

**The Constitution Unit**

**The British-Irish Council:  
Nordic Lessons for the  
Council of the Isles**

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## Executive Summary

- The **British-Irish Council**, known as the Council of the Isles, emerged as a late entry in the Belfast Agreement. It was put in at the request of the Unionists, who looked to the model of the Nordic Council, a successful example of cooperation between neighbouring countries and their dependent territories. This study examines the history and achievements of the Nordic Council to see what lessons can be learnt for the British-Irish Council.
- The **Nordic Council** was created in 1952 as a body of parliamentarians from four Nordic countries (Denmark, Norway, Sweden, and Iceland); joined by Finland in 1955; and by three autonomous regions (Åland Islands, Greenland and the Faroe Islands) in 1970 and 1984.
- The **British-Irish Council** is to comprise representatives of two sovereign states (the Republic of Ireland and the UK), three devolved governments (Northern Ireland, Scotland and Wales) and three Crown dependencies (the bailiwicks of Guernsey and Jersey, and the Isle of Man). It is to be an intergovernmental rather than an inter-parliamentary body.
- The nearest equivalent to the British-Irish Council as an intergovernmental body is the **Nordic Council of Ministers**, established in 1971. The Nordic Council is an inter-parliamentary body. Any parliamentary equivalent in the British-Irish context would need to build on the work of the British-Irish Inter-Parliamentary Body, which has been meeting since 1990.
- There are significant differences in the British-Irish starting point compared with the Nordic Council :
  - Six of the members of the British-Irish Council will be dependent territories of the UK. In the Nordic Council the balance is reversed, with five sovereign states instead of just two, and three dependent territories.
  - The members of the Nordic Council wished to cooperate and have developed institutions, bottom up, for that purpose. The British-Irish Council is more top down. The dependent territories were not consulted: it was imposed upon them.
  - The British-Irish Council risks being dominated by the UK. In the Nordic Council there is much nearer equivalence in size between the major partners.
  - The inter-parliamentary body in the Nordic Council is still the primary body and the source of most initiatives.
  - The Nordic countries share a close political ideology and a common religious background. There is less congruence between the political parties in Great Britain and Ireland, North and South; and a greater religious divide.
- To be effective the British-Irish Council needs
  - a clear role, separate from that of the North-South Ministerial Council, the British-Irish Intergovernmental Conference, and the Joint Ministerial Committee on Devolution
  - a strong inter-parliamentary body, attended also by government representatives, to listen to the debates and to be questioned on government policies
  - an independent secretariat, not supplied by any of the member governments
  - a budget not excessively dependent on the UK government.
- The British-Irish Council needs to plan from the start for possible enlargement from a body with eight members to a body with around 15, to include the English regions. As it stands it will increase the voice of Northern Ireland, Scotland and Wales, to the exclusion of England. It risks reinforcing the lopsidedness of the devolution settlement.

## Part One Neighbourly Cooperation

### The British-Irish Council

Michael Collins noted, in 1920, that it would be natural for the nations on the British-Irish archipelago to co-operate “in a free association on matters which would be naturally the common concern of nations living so closely together”<sup>1</sup>. The British-Irish Council - or the Council of the Isles - to be established under Strand Three in the Belfast Agreement is envisaged to do exactly this: “to promote the harmonious and mutually beneficial development of the totality of relationships among the people of these islands”<sup>2</sup>. The members of the council are to be the UK, the Irish Republic, Northern Ireland, Wales, Scotland, the Channel Islands, the Isle of Man, and in time the English regions (if they are granted devolved powers).<sup>3</sup>

There is no shortage of ambitious regional organisations aimed at encouraging transregional co-operation. The Baltic Conference, the North Sea Commission, the European Danube Commission, NAFTA, MERCOSUR, APEC and ASEAN are but a few examples of organisations established to facilitate low-level political co-operation<sup>4</sup>. Yet it is difficult to compare these organisations with the British-Irish Council as they are exclusively composed of sovereign states.

What distinguishes the British-Irish Council from almost all regional organisations is that the members comprise a mix of sovereign states (the Republic of Ireland and the UK), Crown dependencies (Isle of Man and the Channel Islands), and areas with varying degrees of devolved power (Scotland, Wales and Northern Ireland). The organisation which is most comparable in this respect is the Nordic Council of Ministers and the Nordic Council. It is therefore natural to use the Nordic experience in an attempt to understand the likely development of the Council of the Isles.

**Table 1 - The Nordic Countries and autonomous territories: key data**

<b>Denmark</b>	Constitutional monarchy	Population: 5.2 million
<b>Faroe Islands</b>	Autonomous territory under Denmark	Population 43,000
<b>Greenland</b>	Autonomous territory under Denmark	Population: 55,000
<b>Finland</b>	Republic (since 1918)	Population: 5 million
<b>Åland Islands</b>	Autonomous territory	Population: 25,000
<b>Iceland</b>	Republic (since 1940)	Population 265,000
<b>Norway</b>	Constitutional monarchy (since 1905)	Population: 4.3 million
<b>Sweden</b>	Constitutional monarchy	Population: 8.7 million

### The Evolution of the Nordic Council

The Nordic Council was created as an informal body of parliamentarians from the Nordic countries (Denmark, Norway, Sweden, Iceland) in 1952. Finland joined in 1955 (the Soviet Union had refused to accept Finnish membership before then). The Faroe Islands and the Åland Islands joined in 1970, and Greenland in 1984.

<sup>1</sup> Michael Collins quoted in Richard Kearney, “The Ghost of the ‘Other’ still haunts banquet”, in *The Irish Times*, Saturday February 1997.

<sup>2</sup> See Appendix A for the the 12 paras of the Belfast Agreement on the British-Irish Council.

<sup>3</sup> Strand Three para 2 extends membership to representatives of devolved institutions “elsewhere in the UK”, “when established and if appropriate”.

<sup>4</sup> See: Clive Archer, *International Organizations*. Second Edition, (London: Routledge, 1992)

The aim was initially to consult on practical matters. The reality has been that the Nordic schemes of co-operation have gradually grown to cover a range of different policy areas, described in Appendix D. These include culture, research, the environment, and - most recently - regional development, EU issues and the co-ordination of policies in international organisations. The Nordic Council now supervises the work of more than 40 specialised agencies, listed in Appendix E, and has agreed a growing body of legislation directly applicable to the citizens of the different countries.

Nordic co-operation did not start from scratch. A common culture, the (almost) identical languages, dominant Lutheran churches, strong trade union movements, and ties between the political parties were all conducive to further co-operation. Yet the Nordic region was not always a “security community” (as Karl W. Deutsch called the region)<sup>5</sup>. Peaceful relations between the countries were only established after the Napoleonic wars. As Appendix D records, Nordic history before 1800 is a history of continued hostilities between the countries, especially Denmark and Sweden. Sweden has historically ruled Finland, while Denmark has ruled Norway and Iceland. Norway and Finland became independent countries in the beginning of the 20th century (Norway had in the years between 1814-1905 been ruled by Sweden). Iceland gained independence from Denmark in 1944.

It would be erroneous to claim that the Nordic institutions created peace. The Nordic Council only evolved some time after a settlement had been reached between the countries, i.e. when Denmark and Sweden lost their imperial ambitions and aspirations.

The development of Nordic co-operation was the result of spontaneous political action rather than the development of a preconceived blue-print. This is not surprising from a theoretical point of view. David Mitrany - a prominent theorist of international organisations - has developed what he calls a *functionalist* theory of co-operation. The thrust of his argument is that successful co-operation in an apparently trivial policy area can gradually lead to more extensive schemes of policy co-operation<sup>6</sup>.

This is illustrated in the early history of Nordic policy co-ordination. A shortage of doctors, nurses, and teachers led to agreements about mutual recognition of educational qualifications for health professionals and teachers in the early 1950s. These agreements about a common labour market led to demands for harmonisation of social educational and health policies in order that all Nordic citizens would receive the same treatment, should they choose to migrate to one of the other Nordic countries<sup>7</sup>. The functional co-operation in one area had, in other words, a natural knock-on effect which spurred public demand for further co-operation. This has especially been the case in the area of Labour market legislation (see Appendix F1).

The early years of Nordic co-operation thus saw the establishment of a common labour market (1954), equal treatment in social security (1955), and finally the passport union in 1957. These developments - which in some cases reached beyond the agreements reached by the signatories of the Treaty of Rome - were formalised in the Helsinki Treaty in 1962<sup>8</sup>. The Helsinki Treaty replaced a system originally based on domestic, as opposed to international law. Soviet opposition to the Nordic Council had discouraged the founders from negotiating an international

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<sup>5</sup> See Karl W. Deutsch, *Political Community and the North Atlantic Area* (Princeton: Princeton University Press, 1957). Deutsch argues that peace is created by communal and civic ties between the peoples. The existence of these ties makes - according to Deutsch - war impossible in the Nordic region.

<sup>6</sup> David Mitrany, *A Working peace System. An argument for the functional development of international organisation*. (London: The Royal Institute of International Affairs, 1943), p8ff.

<sup>7</sup> Svenolof Karlson, *Nordiska Råd i 40 aar* (Copenhagen: Nordisk Råd, 1993), p. 8ff.

<sup>8</sup> Geir Haarde, “Regional Co-operation - the Nordic Example”, in Pär Stenbäck (Editor), *The Nordic Countries and the New Europe*, TemaNord 1997:553, p.43.

treaty (and had prevented Finland from joining in 1952). The countries had, therefore, passed the founding statutes in identical terms into their domestic law. The Soviet Union's gradual acceptance of the Nordic Council, and the lower level of tension in international politics enabled ratification of the Helsinki Treaty ten years later. The Helsinki Treaty has had great symbolic value, but the resolutions passed rarely make reference to the treaty, and it has not prevented the Nordic countries engaging in further cooperation outside the treaty. The Helsinki Treaty was amended in 1974, when co-operation on environmental policies was added to the list, and in 1995 following a radical reform of the Nordic institutions (see below). Any extension of the areas of co-operation requires the consent of each of the members' chief executives (i.e. the Prime Ministers), and subsequently the assent of the Nordic Council<sup>9</sup>. The Helsinki Treaty thus goes beyond "normal" treaties in international law which must be ratified by the national parliaments.

**Table 2 - Key dates in Nordic Co-operation**

1952	The Nordic Council is founded.
1954	Agreement on common labour market
1955	Agreement on equal treatment in social security
1957	Passport union established
1962	The Helsinki Treaty ratified in all the countries
1971	The Nordic Council of Ministers established
1974	Environmental policies added to the list of common policy areas
1995	Reform of the committee system in the Nordic Council.
1995	Foreign and EU policy added to Nordic Council functions.

**The involvement of governments**

The common policies have since 1971 been co-ordinated by the Nordic Council of Ministers. This body consists of either the countries' Ministers of Nordic Cooperation (a cabinet post, generally combined with another portfolio) or sectoral ministers, i.e. health ministers, transport ministers, etc.. The Nordic Council of Ministers is thus comparable to the Council of Ministers in the European Union<sup>10</sup>. In this forum the Nordic Ministers meet almost as frequently as their counterparts in the EU Council of Ministers. A Nordic Minister from an EU Country (Denmark, Finland, Sweden) often knows more about political developments in other Nordic countries than about political developments elsewhere in the EU. A typical minister is likely to meet his Nordic colleagues two to four times every year. Some observers argue that Denmark, Finland and Sweden will often present views of the non EU-members in the European Council of Ministers, but one participant rejects this view. The Former Swedish Prime Minister Carl Bildt argues that the "Nordic countries never co-operate on European issues. We have common views on important European issues, but on the most important issues each of the countries stands alone"<sup>11</sup>. Mr Bildt's view is not shared by many of his colleagues, nor by civil servants advising the Council<sup>12</sup>.

Nordic co-operation is considerable on issues where the countries have a common interest (e.g. in the Baltic region, on fisheries, and environmental policies). The main areas of cooperation are

<sup>9</sup> Samarbetsöverenskommelse mellan Danmark, Finland, Island, Norge och Sverige (Helsingforsavtalet), 23 mars 1962, §62.

<sup>10</sup> Arbetsordning for Nordiska minister rådet, §§ 1-2

<sup>11</sup> Carl Bildt in *Politik i Norden*, November-December 1997, p.8

<sup>12</sup> On the relationship between the Nordic countries and the EU see: Berno Kjelsen, "The Nordic Countries and the EU", in Pär Stenbäck (editor), *The Nordic Countries and the New Europe*, TemaNord 1997:553, p.17.

shown in the budget, where the biggest joint programmes are to be found in the fields of education, culture and economic development:

**Table 3 - Allocations of the budget to specific policy areas for 1995**

(figures in millions of Danish kroner)

	<b>DDKm</b>
Cultural affairs	142
Education	205
Environment	34
Fisheries	8
Citizens rights	61
Economy	128
Legislative Issues	6
Adjacent areas	51
Other activities	85
<b>Total</b>	<b>720 (or £65m)</b>

*Source: The Nordic Council of Ministers 1998*

## Part Two The Nordic Council and the Nordic Council of Ministers

### The Nordic Council

The Nordic Council now consists of a parliamentary group with 16-20 representatives from each of the four larger countries (Denmark, Finland, Sweden and Norway), seven members from Iceland, and two representatives from each of the autonomous regions.

The Nordic Council sits in plenary session two full weeks every year. The members of the three Committees meet two to three times every year<sup>13</sup>.

**Table 4 - Number of delegates from each of the members**

Denmark:	16 (All members of <i>Folketinget</i> )	(Pop: 5.2m)
Sweden:	20 (All members of <i>Riksdagen</i> , except ministers)	(Pop: 8.7m)
Norway:	20 (Members of both chambers in <i>Stortinget</i> )	(Pop: 4.3m). <sup>14</sup>
Finland:	18 (All members of Parliament)	(Pop: 5.0m)
Faroe Is:	2 (All members of the <i>Løgting</i> )	(Pop: 43k)
Greenland:	2 (All members of the <i>Landsting</i> )	(Pop: 55k)
Åland Is:	2 (Members of <i>Landskabsstyrelsen</i> )	(Pop: 25k)
Iceland:	7 (Members of both chambers of <i>Lagtinget</i> )	(Pop: 265k)

Source: *The Helsinki Treaty*, Art. 47.

The members are elected annually by the national parliaments. The composition of the delegations reflects the strength of the parties in the respective assemblies or parliaments. The Swedish Social Democrats who have, say, 35 per cent of the seats in the *Riksdag* thus represent 35 per cent of the Swedish delegation. The members of the delegation are elected by the respective party groups from among individuals who have a special interest in Nordic issues. The members represent a mix of back benchers and leading politicians. The presidents of the Nordic Council have often been former ministers, and the members of the Nordic Council often include prominent politicians with their career in front of them, like the Swedish and Norwegian leaders of the opposition, Carl Bildt and Torbjørn Jagland. This makes the Nordic Council a powerful body which is difficult to ignore.

Governments also attend the meetings of the Nordic Council. Ministers can speak and contribute to the debate, and can be questioned by the ordinary members, but they cannot vote. Governments are generally represented by their Prime Ministers on the opening day of the plenary session, and thereafter by their Nordic Ministers. Ordinary members of all the delegations are entitled to vote, including those of the autonomous regions. Members of the Nordic Council sit in alphabetical order in the plenary sessions, so that an ordinary member from one country can sit next to the Prime Minister from another. Membership of the Council is no longer confined to politicians with a special interest in Nordic issues, and the recent inclusion of foreign and EU policies has led to an increased interest in representing one's country in the Nordic Council.

<sup>13</sup> *Helsinforsafallet* (The Helsinki Treaty), Art. 47.

<sup>14</sup> It will be noted that Norway has more members of the Nordic Council than Denmark, although Denmark is a larger country in terms of population. This is because the Danish delegation originally included the members of the Faroes and Greenland. Norway has been allowed to remain overrepresented, and Denmark has never sought to redress the balance.



### **Party groups in the Nordic Council**

Members of the Nordic Council are divided into party groups at the plenary session. There are currently four groups in the Nordic Council, the *socialdemokratisk gruppe* (representing the Socialist and Labour parties); *Midter-gruppen* (representing the Liberal parties); *Konservativ gruppe* (representing the Conservative parties); and the *Venstresocialistisk gruppe* (representing the far left parties, i.e. former Communists). The groups are not, however, comparable to “normal” parliamentary groups as they lack whips and majority leaders. There is not a strong party discipline in the groups.

Yet party lines matter in the debates. This was seen in the debate about a report concerning small businesses at the 1997 session. The report - which originated from the Council of Ministers dominated by Social Democratic governments - was criticised by the Conservative group *en bloc* who felt that the report favoured employees’ interests at the expense of the employers’, a view which was rejected by the Socialist group<sup>15</sup>.

The political groups often take the initiative to make recommendations. That is, the recommendations are not proposed on the basis of national interests, but jointly by the parties with common views and interests. A similar development is possible in the British-Irish Council, if party groups develop. The Labour party in Scotland might thus co-operate with the Labour parties in England and Wales and with the SDLP, rather than with other Scottish parties. The Nordic experience shows that this tendency in itself leads to further integration.

The recommendations of the Nordic Council are presented to the Nordic Council of Ministers. Any decision reached by the Nordic Council of Ministers must be unanimous, and is subsequently binding on the members.

### **Relationship between the Nordic Council and the Council of Ministers**

It is widely agreed that it is the inter-parliamentary body (i.e. the Nordic Council) which has been the driving force behind Nordic co-operation. This might surprise observers, for the Nordic Council can “but give advice and make recommendations”<sup>16</sup>. It can also question Ministers from other countries about issues of common interest. During the 1997 session, for example, the Danish representatives grilled the Norwegian health minister for failing to address the shortage of places in Norwegian medical schools, which led to a 70 per cent increase in Norwegian students at medical schools in Denmark.

Not all the Council’s recommendations are adopted by the Council of Ministers. The Council made 1154 specific recommendations between 1953 and 1992, of which 58 per cent led to agreements between the governments. This figure has risen significantly after 1992, although no official statistic exists<sup>17</sup>.

It is the parliamentarians who initiate most of the proposals. This might appear strange to those used to the British system of government characterised by the dominance of the executive. This executive dominance in the initiation of proposals is not characteristic in the Scandinavian countries, where governments rarely have a majority of the seats in the legislature. That the parliamentarians initiate proposals is likely to be a result of the existing political culture, rather than the institutional framework<sup>18</sup>. This trend is not likely to emerge spontaneously in any parliamentary body forming part of the British-Irish Council.

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<sup>15</sup> *Politik i Norden* No 7/8 1997, p.4.

<sup>16</sup> Svenolof Karlson, *Nordiska råd I 40 år* (Copenhagen: Nordisk Råd, 1993), p.6.

<sup>17</sup> Personal communication with Ole Lindboe of *Politik i Norden*

<sup>18</sup> Erik Damgaard, “Ændringer i den parlamentariske kultur”, In *Politica*, No.3, 1987, p.280.

The day-to-day business in the Nordic Council is conducted by the presidency. The presidency is a body of between ten and twelve representatives elected proportionally from among the political groups represented in the Council. The Chairman (*Præsident*) of the Council must be a representative from the country - or autonomous region - which hosts the next ordinary session. The presidency thus rotates between the members, i.e. the Åland Islands thus chair the Nordic Council every eighth year.

That the autonomous regions regularly hold the presidency is an effective way of raising greater common understanding of the issues which concern them. This was vividly illustrated under the presidency of the Åland representative Oluf Salmén, when the concerns of the autonomous regions took centre stage in the day-to-day work of the presidency.

The presidency can - between the sessions - call meetings with the Nordic Council of Ministers, or their representatives in the NSK (the Committee of Permanent Representatives). The work of the presidency is thus co-ordinated with the executive body. Most meetings between the two bodies concern procedural issues, and conflicts are rare.

### **The 1995 Changes: Stronger Committees and Party Politics**

Proposals for recommendations have traditionally been proposed by single members<sup>19</sup>. Members from different countries - and indeed different political parties - often prepared proposals together. This pattern has changed as a result of the reform of the Nordic Council implemented after the session in Reykjavik in 1995.

Following the recommendations of the report *Nordic Co-operation in a New Era* it was agreed to strengthen the role of the political groups in the Nordic Council<sup>20</sup>. This intention was followed up by a reform of the committee system in the Council, which in turn was spurred by the new tasks facing the Nordic Council after Sweden and Finland's accession to the European Union, and the rapid developments in the Baltic region following the collapse of Communism.

The report recommended that the previous six committees were replaced with three: the Nordic Committee, the Europe Committee and the Adjacent Areas Committee. The committees meet two to three times every year for sessions lasting from a couple of days to a week or 10 days depending on the amount of business.

The establishment of the committees led - as intended - to a strengthening of the parties' role in the Nordic Council, as the members of the committees are selected along party lines. This has led to growing co-operation between the parties from different countries and areas. This growing co-operation has also led to a growing success rate for proposals coming from the Council. The Council of Ministers has adopted more proposals because the majority in the Nordic Council is politically congruent with the political majority in the Nordic Council of Ministers.

The reforms have not altered the fact that the majority of the proposals put before the Council of Ministers originate in the Nordic Council, although some - perhaps an increasing number - originate in the Nordic Council of Ministers<sup>21</sup>. The difference between the situation before and

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<sup>19</sup> Personal communication with former president Knud Engaard

<sup>20</sup> Joint working Group of the Nordic Council and the Nordic Council of Ministers, *Nordic Co-operation in a New Era*. February 1994.

<sup>21</sup> There is considerable disagreement as to the statistics of initiation. Civil servants and members of the Nordic Council claim that more than 90 per cent of the proposals originate in the inter-parliamentary body. Civil servants and politicians in the Nordic Council of Ministers claim that the percentage of proposals originating in the Nordic Council is considerably lower, namely 60-70 per cent

after 1995 is that more proposals now are adopted, and an increasing number of proposals are initiated by the committees (though often in consultation with the Council of Ministers).

It might be thought that the reduction in the number of committees suggests a withering of the Nordic Council. The committees for the environment, culture and budgetary affairs have been abolished, and these different areas are now co-ordinated by a single committee, namely the Nordic Committee. Yet it is generally the view that the reform has strengthened the Nordic Council<sup>22</sup>. It has helped to ensure greater co-operation across the different subject areas, and has expanded the range of policy issues debated by the Council, as these now include co-ordination of foreign and EU policies as well as lower level co-operation.

The reform of the committee system has not led to a reduction in the number of recommendations. The number has, if anything, increased, and they have concerned weightier policy areas. The increased activities of the Nordic Council have been particularly notable in the Adjacent Areas Committee which has initiated programmes for environmental regeneration in Eastern Europe. The most notable of the results is the *Nordic Environment Finance Corporation Scheme*, which promotes investments which can further Nordic environmental interests in Central and Eastern Europe by providing financing for “green” enterprises in the region<sup>23</sup> (See Appendices F2 and F3). This example shows that the Nordic Council - and the Council of Ministers - have been capable of adapting to a new political agenda, namely the developments in Eastern Europe.

### **Power and influence in the Council of Ministers**

The Nordic Council of Ministers is - legally - the most powerful body of the Nordic institutions. It is also the body in which the autonomous territories in theory have the least influence. The autonomous territories are members of the Nordic Council of Ministers and the NSK (see below), but without voting rights, so that they cannot veto proposals<sup>24</sup>. This does not imply that they can be steamrollered. They have often been able to forge alliances with sovereign states which share the same interests. These common interests have led to cross-national alliances, that is, the executive representatives from the Faroe islands have often made alliances with Norway and Iceland rather than with Denmark (of which the Faroes form a part). The influence of Iceland and the autonomous territories has proved as great as that of the bigger countries, at least in matters where they have strong interests (e.g. fisheries and transport policy). Size differences do not generally matter as most agreements are reached through consensus. Consensus is maintained in part because the members of the Nordic Council of Ministers generally refrain from discussing issues that they disagree about (e.g. whaling).

It is true that in the early 1990s the Swedes sought to exert pressure on the smaller countries, by threatening reductions in their budget contribution (Sweden contributes about 40 per cent of the total budget of the Nordic institutions). Yet these attempts did not succeed, possibly because the other countries teamed up against the Swedes to prevent them from dominating the Council of Ministers<sup>25</sup>. It is a rule of thumb in the Nordic Council of Ministers that budgetary proposals are dropped if three members (including the autonomous territories) indicate that they are against the proposals. The autonomous territories and the smaller countries can thus in practice prevent a resolution from being adopted.

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<sup>22</sup> Personal Communication with Ole Lindboe of *Politik i Norden*.

<sup>23</sup> Pär Stenbäck, *Nordic Reflections* (Copenhagen: The Nordic Council of Ministers, 1996), p.32.

<sup>24</sup> Arbetsordning för Nordiska ministerrådet, §8.

<sup>25</sup> Sweden contributes 40.4 per cent of the total budget, Denmark contributes 21.6 per cent, Finland 18.6 per cent, Norway 18.4 per cent, and Iceland 1 per cent. The Nordic Council of Ministers, Annual Report 1996.

This does not imply that the countries are equals. As we have seen, the autonomous territories have no formal right of veto in the Council of Ministers. Denmark and Sweden (the two largest members) have special interests in the Baltic region, and this clearly has an effect upon the priorities of the Council. Yet the general picture is that the countries - and the autonomous territories - have an almost equal influence de facto although not de jure.

### **The Agenda at Meetings of the Nordic Council of Ministers**

As cooperation has gradually grown so has the budget of the Nordic Council and the size of the secretariat. There are 80 civil servants employed at the joint secretariat of the Nordic Council and the Nordic Council of Ministers. The secretariat administers a budget of around 700 million DDK (roughly £60 million)<sup>26</sup>. The general secretary is entitled to attend the meetings of the Council of Ministers, but generally performs a non-political role.

The Council of Ministers meets in 17 different ministerial groups. Some of the specialist groups meet less frequently than their counterparts in the EU Council of Ministers, and others more so. Most of the groups meet between two to four times every year. The main group comprising the Ministers of Nordic Affairs meets four times every year, to discuss a range of common issues. This might be illustrated by the agenda from the most recent session in Marstrand in Sweden. Among the issues discussed were:

- Budget for 1999
- A progress report on the current presidency
- A common policy on refugees
- Issues concerning taxation
- A common strategy for scientific research
- Recommendations from the Nordic Council.

### **NSK: a Nordic COREPER?**

The day-to-day business of the Nordic Council of Ministers is left to permanent secretaries of the Nordic departments in the member countries. The council of these permanent secretaries is known as the Nordic Co-ordination Committee (*Nordiska samarbetskommittén*)<sup>27</sup>.

The Co-ordination Committee (or NSK) might be compared to the Committee of Permanent Representatives in the EU. The NSK deals - like COREPER - with the less controversial issues, as well as co-ordinating the Council of Ministers, and monitoring the work of the more than 40 agencies listed in Appendix E which are run by the Nordic Council of Ministers. Most of the agencies deal with cultural and scientific issues (resembling some of the activities of the British Council). The major programmes of co-operation, i.e. passport union, and equal rights for all Nordic citizens are dealt with - and financed - at the local level.

The NSK is - like the Council of Ministers in general - dominated by the sovereign states, although the autonomous territories are entitled to be represented at the meetings of the NSK. The smaller territories do not always attend, but the right to attend has in practice given the autonomous territories a considerable influence upon policies which affect themselves<sup>28</sup>. The NSK members meet two days every month.

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<sup>26</sup> See Table 3. The total is slightly misleading as it ignores national expenditure to ensure mutual recognition of citizens' rights in the other countries. Total expenditure including programmes for citizens' rights would come closer to 1.5 billion kroner.

<sup>27</sup> Arbetsordning för Nordiska Ministerrådet, §11.

<sup>28</sup> Personal communication with Hans Peter Houlberg, Danish Department of Nordic Affairs.

### **What the Nordic Model Can and Cannot Do**

There has been no shortage of proposals for more ambitious schemes of co-operation among the Nordic countries; plans for defence alliances, an internal market, monetary union. Yet as Appendix D records, these proposals have all failed. The Nordic countries prefer a pragmatic, step-by-step approach to cooperation. Geir Haarde, a former Icelandic president of the Nordic Council, put it this way: "The Nordic peoples are generally sceptical of supranational co-operation and prefer issues to be dealt with by their respective parliaments. Norway, Finland and Iceland are young countries which have been independent for less than 100 years. None of these countries are interested in re-entering a union with the states which used to rule them. Yet the governments in all the countries realise that they are all too small to handle the problems alone. They have therefore reached agreement about the practical issues. That is the issues which are uncontroversial"<sup>29</sup>.

The Nordic schemes of co-operation have focused on relatively low profile issues, and been unsuccessful when they have attempted to reach agreement on more controversial matters (e.g. nuclear power), or when they have contemplated more wide-ranging schemes of co-operation. The Nordic schemes of co-operation are rarely discussed by the general public, nor are the activities of the Nordic Council widely reported by the media. (An opinion survey conducted in the Nordic region in 1983 showed that while 83 per cent of respondents had heard of the Nordic Council, only 16 per cent spontaneously referred to it as an example of Nordic co-operation, and only 20 per cent had a reasonably accurate conception of what kind of organisation the Council is).

The success of the Nordic Council is not simply the result of specific institutions. Cultural ties clearly play a role, and in particular the common political and religious culture. Lutheran Protestantism exerts - in spite of secularisation - a dominant influence upon the Nordic countries, and all the countries (with Iceland as a possible exception) have been dominated by social democrat political ideology<sup>30</sup>. This shared ideology has made it easier to reach agreements on issues like labour market legislation, and social security. These differences are more marked in the British Isles with the religious divide between Protestantism and Catholicism and the lack of congruent political parties. Yet the British and the Irish do share a common heritage and a long history of co-operation. What are the lessons they can draw from the experience of the Nordic Council?

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<sup>29</sup> Personal communication with Geir Haarde, former president of the Nordic Council.

<sup>30</sup> See John Logue and Eric Einhorn, *Politics and Society in Social Democratic Scandinavia* (New York: Praeger, 1989)

## Part Three The British-Irish Council

The British-Irish Council is to be an intergovernmental rather than an inter-parliamentary body. It has more in common with the Nordic Council of Ministers than with the Nordic Council. Its development as an institution and its agenda and activities will depend upon the member governments not upon the parliamentarians. In this respect its constitution is likely to resemble that of the EC, which developed first as a forum for intergovernmental co-operation, to which a parliamentary body was added later. In the Nordic Council the parliamentary body came first, and it has been the inter-parliamentary body which has taken the initiative.

The Belfast Agreement does envisage the development of an interparliamentary body, stating that “the elected institutions of the members will be encouraged to develop interparliamentary links perhaps building on the British-Irish Inter-Parliamentary Body”<sup>31</sup>. Whether the existing Inter-Parliamentary Body will extend invitations to representatives from the devolved assemblies and Crown dependencies remains unclear. Yet it clearly has the potential to perform the same function as the Nordic Council.

### The British-Irish Inter-Parliamentary Body<sup>32</sup>

The British-Irish Inter-Parliamentary Body was established in February 1990. Its establishment followed Article 12 of the Anglo-Irish Agreement of 1985. The idea of an inter-parliamentary body had its genesis in the Anglo-Irish Study Group of 1981. This envisaged an Anglo-Irish Intergovernmental Council and a parliamentary tier as the “natural and desirable complement”<sup>33</sup>. The Body is composed of 25 members of the British Parliament, and 25 members of the the Irish Parliament, the Oireachtas. They are selected for the term of a Parliament, together with a panel of Associate Members to fill vacancies at any particular meeting. The British members are all backbenchers, but the Irish delegation includes frontbench Opposition spokesmen.

The Body meets in plenary session twice a year, in the spring and autumn. Most of its work is done in committees: Committee A (Security), B (European and International Affairs), C (Economic and Social Affairs), and D (Education, Culture and the Environment). In its first five years the British-Irish Inter-Parliamentary Body addressed the following issues:

Committee	Report	Date adopted
A Political & Security	• An assessment of the workings of the Anglo-Irish Agreement	Dec. 1990
	• Transfer of Prisoners between Britain and both parts of Ireland	
	• <i>Transfer of Prisoners: Response from the Irish Government</i>	Dec. 1991
	• <i>Transfer of Prisoners: Response from the British Government</i>	July 1992
	• Closed Border Roads and Permanent Vehicle Checkpoints	June 1993
	• Extradition Arrangements between Ireland and the United Kingdom	
	• <i>Extradition Arrangements between Ireland and the United Kingdom: Response from both Governments</i>	April 1994 March 1995

<sup>31</sup> The Belfast Agreement, Strand Three: see Appendix A para 11.

<sup>32</sup> The following section is based on Patrick Buckland and Harvey Cox, *The British-Irish Inter-Parliamentary Body. A preliminary profile* (Liverpool: The Institute of Irish Studies, The University of Liverpool, 1995).

<sup>33</sup> A detailed history is given in Nick Taylor and Clive Walker: ‘The British-Irish Inter-Parliamentary Body’, *Northern Ireland Legal Quarterly* vol 48 no 4 winter 1997 p 338.

<b>B</b> European Affairs	<ul style="list-style-type: none"> <li>• Co-ordination within the European Community in the context of Regional Aid and Associated Areas <ul style="list-style-type: none"> <li>• Freight Transport</li> <li>• <i>Freight Transport: Responses from both Governments</i></li> <li>• The Single Market: Cross-Border Trade</li> <li>• Interreg</li> <li>• <i>Interreg: Response from both Governments</i></li> </ul> </li> </ul>	Dec.1990 Dec.1991  July 1992 June 1993 April 1994 March 1995
<b>C</b> Economic & Social Affairs	<ul style="list-style-type: none"> <li>• Irish Community in Britain <ul style="list-style-type: none"> <li>• <i>The Irish Community in Britain: Responses from both Governments</i></li> <li>• Development of Tourism</li> <li>• Pensions and Associated Benefits</li> <li>• <i>Pensions and Associated Benefits: Responses from both Governments</i></li> <li>• Sea and Inland Fisheries</li> </ul> </li> </ul>	May 1991  Dec 1991 July 1992 April 1994  March 1995 March 1995
<b>D</b> Culture, Education & Environment	<ul style="list-style-type: none"> <li>• Environmental Issues affecting both UK and Ireland <ul style="list-style-type: none"> <li>• <i>Environmental Issues affecting both the UK and Ireland: Responses of both Governments</i></li> <li>• Environmental Implications of Energy Policy in the UK and Ireland</li> <li>• Education and Inter-Community Relations</li> </ul> </li> </ul>	May 1991  Dec 1991  July 1992 March 1995

This track record is remarkably similar to that of the Nordic Council, i.e. the Body has dealt with practical issues rather than complex or controversial matters. Its main achievement has been in confidence building. British and Irish parliamentarians did not know each other: through meeting together they have established a dialogue, dispelled some misconceptions and provided a basis for further joint discussions of common problems.

It is true that the Body's recommendations are less impressive than the results reached by the Nordic Council in the 1950s. In that first decade of co-operation the Nordic countries established a passport union, a common labour market, and reciprocal citizens' rights. But these reciprocal rights had already long been established between Britain and Ireland when the Interparliamentary Body started its sessions, so there were no such easy major achievements in prospect for the BIIPB. A list of the main reciprocal rights enjoyed between the UK and Ireland is given in Appendix C.

It is also true that the BIIPB cannot point to any significant breakthroughs or changes in government policy as a result of its debates and recommendations. That is partly a reflection of the different parliamentary tradition within which it operates. An assessment of the BIIPB in 1995 concluded that

"Government responses to the Body's reports seem to be on a par with responses to those given to other parliamentary committees. ... There seems to be no attempt to follow through on government responses.

"As, for example, with Select Committee reports at Westminster, the chief value of the Body's reports would appear to be to assist the recognition of a particular issue as being on the political

agenda, and to add to a more general critical mass leading to some action when the time is right.”<sup>34</sup>

It is not unfair to compare the BIIPB with the Nordic Council in around 1960, when it too had been going for eight years. The BIIPB has made an unspectacular but useful start in developing a constructive dialogue between parliamentarians in the UK and Ireland. If it wants to build on this, there are a number of changes it could make to perform more effectively its present role as a low profile advisory body. Buckland and Cox identify the following ways in which the Body could increase its influence and moral authority:

- “Altering its composition by including
  - more young women members where appropriate
  - younger, more radical members, particularly on the UK side
  - Ulster Unionists
- Adopting a different method of selection for UK members to make them more accountable to parliament or party
- More assiduously following through and promoting its reports and resolutions by
  - seeking parliamentary time for regular debates on the work of the Body
  - persuading government departments to report what action they have taken in respect of the Body’s reports and resolutions
  - informing witnesses of the progress and fate of reports
- Working more closely with comparable government departments in Ireland and the UK which are already developing joint programmes of action on an East-West basis, thus contributing to the normalising of relations
- Increasing the power of individual members and outside groups to initiate business
- Improving the performance of individual committees through, perhaps, video conferencing and similar devices
- Restructuring the Plenary Sessions by
  - abandoning the practice of peripatetic Plenary Sessions and locating the work in dedicated premises, thus reducing the misunderstood ‘circus’ element
  - providing more opportunity for more sustained debate on major topics.”<sup>35</sup>

### **Similarities and differences between the British-Irish and Nordic Councils**

We said earlier that the equivalent starting point for the British-Irish Council is the Nordic Council in around 1960, when it had been meeting for eight years. It had then achieved agreement on a set of reciprocal citizens’ rights (free movement of labour, passport union, voting rights) which already exist between the UK and Ireland (see Appendix C). But in other respects the starting point in the British-Irish context is significantly different. The Nordic Council clearly offers an encouraging model, and there are certain similarities, but also some important differences.

The **similarities** include:

- Both bodies contain a mix of independent nation states and autonomous territories
- Both include countries which were formerly united, but now are independent
- Both bodies rest on strong cultural and civic ties, with shared language, literature, culture, and close non-governmental links in civil society
- The Nordic Council has focused on low-level co-operation in citizen’s rights, culture, education, research, environment; the British-Irish Council is likely to do the same.

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<sup>34</sup> *Ibid* p7.

<sup>35</sup> *Ibid* p17.



The **differences** are:

- Six of the members of the British-Irish Council will be dependent territories of the UK. In the Nordic Council the balance is reversed, with five sovereign states instead of just two, and three dependent territories.
- The members of the Nordic Council wished to cooperate and have developed institutions, bottom up, for that purpose. The British-Irish Council is more top down. In particular the dependent territories were not consulted: it was imposed upon them.
- The British-Irish Council risks being dominated by the UK. In the Nordic Council there is much nearer equivalence in size between the major partners
- The British-Irish Council will enter a crowded field, and have to find a role alongside the North-South Ministerial Council, the British-Irish Intergovernmental Conference, and the Joint Ministerial Committee on Devolution
- The inter-parliamentary body in the Nordic Council is still the primary body and the source of most initiatives
- The Nordic countries share a common political ideology (all have Social Democrat governments except Iceland) and a common Lutheran background, unlike the Protestant/Catholic difference between Britain and Ireland.

These points will be developed and discussed in the concluding section.

## **Issues for the British-Irish Council**

### **Role and functions**

As with any institution, the key issues to be decided are the role and functions of the new body, its composition and its powers. The Belfast Agreement leaves wide open the definition of role and functions, saying that the purpose of the British-Irish Council will be “to promote the harmonious and mutually beneficial development of the totality of relationships among the people of these islands” (Strand Three, para 1). But the Belfast Agreement does provide a limiting context, by mentioning other bodies which will also have similar, and possibly overlapping, roles. In particular there is to be

**A North-South Ministerial Council** to bring together the governments of Northern Ireland and the Republic of Ireland. It will meet in plenary format twice a year, with the prime ministers of both governments, and in specific sectoral formats on a regular and frequent basis, with each side represented by the appropriate Minister. Its purpose will be to develop consultation, cooperation and action within the island of Ireland on matters of mutual interest. Topics suggested in the Belfast Agreement include agriculture, education, transport, environment, social security, tourism, health, urban and rural development. It may also develop a joint parliamentary forum, bringing together equal numbers from the Northern Ireland Assembly and the Oireachtas.<sup>36</sup>

**The British-Irish Intergovernmental Conference**, bringing together the British and Irish governments, to promote bilateral cooperation at all levels on all matters of mutual interest. This body will also hold summit meetings, between the British Prime Minister and the Taoiseach. There will be regular and frequent meetings of the Conference concerned with non-devolved Northern Ireland matters, co-chaired by the Irish Minister for Foreign Affairs and the Secretary of State for Northern Ireland. Cooperation will include security matters, and in particular the areas of rights, justice, prisons and policing in Northern Ireland. Relevant executive members of the Northern Ireland Administration will be involved in meetings of the Conference. It will be supported by officials of the British and Irish Governments, including by a standing joint Secretariat.

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<sup>36</sup> Belfast Agreement, Strand Two.

In addition as part of the devolution settlement in the UK there is to be a **Joint Ministerial Committee** on Devolution, announced by government spokesmen in July 1998 during the Committee stage debates on the Scotland Bill in the House of Lords.<sup>37</sup> This will bring together representatives of the British government with the devolved governments in Scotland, Wales and Northern Ireland. It will also presumably hold summit meetings between the Prime Minister and the First Ministers of the devolved administrations. Although initially conceived as a body to resolve disputes in relation to the devolution settlement, it is likely to become the main forum for discussing intra-UK devolution issues. As such it is also likely to develop regular sectoral meetings between Health Ministers, Transport Ministers etc like the North-South Ministerial Council, and to a lesser extent the British-Irish Intergovernmental Conference.

With so many other inter-governmental bodies in the field, what areas of cooperation will be left for the British-Irish Council? The Belfast Agreement suggests “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”.<sup>38</sup> The Cabinet Office are a little more specific, suggesting that “Some of the topical themes which are likely to emerge include tourism, sport, rural development, regional development, drugs, ports/transport, and aquaculture and marine matters” (Appendix B para 19). But many of these issues, small or large, may be preempted by discussion in the Joint Ministerial Committee on Devolution or the North-South Ministerial Council. There is a risk of the same issue being discussed two or three times in different fora, with slightly rotating membership on each occasion; or of the British-Irish Council being left with very little to discuss. Nor will it be possible to build up the BIC’s agenda by suppressing discussion in the Joint Ministerial Committee on Devolution, and bringing devolution issues before the BIC.

Some have seen the British-Council as a potential keystone of the devolution settlement in the UK, the final piece of the jigsaw which will hold all the other pieces together. This is almost certainly mistaken: it cannot play a pivotal role in the devolution context. For most devolution issues are matters internal to the UK, which it would not be appropriate to raise in the forum of the British-Irish Council. Major issues such as the representation of Scotland, Wales and Northern Ireland at Westminster, or the funding of the devolved territories through the Barnett Formula, are issues internal to the UK and could not be discussed in the presence of a foreign government.

That will be the British government’s position; and the Irish government will not wish to get drawn into devolution disputes on internal UK matters - there are sensitivities enough about the Irish government’s growing involvement in Northern Ireland. The BIC will effectively be a bi-governmental body. It will be dominated by the British and Irish governments, who between them will provide the secretariat and determine its agenda (Appendix B para 7). The issues brought before the BIC are likely to be ones which the British and Irish governments feel safe with, and which have already been brokered in one of the other intergovernmental fora; or relatively marginal issues like Irish Sea ferry links, and sporting or cultural exchanges. The devolved governments may attempt to use the BIC to re-open devolution issues which have already been discussed with the British government elsewhere; but they would only succeed with the tacit support of the Irish government, which would risk offending the British government if it did so too often.

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<sup>37</sup> HL deb 28 July 1998 col 1478.

<sup>38</sup> Strand Two, para 5.

In sum, there will be three competing inter-governmental fora: North-South, East-West and intra-UK. The British-Irish Council overlaps with them all, and may find it difficult at least in its early days to identify issues of substance to discuss which have not been extensively discussed elsewhere. The qualification 'in its early days' perhaps needs underlining. This is a body which has not yet met, and will not meet with its full participants until summer/autumn 1999. Although it has a particular origin in the complexities of the Northern Ireland peace process, it may over time develop a life and functions quite independent of that originating Irish context. It could over time become a significant institution, a real 'Council of the Isles'; or it may fall away, as one piece of machinery too many in an overcrowded intergovernmental field.

To the extent that the British-Irish Council does find a substantive and useful role, there is another problem to do with representation. The Council contains representatives of the so-called 'Celtic fringe' - the Irish, Northern Irish, Scots, Welsh, Manx and Channel Islanders - meeting with the British government. The Scots, Welsh and Northern Irish already have privileged access through their respective Secretaries of State, and through the new Joint Ministerial Committee on Devolution. The people of Tyneside, Merseyside, East Anglia, and the Midlands have no such special access. If the British-Irish Council is limited to discussing fringe matters this does not greatly matter. But to the extent that it finds important issues to discuss it is the people of England and the English regions who will lose out. They are already silent witnesses to a lopsided process of devolution: the British-Irish Council risks further reinforcing the lopsided nature of the devolution settlement. These issues may come to the fore in discussions about representation in the inter-parliamentary body.

### **Composition of the inter-parliamentary body**

Representation in the British-Irish Council as an inter-governmental body will follow the usual rule of one seat per member government. The only difficulty to which this might give rise is in relation to the Channel Islands, where the States of Guernsey and Jersey are separate legislatures and will wish to send separate representatives. Neither was consulted in advance of the announcement about their membership of the Council of the Isles, and so their representation will have to be negotiated *ex post facto*. The two seats for the Channel Islands underline the point made above about privileged access, which will be denied to the people of England. The English cannot necessarily look to the UK government to defend their interests: UK Ministers can try to perform the dual role of representing the UK and England, but if there is any conflict between these positions they must, as UK Ministers, speak for the whole of the UK.

Can this be redressed in the inter-parliamentary body? There are a number of factors to be taken into account. First, the overall size of the body. It cannot be too large if it is to remain manageable, and if its parliamentary members are to fulfil their duties elsewhere (especially if there is a separate North-South inter-parliamentary body making additional demands on the Irish and Northern Ireland members). Second, thought needs to be given at the outset to the possibility of future expansion if in time the British-Irish Council grows to include representatives of the English regions. A third constraint is that the British-Irish Inter-Parliamentary Body, from which the new body is likely to spring, currently has equal representation for the UK and Ireland: 25 representatives from each parliament. The Irish have taken the body more seriously and sent rather more senior parliamentarians to its sessions than the British, so there may be added difficulty in reducing their representation.

But population ratios will need to be taken into account in deciding the relative size of the delegations from the devolved governments and Crown dependencies, even if the Republic of Ireland as a sovereign state is allowed more representatives than Scotland, although it is smaller

in population terms. An initial allocation of seats which preserved the existing numbers for the UK and Ireland and offered additional seats for the new members might be as follows:

<b>Country</b>	<b>Population</b>	<b>Seats in Inter-Parliamentary Body</b>
UK	59m	25
Ireland	3.6m	25
Scotland	5.1m	10
Wales	2.9m	5
Northern Ireland	1.6m	5
Isle of Man	70k	1
Channel Islands	150k	2
[England	49m	0]
<b>Total</b>		<b>73</b>

England would not be represented, save through the UK delegation, but is included in the table to show her population relative to the other nations. England is also included to show how the size of the body might need to increase in time to accommodate the English regions. If England is divided into nine self-governing units, with the same boundaries as the new Regional Development Agencies, each would have an average population of around 5 million. Pro rata with Scotland and Wales, the English regions in total would be entitled to around 75 seats - doubling the size of the body from 74 to 150.

This might defeat the original purpose of the exercise, which - flowing from the peace process - is to create structures in which the Republic of Ireland and Northern Ireland feel secure. If the English regions are brought into the structure, there is a risk that the Irish on both sides of the border might feel marginalised. Much would of course depend on the changing political context, the degree of confidence developed by the participants, and the wishes of the English regions themselves. But it cannot be assumed that the Irish participants, from North or South, will have much interest in the process of English devolution.

Two further issues flowing from the experience of the Nordic Council are the attendance of governments, and the formation of party groups. From the start of the Nordic Council governments have attended its sessions, generally through their Ministers of Nordic Cooperation, and have spoken in debates and responded to questions: including questions from parliamentarians of other countries. If the Inter-Parliamentary Body is not to be an empty talking shop the same must happen with the British-Irish Council: the member governments must take its deliberations seriously by attending its sessions and responding to questions, debates and committee reports. They are more likely to do so if the Body takes the trouble to increase its own influence and moral authority, by addressing the recommendations set out on p15. The formation of party groups is more difficult: it is not something which can be imposed, but the 1995 reforms of the Nordic Council show that it can be facilitated, and that cross-national party groups can play an important part in the integration process. But the political parties in the Nordic countries align around a more recognisable ideological divide than is found in the UK and Ireland. Who would be the natural political allies of Fianna Fail and Fine Gael, or of Plaid Cymru and the SNP? Party groups if they do emerge may be conglomerate coalitions of the kind found in the European Parliament. If that form of integration proves difficult, another simple way of breaking down national delegations is to seat members alphabetically: a practice already followed in the British-Irish Inter-Parliamentary Body.

## **Secretariat and Budget**

The Belfast Agreement provides that “A secretariat for the BIC will be provided by the British and Irish governments in coordination with the officials of each of the other members”. At the British end an official in the Constitution Secretariat of the Cabinet Office has already been appointed as the British joint secretary. While initially it is understandable for the government to wish to service the new body from within existing structures, if the body is to become effective it will need its own independent secretariat. That is the experience of the Nordic Council, which has an independent secretariat which jointly serves the Nordic Council and the Council of Ministers. It would also help to reduce the risk that the British-Irish Council might effectively become a bi-governmental body, whose agenda will be set by the British and Irish governments acting through their respective secretaries. An argument against is the need to avoid overlap and duplication, given the risk of the same agenda items surfacing in the North-South Ministerial Council and the British-Irish Intergovernmental Conference. The latter body is to be supported by officials of the British and Irish governments, including by a “standing joint Secretariat of officials dealing with non-devolved Northern Ireland matters”.<sup>39</sup> This might provide an alternative home for the secretariat of the BIC. To avoid it becoming yet another bi-governmental body, there should be a rotating chairmanship amongst all the members of the BIC (as there is in the Nordic Council), and the secretariat should take their orders from the current chairman, or a steering committee of chairmen.

There is also a case for an independent secretariat for the inter-parliamentary body, simply on grounds of efficiency. It takes an inordinate amount of time to arrange meetings and agree the business of each session working through joint secretaries, one in London and one in Dublin, each of whom has to consult the chairman of his delegation. That time can be multiplied eightfold when there are eight delegations involved; and more if it is serviced by a team of clerks from all the different legislatures, each working on it part time. There needs to be a single chairman of the inter-parliamentary body, again on a rotating basis; and a dedicated clerk assigned on a full time basis to work with the chairman.

As for the budget, what the Nordic experience shows is the risk of becoming excessively dependent on the contributions of one member (in their case Sweden, which contributes 40%). But it will be very difficult to avoid the British-Irish Council being financed solely by the British and Irish governments, for two reasons. First is the imbalance of resources and of populations. If the BIC does develop joint programmes which require significant expenditure members like the Channel Islands and the Isle of Man cannot be expected to be major funders: the sovereign governments will end up paying the lion's share. The second difficulty is the genesis of the body, which is being imposed with the minimum of consultation with the smaller member governments. Two of those governments do not yet exist, in Scotland and in Wales; others like the Channel Islands were not consulted. Their likely response to a request for major funding contributions is predictable. They are unlikely to become enthusiastic or significant funders of a body which they did not themselves will into being.

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<sup>39</sup> Belfast Agreement, Strand Two para 8 *bis*.

### **The British Irish Council (From the Belfast Agreement, Strand Three)**

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 the relationships among the peoples of these isles.
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 and actions.
8. The members of the BIC, on a basis to be agreed between them, will provide such financial support as it may require.
9. A secretariat for the BIC will be provided by the British and Irish Governments in coordination with officials of each of the other members.
10. In addition to the structures provided for under this agreement, it will be open to two or more members to develop bilateral or multilateral arrangements between them. Such arrangements could include, subject to the agreement of the members concerned, mechanisms to enable consultation, co-operation and joint decision-making on matters of mutual interest; and mechanisms to implement any joint decisions they may reach. These arrangements will not require the prior approval of the BIC as a whole and will operate independently of it.
11. The elected institutions of the members will be encouraged to develop interparliamentary links, perhaps building on the British-Irish Interparliamentary Body.
12. The full membership of the BIC will keep under review the workings of the Council, including a formal published review at an appropriate time after the Agreement comes into effect, and will contribute as appropriate to any review of the overall political agreement arising from the multi-party negotiations.

## **British-Irish Council** (Cabinet Office paper)<sup>40</sup>

### **Introduction**

1. The purpose of this paper is to provide information for the First and Deputy First Ministers on the arrangements being put in place to establish the British-Irish Council (BIC). It also looks at issues in relation to how the BIC might operate, without being definitive or prescriptive at this formative stage.

### **Background**

2. The BIC is provided for in the Strand Three section of the Agreement on 10 April 1998 (Annex A).
3. The purpose of the Council is to promote the harmonious and mutually beneficial development of the totality of relationships amongst peoples of these Islands; and to 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.

### **Membership**

4. Membership of the Council will comprise representatives of the following participating Administrations:

The Government of the United Kingdom;

The Government of the Republic of Ireland;

The Northern Ireland Executive;

The Scottish Executive - (July or September 1999);

The National Assembly for Wales - (June 1999);

The Isle of Man;

The Bailiwick of Guernsey;

The Bailiwick of Jersey (incorporating the interests of the islands of Alderney and Sark).

5. Membership may be extended to other devolved administrations (but not local government bodies) elsewhere in the United Kingdom if they so wish and if proposed by the British Government, after consultation with the existing participants.

### **Secretariat**

6. The Cabinet Office in London is taking the lead on the British Government side in working up, in conjunction with the Irish Government, the arrangements for the first meeting of the Council.
7. The Secretariat for the Council will be provided jointly by the British and Irish Governments. The Secretariat will prepare agenda and reports for, and minutes of, meetings of the Council and its official working groups.
8. The expenses of the Joint Secretariat and other administrative support for the Council will be met by the British and Irish Governments on a basis to be agreed between them. Participating Administrations will individually be responsible for the travel and subsistence costs of their representatives. Furthermore, the cost of providing meeting facilities and associated expenses

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<sup>40</sup> Published in The Irish News on 8 September 1998 with a selection of other government documents about Northern Ireland. [http://www.irishnews.com/k\\_archive/080998/nnews1.html](http://www.irishnews.com/k_archive/080998/nnews1.html)

will be borne by the Administration hosting each meeting of the Council or official working group thereof.

### **Meetings**

9. The Council will meet in different formats. Two summit level meetings will be held per annum, at which participating Administrations will be represented at head of Government or senior Ministerial level. Specific sectoral formats could be held on a regular basis with each Administration represented by the appropriate Minister.
10. It is envisaged that the first meeting will take place in late September/early October 1998. A possible venue for the first meeting, could be London with subsequent meetings rotating throughout the participating Administrations. It is likely that meetings of the Council will be hosted and convened in rotation by various participating Administrations, with the convenor Administration chairing the relevant meeting.
11. It is envisaged that the Council may constitute working groups of officials to prepare the business of the Council and to carry out tasks remitted to them by the Council.

### **Modus Operandi**

12. A draft Memorandum of Understanding to regulate the proceedings of the Council is being prepared. This will be an informal understanding and will not constitute a legally binding agreement. It is envisaged that the draft Memorandum of Understanding will be considered for adoption at the inaugural meeting of the Council.
13. In relation to decisions on common policies or common actions, including their means of implementation, the Council will operate by agreement of all members participating in such policies or actions. The Agreement specifies that the BIC will normally operate by consensus. The draft Memorandum of Understanding is expected to offer further definition of this form of consensual decision making.
14. The Council may agree common policies and common actions. However, individual Administrations may opt not to participate in such common policies and common actions. No decision of the Council may bind any participating Administration, but the proceedings of the Council will not be invalidated by the decision of any Administration not to participate in a particular activity.
15. It will be a matter for each Administration to determine which Minister(s) should represent it at different meetings of the Council and which officials should attend associated working groups.
16. In advance of each meeting of the Council, it is likely that the convenor Administration will undertake the preparatory work, such as: compiling the agenda of the meeting, having regard to the inputs from the other Administrations; coordinating the preparation of reports for the meeting; coordinating the work of the Joint Secretariat in support of the meeting.

### **Work Programme**

17. The Cabinet Office in London has established an inter-Departmental planning group comprised of officials from the NIO, the Foreign and Commonwealth Office, the Home Office, and the Scottish and Welsh Offices.



18. The text of the Agreement provides an illustrative list of suitable issues for early discussion in the Council (transport, agriculture, health, education, the environment, cultural issues and approaches to EU matters). There is no theoretical limit to the matters which could be put forward for discussion.
19. Government Departments have been asked to put forward agenda items to be included in the work programme of the Council. The Irish Government, the Channel Islands and the Isle of Man have also been asked to put forward relevant items. Some of the topical themes which are likely to emerge include tourism, sport, rural development, regional development, drugs, ports/transport, and aquaculture and marine matters.
20. Having received suggestions from participating Administrations a work programme will be drawn up by the Council and thereafter reviewed by each plenary meeting of the Council.

**Bilateral and multi-lateral arrangements**

21. The Agreement states that in addition to the structures agreed upon for the BIC, two or more members of the Council may select to develop bilateral or multi-lateral arrangements between them. Such arrangements may include, subject to the agreement of the members concerned, mechanisms to enable consultation, co-operation and joint decision-making on matters of mutual interest; and mechanisms to implement any joint decisions they may reach. These arrangements will not require the prior approval of the BIC and will operate independently of it.

**Interparliamentary Links**

22. The Agreement also expressly encourages the elected institutions of the members of the BIC to develop interparliamentary links, perhaps building on the existing British-Irish Interparliamentary Body. The support mechanisms for such an arrangement will require further discussion.

## Existing British-Irish Cooperation

In its first few years in the 1950s the Nordic Council achieved agreement on a set of reciprocal citizen's rights of which the Nordic countries are understandably proud. But those same rights have long existed between Ireland and the UK. Although Ireland became an independent country in 1922, many of the links with the UK were preserved. In particular there continued to be:

- A common travel area. There are no passport or immigration controls between the UK and Ireland: each country is responsible for the admission of travellers into the whole of the joint area.
- Voting rights. Irish citizens are allowed to vote in local, parliamentary and European elections in the UK. UK citizens can vote in the same elections in Ireland, but not in Presidential or constitutional referendums.
- Free movement of labour. More than 4 million Irish citizens live in the UK, and have access to almost all jobs in the UK, including most jobs in the public service. Irish citizens can (and do) join the British Army. The UK civil service has been open to Irish nationals, but this has recently been limited by EU developments.

These reciprocal rights have since been overlaid by the wider requirements of the EU, and the similar rights conferred on all EU citizens. But there continues to be a 'special relationship' between the UK and Ireland. This is illustrated by the relationship between citizenship of the UK and the Republic of Ireland. The British Nationality Acts state that although people born in the Republic are not British citizens, the Republic is not to be considered a 'foreign' country and its citizens are not considered as 'aliens'. The Republic itself confers Irish nationality on all people born on the island of Ireland, including those who are British citizens.

Between the Act of Union of 1801 and the Irish Free State Constitution Act 1922, what is now the Republic of Ireland was part of the UK, so that in law no distinction was drawn between British and Irish citizens. From 1922 until 1949 the territory of the Republic was still within the Crown's dominions so that those born in Ireland were still considered British subjects. It was not until 1949 that southern Ireland became an independent republic outside the Commonwealth. From 1 January 1949 persons born in Southern Ireland ceased to be British citizens, although anyone who was a British citizen prior to the 1948 Act may retain that citizenship by giving written notice to the Secretary of State of his desire to do so.<sup>41</sup>

The contemporary rules of citizenship build not only on this historic relationship but also on further ties introduced at a European level which citizen-type rights on EU nationals in all member states. The table below sets out those rights that UK citizens have in Ireland (and vice versa) that are over and above those rights that they would have as EU citizens. Attention is also drawn to residents of the Isle of Man and the Channel Islands who are UK but not EU citizens, and the table indicates some of the areas where their rights in Ireland differ from those offered to those who hold both UK and EU citizenship.

In addition to these 'citizenship' rights, there is also extensive co-operation between the Irish and British authorities with programmes ranging from a joint heart-lung transplant operation to the exchange of civil servants and teachers.<sup>42</sup>

<sup>41</sup> BNA 1948 s1 (s31(3) of the BNA 1981 reaffirmed this right)

<sup>42</sup> This co-operation is reviewed in the *Progress Report on Co-operation between Ireland and the United Kingdom: Developing East/West Relations*: Issued in the Margins of European Council Meeting, Luxembourg, 12/13 December 1997.

	<b>Rights of Irish Citizens in the UK</b>	<b>Rights of UK citizens in Ireland</b>	<b>Exceptions for Channel Islands and Isle of Man</b>	<b>European Union rules</b>
<b>TRAVEL:</b> visiting	there is a common travel area so people (and pets) may travel without a passport, although they may need to produce identification			Free movement of persons (subject to certain restrictions and the holding of a EU member state passport)
residence	no restrictions on residence between UK and Ireland, but UK nationals who were not born in the UK need to register with the authorities in Ireland	UK and Irish citizens have no right of residence in Channel Islands or the Isle of Man. Acquisition of residency can be a lengthy and expensive process. Channel Islanders and those from the Isle of Man are not restricted from residing in the UK or Ireland.	EU nationals have right of residence in any member state, subject to notification to authorities, and to restrictions imposed on public order grounds or for carriers of certain diseases. Non-workers (students retired etc.) may also have to demonstrate independent means	
deportation	Irish Citizens may be deported from the UK, unless they were resident in the UK before 1973	British citizens (unless they were not born in Britain) may not be deported from Ireland		EU nationals may be deported from member state back to their home on, for example, security grounds
<b>Voting</b>	can vote or stand in any election	can vote or stand in European, and Local Elections, vote in parliamentary elections but not vote or stand in Presidential elections or referendums	Channel Islands and Isle of Man are not represented in the UK parliament.	EU nationals can vote and stand in European and local (but not national) elections in any member state

	<b>Rights of Irish Citizens in the UK</b>	<b>Rights of UK citizens in Ireland</b>	<b>Exceptions for Channel Islands and Isle of Man</b>	<b>European Union rules</b>
<b>JOBS:</b> lawyers	Irish solicitors may practise in England and Wales but not Scotland	Scots lawyers (but not English and Welsh) must take Irish law test before practising	all jobs subject to stringent residence requirements. Non-residents may get temporary residence if skill shortage (e.g. surgeons).	EU nationals can look for work in any member state although some public jobs may be reserved for nationals. Furthermore, although many qualifications (eg doctors, dentists) do transfer across member states, others which require specific knowledge may not
civil servants	from June 1996 25% of UK civil service posts reserved for UK nationals (or for those foreign nationals who were already civil servants)	Irish civil service is open to all regardless of nationality		
army	Commonwealth and Irish (but not other EU) citizens may join the army at any rank	UK citizens may not join commissioned ranks		
<b>SOCIAL RIGHTS</b>	A bilateral agreement of 1971 allows for the transferability of social security benefits between the UK and Ireland. The 1971 rules are similar but not identical to the later EU regulations. Thus, for example, those (e.g. from Isle of Man) who rely on the 1971 agreement must work in Ireland for 6 weeks before being entitled to draw unemployment benefit whilst EU rules require only 1 week.		The Isle of Man and Channel Islands are not covered by the EU rules and the Channel Islands are also not covered by the 1971 agreement	EU rules allow for the transferability of contributions across member states (subject to innumerable conditions and exceptions)

## **NORDIC CO-OPERATION**

### **SUCSESSES AND DIFFICULTIES**

**by Vibeke Roosen,  
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Ministry of Foreign Affairs  
Denmark**

**Paper presented to Constitution Unit seminar on the Nordic Council and the Council of the Isles held in London on 9 September 1998**

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Thank you for inviting me to address this distinguished audience today. I believe I speak on behalf of all the Nordic countries when expressing a heartfelt wish to be helpful in the Northern Ireland peace process in whatever form it may be needed. If there is something to be learnt from the Nordic experience we are only too happy to share it with you.

You have a discussion paper in front of you which provides a thorough outline of the institutional framework of Nordic co-operation, and you've just heard Mr. Anker Jørgensen giving an overview of the work and the results of the Nordic Council. So in my intervention I'm going to concentrate on the political aspects of Nordic co-operation – in particular seen from the intergovernmental side.

I intend to focus on the following: What is Nordic co-operation? Why do we have it? What results have we achieved? And how do we assess the future for Nordic co-operation.

#### **What is Nordic co-operation?**

Nordic co-operation takes place within the formal institutions of the Nordic Council and the Nordic Council of Ministers, but Nordic co-operation as such unfolds itself informally in many more areas, both at the grassroots level between NGOs, schools, universities, the business community, trade unions etc. and at a political level, but outside the institutionalised co-operation framework, where Nordic co-operation takes place in nearly all areas of foreign relations, except most aspects of defence and security policy. The Nordic Foreign Ministers meet 3-5 times a year to discuss issues of common interest which stretch from Nordic affairs to European and international affairs in general. Among civil servants, nearly all diplomats take part in some form or another of Nordic co-operation within their area.

The intergovernmental co-operation is headed by the prime ministers of the Nordic countries, meeting twice a year. In addition, the Nordic Council of Ministers consists of the Ministers of Nordic Co-operation, who have the daily responsibility for co-ordination and for the budget and 17 sectoral ministerial councils including such areas as environment, industry, culture and education. The Councils of Ministers are assisted by Committees of Civil Servants.

The Nordic Council of Ministers is responsible also for approximately 40 Nordic institutions, which work in areas like research, education and culture. Nordic institutions are placed in all Nordic countries.

The Council of Ministers has its own secretariat which cohabits with the secretariat of the Nordic Council. The secretariats are located in Copenhagen.

But to understand the full picture of this extended pattern of co-operation, it might be helpful for a while to dwell on the history of Nordic co-operation. How did this come about?

Nordic co-operation in its institutionalised form is a reflection of the political situation of the Nordic countries in the 20<sup>th</sup> century and a result of the history and the geographical position of the participating countries and the dependent territories.

600 hundred years ago - in 1397 – internal and external power struggles in the preceding centuries between the Nordic countries – at that time Denmark, Norway and Sweden led to the foundation of the Union of Kalmar, under the leadership of the Danish Queen Margrethe I. The union finally collapsed in 1523 when the Swedish party that wanted to lead the Union had fought its way out.

From that time Denmark-Norway ( including Iceland) and Sweden which included Finland fought for the supremacy in the Northern Region.

When the Napoleonic Wars ended in 1814, Sweden was on the side of the winning coalition. As compensation for the loss of Finland to Russia in 1809, Denmark allied with France was forced to surrender Norway to Sweden, but kept the Norwegian dependent territories: Iceland, the Faeroe Islands and Greenland. The Swedish-Norwegian Union lasted until Norway gained its full independence in 1905.

Contrary to what might be expected, the Nordic region – long after the Vikings – was not a particularly peace loving area! It has for centuries been the centre stage for conflicts and wars of an intensity and brutality which is normally not reflected in the main stream European history books.

Important as it is to be aware of these facts, more important however is the appearance of the so called Scandinavism in the middle of the 19<sup>th</sup> century. This was the time of the romantic movement and of the introduction of the concept of nation states.

Denmark was severely hurt after the war with Prussia in 1864 where we lost nearly half of the country. It was a time of self reflection. The political manifest at the time was: “What has been lost externally, must be regained internally”. As a result, there was no great wish to take part in the affairs of the Continent, and international attention was focused on the former union partners, Sweden and Norway.

The Scandinavism movement, which started with get togethers between writers and intellectual leaders, gradually led to contacts at all levels of society, greatly helped by the linguistic understanding of the people of these countries. One practical result of this was the co-operation in the drafting of laws which means that today Denmark, Norway and Sweden to a large extent have civil laws of great similarity.

When Iceland gained its independence in 1944 and Finland after the end of WW2, the Faeroe Islands and Greenland remained with Denmark. But since 1948 and 1979 they have been autonomous regions within the Kingdom of Denmark. The Åland islands have the status of an autonomous region within Finland, but with stipulations that the islands must be de-militarised and allowed to preserve Swedish as first language.

So in the 20<sup>th</sup> century the Scandinavian rapprochement became Nordic co-operation – a co-operation founded by the people in the region, a co-operation which gradually developed into an institutionalised framework.

### **Why Nordic co-operation?**

The mixed historic experiences of the Nordic countries does not necessarily make a close co-operation an obvious choice.

History apart, there is a geographic divide, which has consequences for the perception of the countries' security interests. If you look at a map, it is obvious that the geopolitical interests of Denmark, Sweden, Finland and the Åland Islands on the one side, would differ from those of Norway, Iceland, the Faeroe Islands and Greenland on the other. The latter being much more transatlantic oriented, whereas the former are oriented towards the Continent, the Baltic region and Russia.

In recent times the Nordic area has become an area of low tension, a status which was maintained during the Cold War period. Geography and great power interests dictated however that the Nordic countries chose different roads to security. The collapse of the Soviet Union once more changed this picture and what used to be a taboo of Nordic co-operation, security and defence policy, has now become an attractive area for joint peacekeeping operations, and security and defence issues are now being discussed in the sessions and conferences of the Nordic Council. In 1997 the Ministers of Defence took part for the first time in the annual session of the Nordic Council!

The five Nordic countries' different roads to security also determined their options when it came to developments in Europe at large, and in particular their relations with the European Community. All five countries clearly recognised, that even if they are located in Northern Europe, they could not confine their outlook to their own region. They were dependent on what happened in the rest of Europe.

This twofold consideration, that of **security** and the attraction of **European integration**, has to a high degree determined Nordic co-operation throughout the

post-war period. The Nordic countries have had to subordinate their aims of Nordic regional co-operation and integration to the need of balancing between the great powers and their interests in the West European integration schemes.

Another interesting feature of the Nordic co-operation is that the participating group of countries have a different constitutional foundation. Nordic co-operation takes place between 5 sovereign nations and three autonomous territories, among which two are part of one country, one of another. Nevertheless, the autonomous areas have a large measure of self-determination. All three are full and independent members of the Nordic Council and the Nordic Council of Ministers. They have their own flags and delegations, but no voting rights.

In the discussion paper, reference is made to the fact that the autonomous territories do not participate at the same level as the sovereign nations. This is true from a legal point of view, but in practice it is not much felt. Both the Nordic Council and the Council of Ministers work on a basis of consensus, and in areas of their special interests, the autonomous territories are able to exert the same kind of influence as – or even more than – the nation states.

As you may have heard, a corner stone of Nordic co-operation is that we speak our own languages and still make ourselves understood. The truth is, however, that Finnish, Icelandic, Faeroese and Greenlandic is only accessible to a small minority with special language skills. As a consequence Danish, Swedish and Norwegian have become the working languages. However, in a situation where English is becoming “Lingua Franca”, it may not be possible to maintain this position. And it is a reflection of this fact, that in the conferences of the Nordic Council today, there is normally interpretation to and from English.

So what is it then that makes these countries, which fairly recently were at war with each other, which seem only superficially to resemble each other, which are not all fully independent, which have different security and integration interests with regard to Europe, and which do not speak the same language - still want to have this kind of close co-operation with each other?

Well, maybe I should not exaggerate the differences between us. On a personal basis we do feel closely related to each other. We share a common cultural background, and there is a strong feeling of common identity and interconnectedness. Even if all of us do not speak a language which is commonly understood, we still communicate in one or other of the exotic Nordic languages. We share a common set of values: democracy, human rights, the welfare system etc.

We consider ourselves to be informal and pragmatic people. And in contrast to the people south of our borders in Europe, we don't like systems! This may be why the Nordic co-operation has remained a state to state co-operation, and why the great political aspirations of a defence alliance, an internal market (NORDEK), or a monetary union have all failed. In recent times the Nordic countries have avoided all political abstractions and all speculations regarding overall final political goals. Rather, they aim at solving concrete, practical



problems, advancing step by step and accepting gladly every conquest, no matter how small. Ideas of federalism or political union are not the order of the day on the Nordic agenda.

The informality of the relationship between the Nordic countries and the bottom-up approach has led to a slow institutionalisation of the co-operation. The Nordic Council of Ministers was established nearly 20 years after the Nordic Council, reflecting the fact that Nordic co-operation has started – and still is very strong – at the grassroots level. In accordance with this line of thought it is only natural, that the first institution to be created should be the body of the peoples' representatives!

Are these factors a reason for or a consequence of the Nordic co-operation? Perhaps both. There is no doubt that it is easy and natural to co-operate with countries whom you look upon as friends. It seems natural as well to co-operate with your neighbours. And it is easier to develop friendships among small nations with no great power ambitions.

It is equally true that co-operation fosters trust. Also with greater nations who may be perceived as a threat. This is a well known fact of the European integration.

So to answer the question, why do we co-operate on a Nordic basis, the simple answer is that it feels like the natural thing to do and does not need much reflection. Because of our different affiliation to the EU, there are areas where we cannot co-operate and organisations like in the UN where we may now be less visible. But the Nordic countries hold the view that Nordic co-operation can make a difference – in our countries as well as in our international relations.

### **What are the results and future of Nordic co-operation?**

With three out of five Nordic countries now members of the EU, the question is being asked whether it will be possible to maintain a meaningful co-operation with substance between the Nordic countries?

There are different views. One, the so-called theory of withering believes that strengthened European co-operation and integration will divert interest away from the Nordic co-operation. The Nordic co-operation will be emptied of substance and become increasingly irrelevant.

The theory of revitalisation believes, that increased European co-operation, integration and enlargement will lead to a revitalisation of the Nordic co-operation. Through their contact with the rest of Europe the Nordic countries will rediscover what they have in common. At the same time, there will be a renewed understanding for the need for small countries to stand together, trying to gain a hearing for Nordic views on society and its construction as well as protecting themselves against pressure from the outside.

Another view, the theory of transformation - holds that a strengthened European co-operation and integration leads to fundamental change in the Nordic co-

operation, in the sense that the Nordic co-operation becomes complementary – and not an alternative – to the European co-operation. Nordic co-operation will increasingly happen within the framework of the EU and EEA where it will undergo fundamental change with regard to its agenda, participants and conditions of work.

It is still too early to say what will happen with the Nordic co-operation in a longer perspective. However, the reforms which have taken place within the institutionalised structure of Nordic co-operation have shown a political will not to let the Nordic co-operation wither away. Many resources have been channelled towards co-operation in the adjacent areas. We have opened Nordic information centres in each of the Baltic countries, as well as in St. Petersburg. And the Nordic Council is exerting pressure for an increase in the budget for this part of our co-operation.

Within the EU, the Nordic countries have co-operated most successfully in areas of shared interests. And we have succeeded in putting Nordic fingerprints on the Amsterdam treaty with regard to employment, environment and openness. In the process of EU enlargement, Denmark and Sweden co-operated perfectly, whereas Finland went in another direction. However, all three countries now seem determined to build upon the results in a co-ordinated way.

It may be argued that with a EU consisting of 26 countries, a Nordic co-operation which has already proved itself for 50 years will be well suited to further Nordic values in the 21<sup>st</sup> century.. Our shared cultural background – or national identity – makes us see eye to eye on many issues. And this is what we are now trying to build upon in a more strategic way.

In the case of Denmark, our geography and the present infrastructure investments (the Øresund-bridge) in this region will probably mean that our co-operation will most likely be intensified with the southern part of Sweden and Finland, as well as with the Baltic countries, Poland and Germany, all neighbouring countries in the Baltic Sea area and future co-operation partners in the EU.

In the commercial sector there is a growing interest in the Northern region. The Nordic countries are increasingly regarded as the “home market” for Nordic exports. And, under the present Swedish presidency, we are actively pursuing an agenda to eliminate outstanding barriers to trade in the Nordic area. Politically and commercially the view is held that internationalism starts with our neighbours in the other Nordic countries. Our common cultural background eliminates any fear of borders or “foreigners”. There may be rivalry and competition between us, but no fear. And, for exporters, the other Nordic countries are easy practice fields before taking steps to engage themselves elsewhere on the European continent or overseas. We are also at present seeing quite a few strategic mergers between Nordic banks and industries, helping them become in competitive shape elsewhere.

Within the EU, Finland has now launched the idea of a “Northern Dimension” . The North is on the map of Europe, but we may have to make further changes in order to be fully prepared for the challenges ahead. In the future we may see a

lot more of regional co-operation, complementing the institutionalised forms of international co-operation.

Nordic co-operation is based upon a mixture of shared values and shared interests. There are however, built in conflicts. We should not forget that, basically, each country will act according to its own interest, even though Nordic solidarity sets certain limits as to what one country can do towards another. It would, no doubt, be hard to imagine anyone taking the responsibility of openly arguing for a dismantling of the Nordic co-operation.

In conclusion, there is not much evidence that the Nordic co-operation is about to wither away. On the contrary, we seem to be on the track for its revitalisation or perhaps transformation. The coming years will show in which direction it is going to go.

On a final note, just a few words as to what the Nordic experience might offer other people outside the Nordic region:

I believe that the most important aspect of the Nordic co-operation is that it provides a framework for members of government, parliamentarians and civil servants from the Nordic countries to meet and discuss any matter on their minds.

There is an agenda, of course, but the relaxed atmosphere, the possibility to be together in a social setting which is normally offered, provides ample opportunity to discuss matters in a friendly, informal way. Furthermore, it facilitates spontaneous contacts on the phone in between meetings, as necessary.

We may not agree or reach solutions – but the mere fact that we can be together, talk, and in this way become aware of our differences and potential conflicts, is a means to dismantle what might otherwise have become unpleasant surprises.

## 40 Institutions supported by the Nordic Council

The Nordic Council of Ministers maintain currently some 40 institutions at various locations in *Norden*. The work of most of these institutions is focused on culture and education. The list below presents the English name of the institutions and lists the main activities of the respective institutions (and their budgets where available)<sup>43</sup>. The year of the establishment of the institution is in parantheses).

### Theatre and Dance in the Nordic Countries (1978)

**Objective:** as an extension to work formerly carried out by the Nordic Theatre Committee the institution provides economic support for guest performers and initiates and conducts seminars and training courses in dance and theatre.

Budget: £ 1.500.000.

### Nordic Art Centre (1962)

**Objective:** Promotes Nordic co-operation in the visual arts: painting, sculpture, drawing, and video art. The institution seeks to promote the knowledge of Nordic art in the member countries and outside the Nordic region.

Budget: £ 1.200.000.

### The Nordic House in Reykjavík (1980)

**Objective:** Serve as a link between Iceland and the other Nordic countries, and seeks to generate interest in Icelandic culture and history in the other Nordic countries.

Budget: Not available.

### The Nordic House in the Faeroe Islands( 1980)

**Objective:** Promote cultural activities in the Faeroe Islands and seeks to establish links to the rest of the Nordic countries.

Budget: Not available.

### The Nordic Institute in Åland (1980)

**Objective:** Promote cultural activities and establish and maintain links between the Nordic countries and the autonomous territories.

Budget: £ 500.000.

### The Nordic Institute in Greenland (1990)

**Objective:** Reinforce links between Greenland and the rest of the Nordic Countries, with a special reference to culture, education and research by providing support for exchanges between Greenland and other parts of the Nordic region.

Budget: £ 770.000

### Nordic Journalist Centre(1958)

**Objective:** Provides further training for journalists in the Nordic countries and the Baltic states

Budget: £2.100.000

### Nordic Music Committee (1965)

**Objective:** Promotes the production of -and disseminate the knowledge of - music, musical events in the Nordic countries. Supports co-operation between Nordic musicians.

Budget: £600.000.

### Nordic Folk Academy (Not available)

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<sup>43</sup> The budgets were obtained through telephone interviews with each of the institutions.

Objective: Serve as a centre for the study of questions which are regarded as central in the context of development of further education in the Nordic region.

Budget: £1.600.000

The Nordic Language Secretariat (1968)

Objective: Serve as a co-operation organisation for the language commissions in the Nordic countries.

Budget: Not available.

Nordic Language Information Centre (Not available)

Objective: Promote the education in - and knowledge of - languages, culture and social conditions of the Nordic countries.

Budget: £ 2.000.000.

The Nordic Sami Institute (1975)

Objective: Serve the Sami population in the Nordic countries with a view to improving their social, cultural, legal and economic status.

Budget: £ 100.000.

The Institute of Asian Studies (1964)

Objective: Conducts qualified research on Asia to promote, co-ordinate and stimulate Asian studies in the Nordic countries.

Budget: £ 3.000.000

Nordic Institute of Folklore (1965)

Objective: Promotes and co-ordinates studies in Nordic ethnology

Budget: £1.000.000

NORDITA (Nordic Institute for Theoretical Physics)(1962)

Objective: Promotes research and education in theoretical nuclear physics in the Nordic countries.

Budget: £ 3.000.000.

Scandinavian Institute of Maritime Law (1959)

Objective: Promotes research in maritime law and transport law.

Budget: £400.000.

Nordic Council for Scientific Information (1980)

Objective: Promotes the development of a more rational library/information service between the Nordic countries.

Budget: Not available.

Nordic Volcanological Institute (1968)

Objective: Conducts research on the history of volcanoes and investigates methods of predicting volcanoes.

Budget: £ 1.300.000

Nordic Institute for Studies in Urban and Regional Planning (Nordplan) (1975)

Objective: Conducts research in urban studies and urban sociology

Budget: Not available.

Nordic Council for Arctic Medical Research (Not available)

Objective: Promote the study of arctic medical research in the Nordic countries

Budget: £ 1.000.000.

Nordic Institute for Advanced Training in Occupational Health (Not available)

Objective: Arranges courses for specialists in occupational health

Budget: Not available.

Nordic Council on Medicines (1976)

Objectives: Serves as the Nordic countries' co-operation organisation in the field of medical sciences.

Budget: £ 1.000.000.

Nordic School of Public Health (1987)

Objective: Co-ordinates advanced training for health professionals and health researchers in the Nordic countries.

Budget: £2.500.000

Scandinavian Institute of Dental Materials (1993)

Objective: to ensure that medical-technical products used in dental care in the Nordic Countries comply with the relevant EU directives

Budget: £ 1.500.000.

Nordic Council for Alcohol and Drug Research (1972)

Objective: Studies the social causes of alcohol and drug abuse.

Budget: £3.000.000

Nordic Council on Disability (Not available)

Objective: Promotes Nordic co-operation on disability issues with the aim of promoting the rights of individuals with severe disabilities.

Budget: £ 2.500.000

Nordic Staff Training Centre for Deaf-Blind Services (Not available)

Objective: Supports national measures adopted for the personal development of all those who work with blind-deaf children and young people.

Budget: £ 100.000.

The Nordic Committee on Narcotic Drugs (1978)

Objective: to serve as an interdisciplinary and inter-sectoral co-operation body with a view to monitoring developments in the abuse of narcotics and to co-ordinate an initiate co-operation which can limit the availability of narcotic drugs

Budget: Not available.

The Nordic Education Programme for Social Service Development (1955)

Objective: to serve as a joint Nordic institution for education and training for social-workers and related staff in the Nordic countries.

Budget: £1.300.000.

Nordic Fund for Technology and Industrial Development (Not available)

Objective: to stimulate technological development and innovation in industry in the Nordic region.

Budget: £6.500.000.

NORDTEST (Not available)

Objective: to promote and co-ordinate Nordic co-operation on testing and control in the fields of construction, fire-fighting, acoustics and mechanical engineering.

Budget: £2.300.000

Nordic Institute for Regional Policy Research (1971)

Objective: to co-ordinate Nordic co-operation on regional research and to promote the exchange and dissemination of information on regional policy research.

Budget: Not available.

The Nordic Gene Bank (1992)

Objective: to preserve and document the genetic variation of all agricultural and horticultural plant material.

Budget: £2.500.000.

Nordic Forest Institute (1988)

Objective: to publish results and support joint research on forestry.

Budget: Not available.

Nordic Committee on Building Regulations (1979)

Objective: To consider issues related to building regulations in relation to developments in the field in EU-countries.

Budget: £1.200.000.

Nordic Research Council for European Integration Law (1992)

Objective: to compile and maintain an information-base on research on EU law with effect on the Nordic region.

Budget: £1.000.000

The Nordic Statistical Secretariat (1964)

Objectives: to co-ordinate the official statistics compiled in the Nordic countries and edit the Nordic Statistical Year-book.

Budget: £3.000.000.

The Nordic Project Fund (1992)

Objectives: to improve the national competitiveness of Nordic industry and trade in the field of project exports.

Budget: £5.000.000

The Nordic Economic Research Council (Not available)

Objective: to promote the compilation of analyses and reports on central issues on economic issues in the Nordic Countries.

Budget: £3.500.000

The Nordic Investment Bank (NIB)(1975)

Objective: to strengthen the economy of the Nordic region by providing loans and guarantees on banking terms and in accordance with socio-economic requirements so as to promote projects and exports which further Nordic interests.

Budget: £3.000.000 (administration only), Funds £100.000.000.

Nordic Environmental Finance Corporation (NEFCO)(1996)

Objective: to promote investments which can further Nordic environmental interests in Central and Eastern Europe, by providing financing for enterprises in this region.

Budget: £ 4.500.000.

### **Three Areas of Nordic Co-operation**

The following three case studies cover the most commonly discussed areas of co-operation, namely economic development, environmental issues, and common labour market policies.

#### **F1: Nordic Investment Bank**

A concern for industrial development and regeneration of less affluent areas is a major problem facing many western governments. The Nordic governments have sought to solve the problem of regional development through the establishment of a common investment bank.

The Nordic Investment Bank (NIB), which has its head office in Helsinki, was established in 1976, with the aim of channeling international capital to the Nordic countries. The NIB's primary goal is to grant loans and issue guarantees on commercial banking terms for investment projects which can serve Nordic interests, in the Nordic countries as well as outside. The "Nordic Interest Criterion" is in practice met when firms from two or more Nordic countries are involved in a project. These projects cover a wide range, from financing for new production plants to mergers and takeovers.

But the NIB can also participate in the financing of environmental investments, energy projects, infrastructure investments and investment in research and development related to projects which involve at least one Nordic country. The NIB emphasises that its role is non-commercial (i.e. NIB does not pose a threat to commercial banks). It rather serves as a neutral partner which provide supplementary funding, especially in isolated regions.

Although the bank charges the market rate of interest, its loans often run for a longer period. This can be 10-15 years, while the maximum period for commercial bank loans is 5 years. While most of its customers are large and medium-sized firms, municipalities also use the banks services, and the NIB has occasionally funded projects with Nordic involvement in other countries.

The NIB has invested in infrastructure projects, e.g. by providing loans for the building of a new 40 miles long railway line linking Stockholm and Arlanda Airport. The NIB also provides financing for the "Via Baltica", a motorway which runs through the Baltic states. Moreover the NIB has provided investment funding for projects devised to protect and improve the environment. In 1994, one third of the bank's new loans in the Nordic region were granted to environment-related projects, e.g. industrial purification plants and municipal power and heating plants.

Pollution does not recognise national borders. Many of the pollutants which cause acidification in the Nordic forest and lakes originate in countries in Central and Eastern Europe. The Nordic Council of Ministers have taken the initiative to a proposal for new loans schemes which will provide ECU 100 m for environmental investment in the areas adjacent to the Nordic countries. This programme is carried out by NEFCO (See appendix E).

The NIB also grants investment loans for projects which can serve Nordic interests in credit-worthy developing countries, mainly in Asia. China is the biggest borrower, followed by Turkey and Thailand.



## F2: Common environmental policies<sup>44</sup>

Environmental issues were incorporated in Nordic co-operation in the early 1970s when the Nordic Council of Ministers reached agreement on the *Nordic Convention on the Protection of the Environment* (Miljöskyddskonventionen)<sup>45</sup>.

One of its clauses states that a Nordic country has the right to express its opinion on the establishment in any other Nordic country of an enterprise which poses a threat to the environment. This clause has been applied on several occasions by Norway, when objecting to the storage of oil in laid-up tankers on the west coast of Sweden, while Sweden has questioned Danish decisions to expand power stations in the Copenhagen region. The Danes have in turn criticised Sweden's reliance on nuclear energy, and the Swedish government's decision to build a nuclear power-plant less than ten miles from Copenhagen. The Norwegians have supported these objections, but to little avail. Nuclear energy is economically too important for the Swedes, and the government in Stockholm has failed to act on the recommendations of the other governments. It, would, however, be erroneous to conclude that the common environmental policies have been without political effect. The countries have reached several agreements on smaller environmental issues, such as recycling of waste. Some of these agreements reach beyond those passed by the EEC and the EU<sup>46</sup>.

But co-operation is usually proactive rather than reactive. The driving force behind this co-operation has been the common attitude to environmental issues in the Nordic countries, where concern for the environment is one of the most salient issues. Nordic initiatives in international forums are fueled by a universal support for environmental measures, and by the leading parties' (especially Social Democrats) commitment to green policies. Joint reports on the environment by institutions under the Nordic Council of Ministers often form the basis of national and of international decisions. This approach to environmental issues enables the countries to gain further knowledge, while achieving greater efficiency in the utilisation of human and economic resources.

The programme *A Nordic Strategy for the Environment* was adopted in April 1994<sup>47</sup>. One of the core elements of the Strategy is agreement on socioeconomic development adopted to environmental requirements, with the emphasis on prevention of environmental problems, via appropriate planning procedures and the sustainable utilisation of resources, which will involve changes in the patterns of production and consumption. The life-cycle principle is another important point in the document. It is thus emphasized that environmental aspects must be considered in a holistic perspective, from the extraction of raw materials to production, distribution and consumption.

The Strategy also stresses "The Polluter Pays Principle", and the caution principle, which states that "whatever the activity or project the aim must always be to reduce and minimize emissions and wastes"<sup>48</sup>. Several Nordic environmental programs are already being implemented in the areas adjacent to the Nordic region. NEFCO, the Nordic Environmental Finance Corporation, founded in 1990, plays an important role in providing funding for these projects. NEFCO's base capital is ECU 40m. The Nordic Council of Ministers are currently taking steps to double this amount. Among the

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<sup>44</sup>This section is based on Miljø: Fakta om Nordisk Samarbejde (Copenhagen: The Nordic Council of Ministers, 1996), and <http://www.nefco.fi/>

<sup>45</sup>*Miljöskyddskonvention av 19 februari 1974*

<sup>46</sup>Nordic Council of Ministers Annual Report. 1997.

<sup>47</sup>Nordic Council of Ministers Annual Report 1996, p.20ff.

<sup>48</sup>Pär Stenbäck, *Nordic Reflections*, p. 31.

projects in progress are the building of a plant to produce water-purification agents in Poland, the development of waste treatment in the Czech Republic, the production of electrodes for purification of smoke-gases in Russia and the production of energy-saving pipes for district heating in Lithuania. So far more than 40 projects have been approved by the NEFCO.

By adopting a united front, the Nordic countries have succeeded in gaining widespread support for their viewpoints on environmental policy at an international level, not least because the Nordic countries since 1995 have co-ordinated their policies in international organisations. The joint approach is evident in the Nordic efforts at international level to ban the production and use of chemicals which cause damage to the ozone layer.

### **F3: Common Labour Market**

As far back as 1954, the Nordic countries agreed to create a common labour market. The scheme generated widespread interest, and served as a model for other international agreements, such as the Treaty of Rome.

The creation of a common labour market meant - and still means - that anyone who is a citizen of a Nordic country has the right to move to another Nordic country and apply for a job without any work-permit formalities<sup>49</sup>. The aim was to increase labour market mobility in order to prevent low levels of unemployment. Another aim was to create a bigger pool for recruiting staff with the requisite education, training and experience.

So far more than one million people have exercised their right to migrate, mainly between Finland and Sweden and between Denmark and Sweden. Yet this figure underestimates the migrations, as it does not include the citizens who work in one country but live in another<sup>50</sup>.

Steps are currently being taken to increase mobility further. Many occupational groups, in cases where specific qualifications are needed, have already established common recognition of professional qualifications. There is thus a free Nordic labour market in the health-care sector, e.g. for doctors, nurses, psychologists and chiropractors.

When creating their common labour market, the Nordic countries realised that this scheme ideally should be underpinned by comprehensive co-operation in the social sector. Nordic citizens who work and live in another Nordic country have the same social security and entitlements to benefits as the host country's own citizens. This applies to health care, child benefits, child care, social welfare payments, pensions and unemployment benefits (similar provisions do not exist among the EU countries)<sup>51</sup>.

The Nordic Council of Ministers have adopted a set of overall goals for Nordic co-operation on the labour market as well as for occupational health to be implemented between 1995 and 2000. The highest priority has been accorded to measures devised to raise the level of employment, improve co-operation on job-centres (labour exchanges); raise the levels of workers' competence (skills and knowledge); exert a greater influence on improving working conditions (occupational health); and promote the integration of refugees and immigrants. Importance is also attached to the goal of intensifying co-operation within the framework of the EU on labour market legislation and related areas.

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<sup>49</sup>*Gemensam nordisk arbetsmarknad*, Art.1

<sup>50</sup>Pär Stenbäck, *Nordic Reflections*, p.26

<sup>51</sup>*Nordisk konvention om Social trygghet 1992*, Art.7.

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