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INTER-DEPARTMENTAL UNIT ON NORTHERN IRELAND

INTERIM REPORT

on

COUNCIL OF IRELAND

June, 1973

INTER-DEPARTMENTAL UNIT ON NORTHERN IRELAND

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Inter-Departmental Unit on Northern Ireland
COUNCIL OF IRELAND

Functions and Structure
Interim Report.

INTRODUCTORY

1. The Government at their meeting held on the 12th June, 1973, gave covering approval, on the submission of the Minister for Foreign Affairs, to the proposal that the Inter-Departmental Unit on the North of Ireland should immediately initiate discussions with other Departments on the possible functions and structures of a Council of Ireland. The Government also approved the recommendation of the Minister that he should submit to them a Report on the results of this study as soon as possible and, in any event, not later than mid-July, 1973. The Unit was subsequently asked to submit their Report before the end of June so that it could be considered before the meeting on 2nd July between the Taoiseach and the British Prime Minister. This Report is submitted accordingly. Because of the lack of time, it is provisional in many of its conclusions.
2. The Report relies heavily on an earlier document submitted by the Unit to the Taoiseach on the 19th December, 1972. For reasons of brevity, it incorporates the substance of that document and a note of developments since then in so far as they affect the concept of a Council of Ireland.
3. Appendix 1 contains a list of the Departments consulted. Because of the urgency, these consultations were carried on at the official level and those participating emphasised that they had not the opportunity for getting Ministerial clearance of their submissions. Appendix 2 contains a list of the submissions of these Departments in so far as they have been received to-date.

2.

BACKGROUND

4. The Government of Ireland Act, 1920, provided for a Council of Ireland. The main provisions of the Act relating to the Council are summarised in Appendix 111. Basically, the Act envisaged a Council of forty members - 13 to be elected from the Northern and Southern Houses of Commons and 7 to be elected from each of the Senates. A person nominated by the Lord Lieutenant was to have been President of the Council. The Act allocated the Council functions in relation to railways, fisheries and diseases of animals, and provided for the delegation of further functions, by agreement, by the Northern and Southern Parliaments. For reasons it is unnecessary to go into here, the Council, as conceived in the 1920 Act, was never constituted.

5. In recent years, the concept of a Council was taken up again in the British Government White Paper Northern Ireland Constitutional Proposals presented to the Westminster Parliament by the Secretary for State for Northern Ireland in March, 1973, The Paper states:-

"110. As far as the United Kingdom is concerned, it favours and is prepared to facilitate the formation of such a body (A Council of Ireland). The constitutional proposals would permit the new Northern Ireland institutions to consult and co-ordinate action through a Council of Ireland. There are undoubtedly many matters of substantial mutual interest such as tourism, regional development, electricity and transport.

111. The widespread interest which exists in the idea of a Council is a firm basis for moving to a specific discussion of the matter..... If a Council is to be set up not merely as a statutory concept, but as useful working mechanism in North-South relations, it must operate with the consent of both majority and minority opinion in Northern Ireland, who have a right to prior consultation and involvement in the process of determining its form, its functions and procedures. There are clearly a number of different levels at which such a Council might operate, including the inter-Governmental and the inter-Parliamentary.

3.

112. True progress in these matters can only be achieved by consent. Accordingly, following election to the Northern Ireland Assembly, the Government will invite the Government of Ireland and the leaders of the elected representatives of Northern Ireland opinion to participate with them in a conference to discuss how the three objectives set out in the Paper for Discussion may best be pursued, that is:-

- (a) the acceptance of the present status of Northern Ireland, and of the possibility - which would have to be compatible with the principle of consent - of subsequent change in that status;
- (b) effective consultation and co-operation in Ireland for the benefit of North and South alike; and
- (c) the provision of a firm basis for concerted governmental and community action against terrorist organisations."

6. In dealing with the proposed Council of Ireland the Taoiseach said, in the debate in the Dáil on the 8th May, 1973, on the White Paper proposals -

"The White Paper proposals on the Council are vague. They seem to suggest that it might concern itself with tourism, regional development, electricity and transport. These are subjects of vital and growing concern but the functions of a Council should not be limited to them. A body such as the Council should, in effect, properly be seen as an important element in a settlement in the North, and not simply a later and possibly superfluous addition to it. The Council - and this was one aspect that the Tánaiste and I stressed to the British Government when we met the Prime Minister and the Foreign Secretary in March - should contain within itself the seeds of evolution. In particular, it should not be constituted in such a way that ^{any} one interest or party can stifle or dominate its development.

That is why we would like to see an effective Council established not simply as something to meet our position but as something to meet the needs of the North. The need is for reconciliation and not simply for a Council as such. But a Council could be a means of reconciliation, if it had substantial functions which engage the common interests of North and South and thereby encourage them to work together to common advantage. That is why we would be ready to entrust important interests of our own to an effective Council." (Dáil Debates for 8th May, 1973, Column 579).

The Minister for Foreign Affairs spoke in similar terms during the debate on the functions of a Council.

4.

NORTHERN IRELAND CONSTITUTION BILL

7. The Northern Ireland Constitution Bill, introduced in the House of Commons on the 15th May, 1973, divides the functions of Government in Northern Ireland into three classes -

- (1) excepted matters, such as Foreign Affairs, the Crown, franchise and elections, international relations (except extradition), the Army, nationality and immigration, taxes levied on the United Kingdom as a whole, appointment of Judges etc., which are outside the competence of the Northern Ireland Assembly;
- (2) reserved matters, particularly in the law and order field, which are for the time being outside the competence of the new Assembly but on which it may legislate with the approval of the United Kingdom Government. These include - courts (except bankruptcy and regulation of solicitors), maintenance of public order, criminal law, including the creation of offences and penalties, prosecutions, extradition, treatment of offenders (including young persons, mental patients) etc., police disqualification from Northern Ireland Assembly, trade with any place outside the United Kingdom but not excluding furtherance of Northern Ireland trade, quality control in relation to insurance, transport, marketing, etc., navigation, foreshores, nuclear installations, postal services (including telecommunications, wireless and television).

There is provision in the Bill for powers within this category to be transferred to the new Assembly when circumstances permit; and

- (3) transferred matters, such as agriculture, education, health and social services, which will be exclusively for the new Assembly.

8. The functions within the discretion of the Northern Ireland Assembly will not be known definitely until the Minister of State makes an Order under the Bill, when enacted, devolving powers on it. This devolution Order will, in turn, depend on the Assembly's being -

- (1) likely to be accepted widely throughout the community, and
- (2) making satisfactory arrangements for ordering its business and for establishing a proper balance of Parties in consultative committees to be attached to the different ministries.

5.

9. In so far as a Council of Ireland is concerned the Bill provides, as follows:-

- "12(1) A Northern Ireland Executive Authority may -
- (a) consult on any matter with any authority of the Republic of Ireland;
 - (b) enter into agreements or arrangements with any authority of the Republic of Ireland in respect of any transferred matter;
- (2) It is hereby declared that provision may be made by Measure for giving effect to any agreement or arrangement made under subsection (1) above, including provision for transferring to any authority designated by or constituted under the agreement or arrangement any function which would otherwise be exercisable by any authority in Northern Ireland or for transferring to an authority in Northern Ireland any functions which would otherwise be exercisable by any authority elsewhere".

The Unit is advised that this section would enable consultation to take place within a Council on any matter whether excepted, reserved or transferred; and that it would enable any function being performed in Northern Ireland, whether by the Executive or the United Kingdom Government to be transferred to a Council.

OBJECTIVES OF A COUNCIL

10. In a matter of this sort, where the basic legislation is not yet enacted and where views are constantly changing, it is difficult, if not impossible, to get a precise statement of the views of the different interests involved in the role and functions of a Council. Appendix 4 summarises the views of the main interests in Northern Ireland at a recent date. The views of the Unionists as the largest Party concerned in the North can probably be summarised as seeing good in a Council in so far as it

- (1) contributes to the recognition of the status of Northern Ireland and, in particular, the functions and importance of the Assembly there; and

6.

- (2) helps the Assembly to have devolved on it as wide a range as possible of the reserved functions and perhaps even to get it involved in discussing the excepted functions, as it can under section 12, in the context of a Council of Ireland.

The basic objectives would seem to be to emphasise the separateness and importance of Northern Ireland. The extent to which weight must be given to this view will depend greatly on the outcome of the election to the Assembly due to be held on the 28th June, 1973.

11. From the statements of the Taoiseach and other members of Government and public representatives, the Unit have concluded that the basic objective in establishing a Council, in so far as we are concerned, are -

- (1) to provide a means by which reconciliation could be achieved between majority and minority in the North of Ireland and as between North and South; and
- (2) to establish an institution which would have within itself the potential for development into a legislature and a Government for the whole island.

These objectives may be widely accepted here - though there is evidence of considerable reservations by the public on them in the light of continuing violence in the North. They could be as widely rejected in the North. The consequence of too forceful or too rigid an attempt to get a Council established in the face of Northern opposition could be the spread of violence to this part of the country. It is vital, therefore, to encourage Northern consent to participation by stressing explicitly the benefits which could flow, particularly to the North, from a Council.

12. Security seems to be a likely issue in this context. The Unit understands that the legal Committee established by the Attorney General is considering what measures might be taken here to meet Northern arguments that their participation in a Council will be dependent on greater help being given on the security issue. The Unit does not propose to advert further to the point.

7.

13. The second type of advantage could arise from the fact that the North has much in common with this part of the country and in many respects it has more than with the United Kingdom. This applies particularly in negotiations with the European Economic Community. If functions of Government were discussed in a Council a common policy of benefit to both parts of the island could be developed more effectively and more rationally than if the North continues to be represented as a small and rather depressing region of the United Kingdom. The development, in an EEC context, of agricultural and regional policies and policies for industrial development and social security would seem to be particularly appropriate in this context.

14. A third argument is that there are functions which can be performed for both parts of the country which would be more efficiently and more economically performed by a joint body than by two separate agencies or organisations. Examples are tourist and perhaps industrial promotion - though industrial promotion could lead to difficulties because of different incentive schemes North and South of the Border - electricity generation and distribution, water storage and use, plant and animal health, agricultural breeding and research policy, roads and regional planning etc. The improvements in service resulting from this joint approach could mean an increase in material well-being for both parts of the country- though the measurable benefits might well be small.

STRUCTURE OF A COUNCIL

15. Bearing in mind that proposals for a Council which could bring definite and material advantages to North and South, or both, are most likely to succeed, the Unit considered the question of the structure of a Council most likely to achieve this aim - and the further objective of reconciliation between the majority and minority in the North, and between the two parts of this island.

8.

- Minimum possibility (weak Council) and Maximum possibility (strong Council)

16. There is a wide range of possibilities for a Council of Ireland, lying between the following two extremes:

- (1) a nominal link only, with at most fringe responsibilities in harmonising interests of both parts of the island where they overlap; a "talking shop" in effect, intended merely as a "sop" to us and to the minority in the North;
- (2) a strong Council with real functions - perhaps even exclusive functions in certain areas, and a real in-built potential for growth.

- Structural difficulties and problems.

17. There are two innate structural or operational difficulties likely to arise in any council:

- (1) the fact that the Council is to be a "bridge" between a sovereign Government (Dublin) on the one hand and a local administration (Belfast) which is likely to have limited functions, on the other;
- (2) the practical difficulties of getting any Council to take decisions and act - that is, how to prevent Unionist "stonewalling" or blocking tactics.

18. The first difficulty could be solved by providing for representation of Westminster on the Council. Such representation would mean in effect an Anglo-Irish Council. Obviously Westminster representation might, for example, assuage Unionist fears, ensure British commitment, make the transfer of British sovereignty to a Council easier and make it possible for the British to push Unionists in our direction.

19. It is considered, however, that we should opt against an Anglo-Irish type of Council because -

- (1) it savours of a return in the direction of the old Act of Union.

9.

- (2) the basic aim is to bring about co-operation between the two parts of Ireland and to enable Britain to "phase out" eventually;
- (3) It would give Britain a voice in 26-Counties affairs; and
- (4) It would probably be unacceptable to the Northern minority.

20. However, in practice, it will be necessary to provide some kind of machinery for the involvement of Westminster. This is dealt with specifically in the White Paper which refers to the fact that some of the important functions of government will be reserved to the United Kingdom Government. Some of these relate to matters on which consultation and agreed co-ordinated action (e.g. in relation to the suppression of terrorism) is of first importance and this will involve consideration as to how the United Kingdom authorities can best be associated with discussion of these subjects either within a Council of Ireland concept or otherwise. The White Paper also refers to other matters including finance and international obligations including those arising from membership of the EEC which could be within the discretion of a Council and in which Westminster would have an immediate and real interest.

21. The Unit do not see any ready solution to the problem of United Kingdom participation in a Council. There would be no objection administratively or legally to the presence of a United Kingdom representative as observer. The chances of this proposal being acceptable politically may depend on the sort of financial commitment the United Kingdom is prepared to make to a Council.

- Possible structure and procedures

22. The question arises of whether the Council and/or a Parliamentary Assembly attaching to it might be directly elected by the general electorate. This would have certain attractions; it would get

10.

over the difficult question of establishing a "bridge" between a sovereign and a non-sovereign body; it might establish a nucleus for an all-Ireland government. However, its wider implications at this stage would frighten Unionist opinion and, apart from constitutional implications, it could produce a Council and/or Assembly which would not correspond in its political composition to the equivalent bodies in Dublin and Belfast.

23. Beyond this, a whole range of options is open. A "model" worth considering here is the skeleton structure of the EEC itself, in so far as it has -

- (1) a Council of Ministers;
- (2) a Commission or administration; and
- (3) a Parliamentary Assembly (whose potential is great but whose present function is largely to allow expression of views).

This would be supplemented by a further agency designed to give a voice formally to various vocational interests, including industrialists, farmers and unions, North and South of the Border. A possible method of forming this vocational forum would be to merge the proposed National Economic Council with its Northern counterpart.

24. The Unit did not consider in detail the question of associating a Court of Appeal with the concept of a Council of Ireland.

Since, however, the Council would have within itself an embryo

- (1) legislature and
- (2) executive

it would be natural to assume that it could also have associated with it a judicial function. The Unit understands that this question is being considered in more detail by the Committee under the chairmanship of the Attorney General.

25. One could suggest, therefore, the following structure for a Council of Ireland;

- (1) an executive Council of Ministers comprising four to six Ministers from Dublin and their opposite numbers in the executive of the new Northern Assembly. Some limitation in the number of Ministers is necessary to make the executive a workable institution. The size of the proposed Council of Ministers will involve the development of the concept of grouping functions dealt with in paragraph 36 - so that a Minister could represent on the Council a range of interests wider than that for which he is immediately responsible in Government. The question of the way in which the Council may make decisions will be of particular importance. It is suggested that it should act by simple majority vote with the chairman having a casting vote. The chairmanship should be held alternately by North and South after comparatively short intervals - changing, say, after every two meetings. There should be provision for meetings once every two months - or more frequently if warranted. The question of whether Ministers acting on the Council should be paid at a higher rate than other ministers would repay consideration, with particular reference to the higher workload involved and the need to develop a vested interest in the continuance and effectiveness of the Council.

- (2) permanent and full-time Secretariat with a Secretary-General and strong analytic policy formulation and planning capabilities. These functions could be exercised without the direct involvement of the Council in detailed executive type work, e.g. the making of grants or welfare payments, which could be done by the appropriate agencies on both sides of the border working to the Council. It should be understood from the beginning that this Secretariat should have substantial freedom to recruit and pay staff and would

12.

have devolved on it the power of allocating substantial sums of money for the functions for which it is responsible. If it does not have this power of financial allocation, subject to Ministerial control through the Council of Ministers, the Council of Ireland would be merely a talking shop;

(3) an Assembly which would allow legislators to express views and get to know one another without giving them the power to block real progress. It might meet say two to four times a year and have power -

- (a) to ask "parliamentary questions" of Ministers on the Council of Ministers who would attend the meetings;
- (b) debate the reports of the Council of Ministers, presented annually or six-monthly as may be decided; and
- (c) initiate debates on matters within the competence of the Council of Ireland, on the motion of a specified number of members.

It is suggested that to develop a vested interest in the operation of the Assembly it might be worth paying travelling and subsistence expenses and a further additional sum for loss of time to members.

Eventually, depending on progress, the Assembly would be given the power to tax, vote money and pass legislation. This development would probably come about only when it is constituted by way of direct election; and

(4) an Economic and Social Council composed of the proposed National Economic Council and its Northern counterpart which would have a general consultative and advisory function on the lines of the former NIEC here.

- (5) the question of a judicial function for the Council is the subject of consideration by the Committee appointed by the Attorney General.

26. FINANCE

Finance from the Council could come from -

- (1) the Irish Government
- (2) the Northern Ireland Assembly,
- (3) the United Kingdom Government,
- (4) the EEC regional and other funds,
- (5) taxing or other internal financial revenue of the Council itself.

Whatever the source, finances are crucial to the development of a Council. Initially block allocations of money from the legislatures North and South related to the functions delegated to the Council may be the main source. It would be natural to press for a substantial United Kingdom contribution to a Council if it can be seen as helping to reduce tension and restore stability in the way contemplated by the recent White Paper. The next logical step would seem to be the provision for a further "free" sum proportionate, say, to the gross national product in each part of the country with perhaps a similar contribution from the United Kingdom, giving the Council power of allocation over it. These questions would raise substantial problems and would require further detailed study.

27. This outline suggests that (a) authority to make decisions should reside in an executive-to-executive link, with a continuing Secretariat; (b) there should also be an inter-Assembly link, with no power to block executive decisions; (c) there should be a vocational body associated with the Council; (d) judicial body should also be considered; (e) there should be some measure of financial autonomy.

28. The structure of a Council as it finally emerges will depend on the functions it is asked to perform.

14.

FUNCTIONS

- General

29. In relation to functions generally, there is already in operation a strong co-ordinating force in the European Economic Community. This will tend over the years to reduce differences in policy and in standards as between the two parts of the island and, in many areas, may mean that an important function of a Council would be to help in the development of a common policy for the whole island in its approach to Brussels.

30. In so far as this part of the island is concerned, much of the effort of a Council of Ireland would be concerned with the standardisation of the level of service as between both parts of the island. Work on this will underline the extent to which standards here are lower than in the North. This applies in such areas as housing, social welfare, health and education etc. It is obvious, therefore, that the more the Council develops its planning function in these areas the greater the pressure will be on any government here to provide funds for the development of these services. The amounts involved are considerable. Equalisation of the range and level of social services was estimated some years ago to cost £72 million. The figure is somewhat lower now as a result of the recent Budget but is still substantial. / In road construction, the Northern community spend two to four times - depending on the method of calculation - as much per head of the population as we do. Their total output of houses per 1000 of the population has for years been almost twice the level in this part of the country - despite the fact that, on most objective measures of housing quality, their basic stock is, if anything, better. A matter of growing concern will be the different tax levels in the two parts of the country, with lower rates of VAT at the one level and lower rates of income tax at many income levels, in the North. This can, for example, affect the ability

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of a shopkeeper or a road freight contractor forced to buy dearer vehicles and pay higher road tax south of the border, to compete with his Northern rival.*

31. Northern Ireland can sustain this high level of service with a lower level tax because of "parity" agreements and the subsidies flowing into the country from the United Kingdom, the amount and purpose of which are shown in Appendix 5. This fact will not, however, do much, in practice, to ease the pressure on this part of the country for equalisation of service in whatever functions are given to a Council - though it may help in any argument with the United Kingdom for comparatively generous financial treatment of a Council, if it is to be viable.

32. The third general point in relation to functions generally is that in many areas, policy is diverging substantially from that in the United Kingdom and the North. These areas include -

- (1) local government (where the Northern tendency towards large units with a high degree of centralisation and the consequent ability to attract highly qualified staff - following the United Kingdom reforms - is not reflected here - though similar to what the recent McKinsey Report recommended;
- (2) health, where the United Kingdom tend to stress treatment in hospitals and institutions in contrast to policy here which favours treatment in the patient's own home or in a doctor's dispensary;
- (3) agriculture, where the United Kingdom stress on marketing boards for produce might not be a welcome development here, apart possibly from the question of its acceptability under EEC regulations;

* See Appendix 5.

(4) electricity generation, where the United Kingdom may tend to favour coal (as against oil here) or a particular type of nuclear station based on their research as against possibly an American or Continental design here).

33. It is assumed that the continuance of these divergent trends would not in any event be a welcome development here in that they make eventual unification more difficult. It would be the business of a Council to examine all options in relation to the functions delegated to them and decide on the best in the light of economic criteria.

34. A fourth general point in relation to functions which the Unit felt it desirable to stress is the necessity to avoid delegating to the Council functions which could of their nature lead to dissension. An example of this type of function is the policing function - or policy in relation to competition as between road and rail. While these issues could perhaps be dealt with at a later stage by a Council, their delegation in the initial stage could wreck it.

35. Finally, the Unit would like to stress that in many areas including electricity generation, Foyle fisheries, Irish Lights, museums and galleries, archives, etc., there is substantial and continuing co-operation already. The establishment of a Council could provide a means for the further development of this co-operation, if the will for it is there. As has been stressed elsewhere in this Report, the development of this will depend on the realisation by both sides that there are substantial advantages to be gained from a joint approach under a Council. Again this leads back to some form of guarantee that the North will not lose the benefit of its parity agreements and the quality of service there which British subsidies make possible.

. Classification of functions.

36. As has been mentioned in relation to the Council of Ministers, the necessity for a small executive council, of, say, four to six Ministers from both sides, means that the functions of government must for the purposes of the Council be grouped into fairly broad bands or classifications. Many combinations of functions are possible. The Unit have used the following one as an indication of its meaning rather than in any formal or rigid sense:

- (1) Security and Law (including police, and army, civil and criminal law);
- (2) Economic infrastructure and development (including physical planning, water, sewerage, housing, roads, industrial sites and training, tourism, transport, including roads, railways and harbours, etc);
- (3) Social Affairs (including education, social welfare, health);
- (4) Environmental protection and amenity (including control of air and water pollution, provision of parks, playgrounds, museums, art galleries, use of leisure etc.);
- (5) Administration, Finance and Planning (including budgetary control, staff development and training, structure and functions of the organisation, work methods and mechanisation (including computers etc.)).

The following paragraphs deal with each of these areas in summary form on the basis of informal exchanges of views as between the Unit and officers of the Departments concerned. It should be understood that the list of functions is by no means exhaustive.

Implications- Instructions of assigning specific functions1. SECURITY AND LAW

Department of Defence,
Department of Justice.

There would be advantage in assigning functions of the following type:-

- | | |
|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| (1) <u>Law reform</u> - | covering such matters as bankruptcy, common law contracts, civil judgements, family law, succession and property law etc. |
| (2) <u>Land registration and registry of deeds</u> - | in particular, the development of common computer systems and applications. |
| (3) <u>Public records</u> - | where there is already a high degree of co-operation. |
| (4) <u>"Ombudsman" functions</u> - | in so far as it is considered appropriate to develop this type of work here. |

The general issue of the jurisdiction of the Courts was considered by the Unit to be more relevant to the work of the Attorney General's Committee. This would cover the question of the enforcement of anti-discrimination law North and South.

It was not considered that work in relation to police, army, civil defence, red cross or security generally would be appropriate to the Council in its initial stages.

2. ECONOMIC INFRASTRUCTURE AND DEVELOPMENT

Department of Agriculture and Fisheries,
" " Finance,
" " Gaeltacht,
" " Industry and Commerce,
" " Labour,
" " Lands,
" " Local Government,
" " Posts and Telegraphs,
" " Transport and Power.

There would be advantage in our giving functions of the following type:-

- | | |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) <u>Agriculture:</u> | covering veterinary and plant health, breeding policy, rationalisation of agricultural processing industries in border counties, food standards, statistics. |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|

In relation to marketing, there had been some conflict of interest, though this might be resolved in a Council rather than at Brussels.

- | | |
|-----------------------|-----------------------------------------|
| (2) <u>Fisheries:</u> | covering both sea and inland fisheries. |
|-----------------------|-----------------------------------------|

This would give Northern fishermen access to valuable fishing grounds. Northern waters have little to offer in return.

- (3) Lands - covering a common policy on farm restructuring, forestry and wood-using industry, the development of forest areas as amenities etc.
- (4) Regional policy and Physical planning - covering the assessment of infrastructural needs, common development plans for the island as a whole and border areas.

While the formulation of regional policy could be advantageous in the longer term, it could be detrimental to our interests if embarked upon before EEC regional policy becomes clear.

(See Appendix 2).

- (5) Staff recruitment, training, development and computers - covering perhaps a Civil Service Commission for the entire island, common training facilities and the development of common computer systems.
- (6) Industrial promotion so as to develop the concept of an all-Ireland approach to the attraction of industry.

This could help to attract United Kingdom industry but could also give rise to serious pressure from the North for the dismantlement of the system of export tax reliefs which favour this part of the country.

- (7) Company law - which will probably develop in accordance with EEC requirements.
- (8) Research - covering the sort of work done by the Institute for Industrial Research and Standards and possibly involving the National Science Council.
- (9) Industrial training - covering the services provided by AnCo and the corresponding body in the North.
- (10) Factory inspectorate - covering co-operation in training and in a possible system of common standards.
- (11) Employment services - covering the placement of persons in employment.

This would run into difficulties in relation to the Northern Ireland Safeguarding of Employment Act. This Act, is, however, due to be phased out under EEC regulations.

- (12) Redundancy payments - covering the question of a common system of payments North and South.

It is not considered that the concept of the Labour Court would be worth putting under the Council of Ireland in the initial stages at any rate. Similar considerations relate

to the development of an incomes policy North and South of the border, though there may be possibilities for this in the joint vocational council proposed as part of the structure of the Council.

- (13) Roads - covering road construction, particularly of main roads, road standards, traffic management and road safety.

The possibility here is that the higher standards in the North would involve considerable pressure for the development of similar standards here.

- (14) Housing - the function of allocating money for, say, housing loans to local authorities is a non-contentious type of operation which could well be given to the Council of Ireland.

The development of a standard set of contract conditions and possibly even of common contracting procedure North and South of the border for local authority projects would also be worth considering.

- (15) Water and Sewerage - covering the provision in border areas of water and sewerage services on a catchment area basis which disregards boundaries created by the border.

This would also involve consideration of the water resources of the island as a whole and their possible use for industry. It could involve some re-appraisal of our own priorities.

- (16) Combined Purchasing - covering the application to the entire island of the combined purchasing system operated here by the Department of Local Government.

- (17) Local Appointments Commission - covering appointments to the more important positions in the Local Government Service both North and South of the border.

This is a function which would probably not be readily considered by Northern representatives.

- (18) Local Government reform - covering the development of a common local government system for the entire island.

This could lead to difficulties in a Council in that the Northern system of Local Government is diverging markedly from that in the South. If, however, there is to be eventual unity, it is important that the two systems should be compatible.

- (19) Postal Services - in border areas.

In the long term, postal services, which are highly labour intensive, are likely to become more expensive and perhaps deteriorate in quality.

- (20) Telephones - in which there is already a very high degree of co-operation.

Transfer of this function to the Council would not involve much one way or the other. Developments are governed by the rate of technical progress.

- (21) Savings Banks, covering post office savings etc.
Giro etc. -

The development of a common system could be of advantage but is unlikely to be conceded by the North, or the United Kingdom,

- because of the financial implications involved.
(22) Television and see recent statement of M/Posts & Telegraphs
Broadcasting - quoted in Appendix 2.
(23) Tourism - covering, in particular, the promotion of the island as a unit but perhaps excluding the application of a common system of hotel grants.

- (24) Electricity covering in particular energy policy in
generation and relation to electricity, the development
distribution - of nuclear power, the sharing of power loads, etc.

There is already^a/high degree of co-operation with the North on this subject. Its development could, in the end, lead to the establishment of a single electricity board for the entire island.

There are reservations, however, as to the extent to which a Council could be permitted to pre-empt the choice as to the resources to be used in electricity generation, for example, nuclear, oil, coal, or turf.

In relation to road freight, policy North and South have diverged so much that to hand this type of function to a Council could give rise to friction.

Similarly the transfer to a Council of policy formulation in relation to railways could give rise to dissension, particularly in the initial stages.

- (25) Harbours: covering the development of a common harbour policy for the entire island, involving forecasting of harbour use in the light of industrial etc. needs.

3. SOCIAL AFFAIRS

Department of Education,
Department of Health,
Department of Social Welfare.

- (1) Social Welfare planning: covering the question of the development of a common approach to Social Welfare, particularly in the light of EEC policy on social affairs, and the appeals system under the Social Welfare Acts.

It would not be advisable to give to the Council functions in relation to Social Welfare payments.

It should be borne in mind that the transfer to a Council of the function of Social Welfare planning would be likely to highlight deficiencies in the South in social welfare.

- (2) Health: covering the amalgamation of the functions of the Advisory Health Council in the South and the corresponding body in the North, in a consultative or advisory capacity on all aspects of health policy and on draft regulations.

Health policy North and South of the border is diverging in that Northern policy concentrates on treatment in hospitals in accordance with British trends. Southern policy tends to emphasise treatment outside hospitals. The transfer of the function of health planning could lead to friction on the subject of the proper development for the health service as a whole, but if unification is the ultimate aim, it would be necessary to face this.

- (3) Education: covering the provision of common institutions along the border, and common management system for second and third level technical education.

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4. ENVIRONMENTAL PROTECTION AND AMENITY

Department of Lands,
 Department of Local Government,
 Department of Education.

- (1) Physical planning covering appeals in relation to the control of building work and other development.
- (2) Resort development and amenities covering the provision of parks, sanctuaries, forest works.
- (3) Culture and the Arts covering co-ordination of the work of the Arts Councils North and South of the border, museums, libraries etc.

It should be noted that the transfer of this function to a Council could lead to the development of pressure for substantial extra expenditure in this part of the country. In general, this heading would cover work in relation to the development of amenities and the use of leisure time.

5. ADMINISTRATION, FINANCE AND PLANNING

- (1) Statistics and data collection covering the co-ordination of statistics and methods of data collection and dissemination, particularly computer systems and programmes.
- (2) Recruitment methods covering a common Civil Service Commission and Local Appointments Commission North and South, established especially to prevent discrimination in either appointments or promotions to the public service. The position of Irish would need special review.

- Training development etc. see above at 2(5)
- (4) Finance and budgetary matters covering the allocation of resources and general accounting and budgetary work of a Council.

The heading, in general, covers internal administrative functions of a Council.

6. GENERAL

It must be emphasised that the above represents a cursory perusal of the possibilities, on the assumption that the widest possible role should be sought for a Council of Ireland. Its role in many of these areas might, of course, be merely vestigial, and in others, further examination might reveal difficulties or disadvantages not immediately apparent. Moreover, the transfer of functions mentioned in the paragraphs above to a Council of Ireland would involve detailed examination of the relevant legislative provisions. There would also have to be a careful examination of the financial and staffing implications of any such transfer. In the time available to the Unit it was not possible to carry out this examination.

D. NALLY

D. Nally Department of the Taoiseach
Chairman

Robert McDonagh Department
of Foreign Affairs.

MAURICE F. DOYLE

M. F. Doyle Department of Finance

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