

NATIONAL ARCHIVES

IRELAND



Reference Code:	2006/133/669
Creation Date(s):	1 November 1976
Extent and medium:	6 pages
Creator(s):	Department of the Taoiseach
Access Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

ROINN AN TAOISIGH

Uimhir..... 5 162 72^P

Mr. Kirwan

W.K. 11/1/76

The attached memorandum sets out the considerations involved in the question of the appropriate ministerial responsibility in relation to the cross-border study of communications in the Derry/Donegal area. The memorandum is based on the submission of the Department of Finance which they ~~forwarded~~ on 14th October, 1976 but I have added to it the observations of Foreign Affairs and Local Government. The purpose of the submission is to seek a decision from the Taoiseach in accordance with Section 6 (2) of the Ministers and Secretaries (Amendment) Act, 1939. That section provides that if there is any dispute as to the Department of State to which the administration of any public service is allocated, the matter shall be determined by the Taoiseach.

I have shown the revised submission to the Department of Finance. They suggested that we might take the line that the Department of Foreign Affairs should take the lead role where political considerations are involved e.g. initial contact, negotiation of the scope of the study, etc. and that the functional ~~Department~~ Department should deal with the commissioning, and steering of the study, as well as payment for it. Finance have expressed the view that Foreign Affairs may be anxious that if they handed over complete responsibility for these studies to other Departments they would be precluded from running the ~~delicate~~ delicate initiate negotiations. I think that this suggestion of flexible responsibility would be very difficult to operate, given the context in which these studies are taking place. The submission points out that the form and scope of the Derry/Donegal study have been dictated by political sensitivities on the Northern side of the border and the reality is that these factors will continue to dominate all of these studies for the foreseeable future. Even the commissioning and steering of the studies is not without political dimensions. In these circumstances I think that our advice to the Taoiseach should be to ~~decide~~ decide that the Department of Foreign Affairs is the appropriate Department to undertake responsibility for the studies. The present one and future ones, in the medium term at least, are unlikely to be very costly from our point of view - our contribution would probably be of the order of £20,000 for each study. They are unlikely to be of major technical significance and hence the involvement of the functional Departments would not be a major consideration. Given that the main political contact with Northern Ireland is through the Department of Foreign Affairs, I can see no good reason for involving this Department in the studies.

W.K.
1st November, 1976

Submission for decision on the appropriate Ministerial responsibility for the determination of content, commissioning, funding, the carrying out of and the assessment of the recommendations of the study of communications in the Derry/Donegal area and for such studies in general.

Background

1 Agreement in principle was reached between the Taoiseach and the then Prime Minister of the UK in September 1973 to proceed with certain cross border studies. Subsequently official and ministerial contacts have resulted in the commissioning of a study of communications in the Derry/Donegal area. The study, which is entitled

"To examine communications including transportation (e.g. roads, railways, ports, airports, telecommunications) in the Derry and Donegal area in the light of existing projects and plans in order to determine their adequacy and to make recommendations for future development having regard to financial constraints."

was launched on 27 September 1976 and is expected to take about 6 months to complete. The overall cost of the study is £70,000 with the Irish and UK Governments taking a 25% share each while the EEC Commission will contribute the balance.

2 Since agreement in principle on the desirability of such projects was reached in 1973 a considerable difference of opinion has emerged between the Northern Ireland office and the Department of Foreign Affairs with regard to the depth and scope of such studies. The Northern authorities favoured a limited study in a particular area while our Departments favoured a more wideranging study of general economic development along the Border. Northern reservations about the latter type of study derived from a fear of strident Loyalist opposition to such cooperation in the aftermath of the unilateral abandonment of the formalised concept of such cooperation agreed at the Sunningdale Conference.

3 The form and scope of the particular study then has been dictated by political sensitivities on the northern side of the Border to such an extent

that, in the eyes of the Departments in whose functional areas the study primarily falls, it has no particular technical significance; these Departments (Local Government and Transport and Power)* have made it clear that they consider that only political considerations can justify going ahead with the particular study and have refused to be involved financially in meeting its cost. (This attitude contrasts sharply with that of the Department of Agriculture and Fisheries which has given wholehearted support to a study of fishery resources around the island of Ireland; our portion of the costs of this study will be met from the Fisheries Vote.) Accordingly, the Department of Foreign Affairs has requested permission to move a Supplementary Estimate in respect of the financial responsibilities arising out of the commissioning of the study; a Supplementary Estimate is necessary because there is no appropriate subhead in the Foreign Affairs Vote for expenditure of this nature and there are unlikely to be sufficient savings on the Vote generally to meet this expense.

Problem

4. The Minister for Finance considers that as communications are not within the functional area of the Department of Foreign Affairs, it is not appropriate that that Department should handle the matter; accordingly the charge should be on one of the Departments within whose functional area the study falls.

5. As these Departments dispute that they should be so involved and argue that the matter is within the ambit of the Department of Foreign Affairs the Minister seeks a direction from the Taoiseach under Section 6 (2) of the Ministers and Secretaries (Amendment) Act, 1939 on where the primary Ministerial function is vested in regard to this study and also to seek a general ruling with regard to future studies and projects which may emanate from such studies.

Considerations

6. The September 1973 decision constituted a decision to undertake a particular political course of action which at the time was recognised to be desirable from the point of view of political benefits but in respect of which no economic or other benefits were specifically articulated. The decision was made in a political context of great promise i.e. the lead up to Sunningdale

/ with

* Posts and Telegraphs are associated with the study only insofar as the supply of information is concerned.

with its subsequent institutionalised Irish Dimension. It is clear then that the concept of cross border cooperation, and specifically studies to explore opportunities for such cooperation, received a considerable political impetus as a result of Sunningdale. The institutional reforms in Northern Ireland and the proposed Council of Ireland resulting from the Sunningdale agreement have now gone but cross border cooperation continues to be a major political means by which the Irish Government hopes to foster relations and reduce tensions between the two communities in the North and between the North and the South; this is regarded as particularly important politically when it takes place in the context of mutual EEC membership.

7 Although it is true to say that cross border cooperation is primarily political in its conception it is clear that there is considerable scope for studies and projects aimed at correcting regional imbalances on either side of the Border which result, at least in the opinion of the Irish Government, from the establishment of the Border. Accordingly very fruitful studies and projects, in economic terms, are possible provided that political fears and sensitivities on the Northern side concerning them are allayed. In these areas there is no doubt that Departments within whose functional areas the studies fall would treat them in the same way as a study of a particular problem area in the Republic and take the lead in drawing up, steering and examining results as well as the financial responsibility, if such arises.

8 While the broad concept of cooperation is in accord with Government policy the undertaking of the particular study is not as a result of a formal or informal Government decision. Accordingly, it is open to the Departments (other than Foreign Affairs) to refuse either to take the lead role or to be involved financially arguing presumably that in the absence of an indication by the Government that the study is in accordance with general policy they are not required to be involved where they see no technical or economic merit. The question then arises whether the Department of Foreign Affairs may involve itself in a functional area proper to other Departments where it deems that such involvement will further its political aims; and following from that whether it is appropriate, and in accord with Government policy, to allow a proposal for technical cooperation to be used for political reasons where such cooperation will not have a technical or economic advantage.

Views of the Minister for Finance

9. The Minister considers that the lead role for the present study should devolve on the Department primarily involved i. e. the Department within whose functional area the main or principal elements of the study fall. It is the Minister's view that, of the technical Departments involved in the study, it is most likely that the functional area of the Department of Local Government will be primarily involved both in the carrying out of the study and in the assessment of its recommendations; for this reason the Minister considers that that Department should be given primary responsibility.

Views of Ministers for Foreign Affairs and Local Government

10. The Department of Foreign Affairs consider that the overriding consideration in relation to this study and any similar ones in the foreseeable future, is political. If responsibility for such studies is allocated on the basis of Departmental functional areas, co-ordination of the political aspects will be made more difficult. For these reasons the Minister for Foreign Affairs considers that either his Department or the Department of the Taoiseach should have overall responsibility for the present study. Both of these Departments have functions in relation to the political aspects of the Northern Ireland situation.

11. The views of the Minister for Local Government are as follows:-

The Minister for Local Government disagrees with the views of the Minister for Finance. The Department of Foreign Affairs has had the lead role in relation to cross border cooperation since the setting up of the Northern Ireland unit - that role has continued since Sunningdale because of the primary importance of the political aspect. The impetus for the present study came from the Minister for Foreign Affairs and his Department provided the Chairmanship and Secretariat for meetings. They also led the Irish Delegation at meetings in London, Belfast and Dublin. If there had been acceptance of the proposals originally put forward which involved a number of Departments and the Industrial Development Authority, the question of any change in Ministerial responsibility would hardly have been made an issue.

In the Minister's view it is premature to make a general ruling now. Hopefully progress in cooperation will be achieved through further studies of greater substance than the communications study but if such progress is to be made, it is inevitable that the subjects would be likely to infringe more on political sensitivities. The main concern of the Government, while such a delicate situation exists, will be with the political aspect and it is undesirable and unwise to divide between Ministers responsibilities for the political implications. Parliamentary Questions and any further developments or consequences which might arise out of particular study projects. Few are likely to be as innocuous politically as the study of fishery resources in the sea.

As regards the present study of communications, the position is that the Department of Local Government assisted in the preparatory work and is prepared to give what further assistance it can e.g. in any assessment of the recommendations, but the scope of the study as agreed by the Northern Authorities is so limited that it is likely to be of little practical benefit to local authorities or to the Department. It appears from the submission (para. 3) that the Department of Transport and Power takes a similar view of its value to them. Accordingly, there can be no question but that the study was initiated and undertaken for political reasons and it is the political considerations which will have prime importance in any consequential developments. The fact that the study was encouraged by Commissioner Thomson, that the E.E.C. are paying 50% of the cost, and that the study is the first of its kind, only underlines the lead role of the Minister for Foreign Affairs.

For the reasons stated, the Minister for Local Government

- (1) does not agree that the present study should now be regarded as outside the functional area of the Department of Foreign Affairs,
- (2) does not see that any advantage would be gained by transfer to his Department of overall responsibility (including financial) for the present study,
- (3) suggests that it is premature to make a general ruling of the kind proposed by the Minister for Finance in respect of studies while the political considerations related to such studies remain paramount.

12. The Minister for Finance accordingly submits for decision by the Taoiseach

- (i) that the present study is outside the functional area of the Department of Foreign Affairs;
- (ii) that the Department of Local Government undertake overall responsibility (including financial), for the present study;
- (iii) that, for the future, the Department within whose operational area a study or project falls should undertake technical responsibility and the lead role in regard to the formulation of content, coordinating its implementation and assessing its results.