context of globalisation. Many of the migrants who might not qualify as refugees under the Geneva Convention are “in similar kinds of jeopardy”:

*“Drastic poverty was the main threat to these people in search of gainful sanctuary in functioning economies. They weren’t generally engineers, IT specialists, healthcare workers or management consultants who could move about respectably. They were a hidden rank and file of unskilled or semi-skilled manpower willing to sell their labour where they could. Like legal migrants, they were following the markets, but to do so they had to share*

*the ordeal of asylum seekers – on the same fishing smacks that left Morocco for Spain, in the same trailers rumbling over the highways of Europe”* (p. xiii).

At the same time as globalisation has driven more and more people to migrate, the receiver countries and communities have become less welcoming. The author is not without sympathy or understanding for this perspective either.

*“Like unfettered markets, relaxed migration seems to threaten the identity, which communities are struggling to maintain as gale-force trends, originating thousands of miles away, undo their ability to shape their own lives and surroundings. In this context the arrival of migrants is perceived simply as another instance of the world intruding on precarious local space and making it harder to control”* (p. x).

However the fears – real or invented – of those who champion the free movement of goods and capital, but demand the strict control of migration are at least disproportionate:

*“Often the very people who think it a sin to tamper with the self-expression of the markets are the first to call for lower immigration from the poorer countries, though in all probability it would take decades of inward migration to bring about the degree of ‘cultural difference’ that a bad patch of international trading, a brisk downsizing, or a decision by a large corporation to start outsourcing can inject into a social landscape in a year”* (p. 3).

Jeremy Harding is able to reflect honestly that he too can be ambivalent. He writes of meeting a family in Kosovo during the conflict who had been living in dire conditions. When he later saw a woman from this family in London, a memory of Kosovo crossed his mind

*“and the ghost of a moral judgment must have flickered there in passing, too. It was as though I had a model of the exemplary refugee – as though I could only have been convinced by the sight of the family from that abandoned village rumbling towards Camden Lock in their cart, rather than Flora walking along briskly, at ease in her new guise as a Londoner”* (p. 47).

He talks about how just before sighting this woman, he had left his children at school, which had a number of children from the former Yugoslavia, francophone Africa and Somalia – all of them entitled to be there – and the *“sour parental anxiety”* he experienced *“at the thought of language difficulties in the classroom and the diversion of resources to cope with them.”* While most of the time this anxiety is hidden, *“I have instant access ... to the mentality of the anti-immigrant voter”* (p. 47-48).

The first two sections of the book were written in the 1990s (with statistics updated). He begins with the influx of Albanian migrants to Italy. The later sections in the book cover the European Union's measures to control immigration from outside the Union – *“the EU's wish to keep out asylum seekers is a striking development”* (p 3) – and Hispanic migration into the USA. *“They record the growing emphasis on militarisation,*

*detention and deportation on both sides of the Atlantic.”* The final part of the book returns to the 1990s, and the border fence in Spain's North African enclave of Ceuta. *“Here, as elsewhere, detention was the order of the day, but it was not the systematic instrument of policy that it would shortly become in Europe and North America”* (p. xi).

He discusses the challenges facing asylum seekers, whose bona fides are increasingly questioned, and who are presumed in the first instance to be 'illegal immigrants' or 'bogus' asylum seekers. Despite the fact that the Convention recognises that refugees may well have to use illicit means to enter a safe country, with the extension of the single European border *“asylum seekers who enter a country illegally have come to be seen as a threat to EU, as well as national, security”* (p. 7).

Most European signatories would like unfettered discretion to confer refugee status but there is real danger that in opening up a debate on reform to the Convention the reforms agreed could only be at the expense of refugees.

Harding is clear-sighted about the involvement of 'people smugglers'. The general perception of the people smugglers is that they are ruthless profiteers putting people's lives at risk for gain. 'Facilitators' offer access to the rich world via lorry, train and sea container (and rubber dinghys) and hundreds of thousands of women and girls are trafficked for the sex trade. *“It is not hard to see why the smugglers are vilified by governments, police and the press. They can foil the defences of*

*the United States and Fortress Europe, carrying a criminal virus into the rich world ...”* (p. 9).

He makes a distinction between human smuggling and human trafficking. Smuggled people have consented to travel and expect to be free when they reach their destination; those who are trafficked remain victims of continuing exploitation in bonded labour or sex slavery. The lines between smuggler and trafficker, however, can become blurred. Harding has heard many stories of migrants who have been cheated and exploited by the smugglers; there were stories also of smugglers taking risks for their passengers. However, *“there are few Schindlers among the modern smugglers of human beings, and the money is good”* (p. 13).

*“We think of agents, traffickers and facilitators as the worst abusers of asylum seekers. But when they set out to extort from their clients, when they cheat them or dispatch them to their deaths, they are only enacting an entrepreneurial version of the disdain which asylum seekers suffer at the hands of far more powerful enemies – those who terrorise them and those who are determined to keep them at arm’s length. Human traffickers are simply vectors of the contempt which exists at the two poles of the asylum seeker’s journey; they take their cue from the attitudes of the warlords and dictators, on the one hand, and, on the other, of wealthy states whose citizens have come to see generosity as a vice. ... In the end, the question of good or bad intentions is less important than the fact that the scifisti and others like*

*them provide a service for desperate people, to whom most other avenues have been closed”* (pp. 13-14).

*“Little by little, the routes asylum seekers once took to safety have been choked off. The formidable growth in the underground ‘travel agencies’ – document forgers, chaperones, drivers, boatmen – is the result. ... for most asylum seekers who wish to reach Europe, being smuggled to sanctuary has become the only option”* (p. 16).

After two decades of Fortress Europe, “the war on smuggling, in the name of the war on trafficking, involves heavy collateral damage to refugees” (p. 52). Europe has a number of policies and strategies to reduce the number of refugees entering its territory,

*“and if it could impose peaceful market democracy on states that produce refugees, it would. The alternative is to deploy the equivalent of an army and several flotillas along the common border, but the evidence so far is that a pristine, orderly valley, superbly patrolled, which stretches from Limerick to the forests of Belarus will be hard to achieve”* (p. 55).

This is a book worth reading.

**RUTH TAILLON**

# Towards a Wellbeing Framework: Findings from the Roundtable on Measuring Wellbeing in Northern Ireland

**Carnegie Trust in partnership with Queen's University Belfast**  
[www.carnegieuktrust.org.uk](http://www.carnegieuktrust.org.uk)

The report *Towards a Wellbeing Framework* for Northern Ireland was published in March 2015. This was the culmination of 18 months' work and is very much in line with international developments on measuring society's progress. It is also a novel venture for Northern Ireland in moving away from a focus on 'divided communities/shared futures' towards a more encompassing approach.

Internationally, the concept of wellbeing is gaining greater currency especially in measuring the progress of societies. This has traditionally been done by measuring GDP, but there is now recognition that other aspects of society, not captured by GDP, are also important. Things such as our health, our environment, our relationships with others, and how we are governed can be incorporated into wellbeing measurement, in addition to GDP. A focus on wellbeing also facilitates a medium to long-term focus on outcomes rather than just on inputs and processes.

Wellbeing is defined in the *Towards a Wellbeing Framework for Northern Ireland* report as

*"a holistic concept, bringing together social, environmental, economic and democratic outcomes. A wellbeing approach asks us to consider how society is progressing in the round, rather than using economic indicators as a proxy for wellbeing or focusing on specific areas at the expense of others. It also asks us to look at the outcomes, focusing on how people's lives are improving (or not) rather than allowing the conversation to centre on the inputs or processes we use to improve society."*

The process of preparing the report was facilitated by the Scottish-based Carnegie UK Trust and the School of Law in Queen's University Belfast. The Roundtable on Measuring Wellbeing in Northern Ireland was established following a wellbeing event in the autumn of 2013. At the time, the Roundtable's creation was welcomed by Simon Hamilton MLA, then Minister at the Department of Finance and Personnel and Daithí McKay MLA, Chair of the Finance and Personnel Committee at the Northern Ireland Assembly, who both flagged the importance of the work in the context of a number of developments in Northern Ireland such as public sector reorganisation, the reform of local government and community planning, and the NI Executive's commitment to Delivering Social Change.

The membership of the Roundtable comprised civil and public servants, politicians, business people, academics and voluntary and community representatives, as well as personnel from Queen's University and Carnegie UK Trust. Over the 18 month period in which the report was prepared the

members of the Roundtable sought submissions, undertook consultations and research, engaged in discussions and went on a study visit to Scotland. Scotland has a national performance framework, *Scotland Performs*, which sets out the Government's purpose and high level targets underpinned by five strategic objectives focused on national outcomes. Progress towards these targets is measured using 50 agreed national indicators. The work was informed by a 'whole of government' approach and an ongoing working relationship between the public sector and civil society.

The culmination of the Roundtable's preparatory work was the publication of *Towards a Wellbeing Framework: Findings from the Roundtable on Measuring Wellbeing in Northern Ireland* and an associated technical report. The Framework is based around seven steps:

1. Setting wellbeing as a collective goal;
2. Engaging the public;
3. Establishing new ways of working;
4. Aligning tiers of government;
5. Communicating social progress;
6. Improving accountability; and
7. Supporting the wellbeing framework.

It is envisaged that setting wellbeing as a collective goal would be informed by the Northern Ireland Executive hosting conversations with citizens to understand what wellbeing means to them and to use this information to describe a vision for Northern Ireland. In the words of one interviewee: "*people in Northern Ireland are trying to find a new face, mind-set and disposition. A*

*wellbeing focus can help with this*".

The setting of wellbeing as a collective goal would then involve identifying a set of strategic commitments, from which would flow anticipated outcomes and partnership agreements to ensure their implementation.

Implementing these strategic commitments would involve a 'new way of working', sometimes referred to as an 'enabling state' approach, summarised as the move:

- From setting targets to outcomes;
- From top-down to bottom-up;
- From representation to participation;
- From silos to working together;
- From crisis management to prevention;
- From doing-to to doing-with; and
- From state provision to the third sector.

Aligning the tiers of government, central and local, is seen as an important aspect of 'working together', especially in the context of local government reform. As remarked by an interviewee: "*the reform of local government and introduction of community planning presents an opportunity to engage citizens in what people want and need at a local level – that's the grand prize*".

Communicating progress in working towards the outcomes over time is an important element in keeping people informed. It is suggested that a variety of communication channels may be used including 'data visualisation techniques' to keep people engaged. A key aspect is the need to ensure accountability and engender trust in the government. Mechanisms suggested to achieve this

include:

- The Executive laying an annual report before the Assembly for debate on progress made towards the outcomes;
- Briefings to Assembly Committees on the Executive's progress against relevant indicators; and
- Adoption of the Wellbeing Framework as part of the NI Audit Office's programme of work.

Ultimately, if a wellbeing framework is adopted its design and implementation will require ongoing support. There will be capacity building and training needs as well as there being a value in documenting and sharing the lessons of what works. Here, the *Wellbeing Framework* document encourages the sharing of lessons and collaboration with the Republic of Ireland, Scotland, Wales and England and across Europe at central and local government levels. The Centre for Cross Border Studies is specifically mentioned as potentially having a role in supporting the dissemination of lessons across the island of Ireland.

In a submission to the Roundtable consultation process, 'a new conversation for new times', the Centre for Cross Border Studies highlighted the need to have an all-island perspective and to specifically take into account issues of wellbeing for those communities living along the border. For example, local authorities on the border could be afforded support to engage in cross-border cooperation that results in positive outcomes for the wellbeing of their citizens. This would also apply to central government departments working across the border, where the

North South Ministerial Council could have a role.

While the Republic of Ireland has not instigated a Roundtable exercise on wellbeing there have been other developments. In 2009, the National Economic and Social Council published a report, *Well-being Matters*, which explored the meaning of wellbeing and suggested a wellbeing framework for the Republic of Ireland. Since then the Irish Central Statistics Office has published the results of a pilot module on subjective well-being which was included in the *Quarterly National Household Survey* in quarter 3, 2013.

Work has also been undertaken on consulting citizens in the design of wellbeing measures and policies, led by a research team at the National University of Ireland in Galway (NUIG). They have developed a methodology, *Interactive Management*, which can be used to provide an insight into the values, goals and preferences of citizens through a consensus building process.

More recently, under the local government reform process in the Republic of Ireland, Public Participation Networks (PPNs) are being established in every local authority. One of their key priorities is to develop a "*vision for the well-being of this and future generations*" and it is intended that this vision will underpin the actions and work of the PPNs.

In conclusion, work is being undertaken in both parts of the island on wellbeing with a view to developing a more comprehensive vision of society,

which engages citizens and which works towards an agreed framework for measuring economic and social progress. The report of the Roundtable on measuring wellbeing in Northern Ireland provides a good roadmap for how this work might be taken forward and embedded into a future Programme for Government in Northern Ireland. The challenge is to connect what is happening on both parts of the island in setting out the parameters of wellbeing on the island and in working collaboratively to deliver on this agenda.

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