

COLLABORATIVE WORKING MODELS

GOVERNANCE INFRASTRUCTURE
FOR COLLABORATING ACROSS
EXTERNAL BORDERS

ISSUES PAPER

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SECTION 1: INTRODUCTION

Inter-jurisdictional boundaries such as the border between Northern Ireland and the Republic of Ireland (heretofore referred to as Ireland) have a profound political and socio-economic significance for the communities and settlements that straddle them (McClelland & Creamer, 2014). The impetus for closer cross-border collaboration has accelerated over the last number of decades. This has been driven by processes of globalisation, the expansion and further integration of the European Union, and, in the context of the island of Ireland, as a consequence of the political dispensation that emerged following the outworking of the Belfast/Good Friday and other agreements (Driscoll & McClelland, 2010: 8). The island of Ireland is largely characterised by over half a century of ‘back-to-back’ policy development, with the government of each jurisdiction failing to take into account the impact of policies on its nearest neighbour (Busteed, 1992). European policy has played a significant role in changing such practices.

The EU has, according to Huggins, had a significant impact on local government – from the implementation of EU legislation and policy to EU rules on procurement and state aid to service delivery (2017: 1). Local government is formally recognised in the EU’s institutional structures - for example, the Committee of the Regions – and has been the main beneficiary of many of the EU structural and investment funds¹ (Huggins, 2017).

The publication in 2013 of the *‘Framework for Co-operation: Spatial Strategies of Northern Ireland and the Republic of Ireland’* by both the Department of Environment, Community and Local Government (IE) and the Department for Regional Development (NI) was a significant milestone in cross-border working for central, regional and local government agencies on the island of Ireland. While there is a long history of cross-border cooperation on the island of Ireland, especially at local government level, this document examined *“the key planning challenges faced by both jurisdictions on the island”* and discussed *“the potential for co-operation”* especially in the cross-cutting field of spatial planning. The document set out a framework for *“co-operation at different levels within the public sector which should result in mutual benefits”* (2013: 5).

The *Framework for Co-operation* draws on the European experiences of territorial cohesion and cross-boundary working, acknowledging that collaborative working plays a key role in resolving *“cross boundary issues that cannot be dealt with by regions on their own”*, ensuring *“consistency of policy at different levels”*, and the important role of networking when taking *“decisions about cross boundary issues and projects”* (2013: 5); objectives couched in the ESDP, or *European Spatial Development Perspective* (1998), and the European Union Territorial Agenda 2020 (2007). Numerous supports exist to aid governments, at various scales, to engage with these collaborative agendas - from INTERREG, to ESPON, to URBACT, to the International Fund for Ireland (IFI) to name but a few.

The publication of the ESDP in 1998 kick-started a process across Europe of national governments preparing national spatial plans. This included the *Regional Development Strategy* (RDS) for Northern Ireland, published in 2001, and the *National Spatial Strategy* (NSS) for Ireland, published shortly afterwards in 2002. Whilst largely produced independently of each other, the strategies did benefit from

¹ Northern Ireland receives over £800million annually in Structural and Cohesion funds, which, in turn, are invested in jobs, growth, research, social cohesion and infrastructure initiatives (Boreland, 2017: 3).

key personnel in the responsible Departments discussing shared priorities around the growth of the Dublin-Belfast Corridor, and the investment required to enable the North West become an active contributor to the all-island economy, especially given its position as the fourth largest agglomeration on the island of Ireland. These strategic priorities were captured in both strategies. In preparing Ireland's successor to the NSS, cross-border engagement has been even stronger, including a 1-day consultation event on the Issues and Choices paper for the new National Planning Framework (NPF) taking place in Derry/Londonderry on March 10th 2017.

With cross-border engagement at a national and local level being at its strongest, the decision by the UK to leave the European Union in 2019 has cast a dark shadow over the collaborative space. In July 2017, the National Competitiveness Council identified Brexit as *"the foremost downside economic risk"* – immediate effects including uncertainty, reduced growth and exchange rate fluctuations (Keyes, 2017: 2). The potential loss of the UK land bridge for exports could reduce cross-border trade by 9% (Keyes, 2017). The implications of this for local government cross-border working, the core focus of this Issues Paper, is largely unknown. As noted by Grant Thornton, the referendum result has *"created a great deal of socio-economic uncertainty which will present challenges to local government in the delivery of services and other economic development priorities"* (2016: 1). This is true for local government not only in Ireland, but also across the UK.

The potential form and structure of future cross-border partnerships will be determined by negotiations on the future look and feel of the Irish border, a border that is all but invisible today in terms of free movement of people, goods, and services. In the North West, there are over 40,600 cross-border crossings between Derry-Donegal on the three main access routes (with secondary access points not yet counted). In some border communities – Muff, Killea (County Donegal) – almost 50% of the population are commuting to Derry (Gallagher, 2017). The Brexit deal, and the future shape of the Irish border, will impact significantly on these communities. This too will have implications for future planning policy for this, and other, functional economic areas. As local government must now begin planning for a future of collaborating across an external EU border, it is vital that the associated issues are explored.

SECTION 2: A HISTORY OF COOPERATION

Importantly, the *Framework for Co-operation* builds on the already strong momentum that existed – and continues to exist – of cross-border cooperation across a wide range of sectors: energy, connectivity, economic development, health, education, agriculture and plant and animal health policy and research, environmental protection and waste management, etc. It acknowledges that the cross-border ‘fit’ of both national and regional policy is of increasing importance in both jurisdictions. Much of the cooperation across the Irish border region has grown out of grass-roots activity – driven by local government networks or multi-stakeholder platforms operating at a local or regional scale. Such drivers of cross-border cooperation have included:

- The three local authority-led cos-border networks, namely East Border Region Ltd. (EBR), North West Region Cross-Border Group (NWRCBG) and the Irish Central Border Area Network Ltd. (ICBAN);
- Other local partnerships including, for example, the Blackwater Regional Partnership and the Clones-Erne East Partnership which involved local government and development partnerships working together to solve local issues; and
- ILEX, an urban regeneration company operating in the North-West.

Other projects have been advanced through the British Irish Council under their various work streams, one of which is spatial planning, the North South Ministerial Council (NSMC) and other contacts between Departments and Agencies in both jurisdictions, for example the North West Gateway Initiative.

Cross-Border Local Authority Networks

The aforementioned three cross-border networks – East Border Region Ltd. (EBR), Irish Central Border Area Network Ltd. (ICBAN), and the North West Region Cross-Border Group (NWRCBG) – have been accredited with making significant contributions to the increasing interactions between local government, the community and voluntary sector and the business sector in responding to the difficulties imposed by the Irish border. Established between the 1970s and early 1990s, they provide a space in which the Chief Executives of the respective councils meet to discuss strategic priority issues for their respective border areas. Elected representatives also have the opportunity to come together and discuss identified needs, challenges and opportunities. The three networks have, for example, been providing a dedicated service to their member Councils in respect of the INTERREG Programme. The networks enable the development of joint cross-border programmes between the Local Authorities; this includes management of the INTERREG application process on behalf of the authorities and, where successful, management of the approved Project (Creamer & Driscoll, 2013). As documented in the ICLRD report on shared services, *“Projects developed and managed through EBR, for example, tend to involve all ten-member Councils as partners. To facilitate the delivery of such programmes, EBR puts in place a dedicated Partnership Agreement with each Council and, in some cases, other partners. Whilst each Council implements their element of the project on the ground, the INTERREG element is managed by EBR”* (2013: 16).

The ICLRD further notes in its 2013 report that the model employed by the networks has been quite successful over the past three decades, and that there are

“undoubtedly aspects of these processes which should be considered for future shared service programmes being led by local government, including initiatives in biodiversity and energy (in which EBR has experience), and GIS and data capture and analysis (in which both NWRCBG and ICBAN have expertise). The networks thus demonstrate how local authorities can work together for mutual benefit and provide specialised and shared service to local governments” (p.16).

The experience of the recent reform of local government in both jurisdictions, but especially in Northern Ireland where new council boundaries were brought into play and which led to a reconfiguration of the networks in terms of their constituent partners, and inevitably their working dynamics, will benefit the local authority networks as a new transition period emerges following Brexit.

An Emerging Policy Framework

At a national level, the shift away from a long tradition of ‘back-to-back’ planning policy was most evident in the spatial development strategies produced for both jurisdictions in the wake of the publication by the EU of the ESDP. Both the *Regional Development Strategy* (RDS) for Northern Ireland (2001) and the *National Spatial Strategy* (NSS) for Ireland (2002) “recognise the importance of their nearest neighbour and cite similar areas where co-operation can be mutually beneficial” (2013: 15). These include the potential of the Dublin-Belfast corridor, the Newry-Dundalk Twin-City Region, and the Letterkenny-Derry/Londonderry Gateway. More recently, the Issues Paper for the National Planning Framework for Ireland, *Ireland 2040*, dedicates a whole chapter to ‘Working with our Neighbours’, noting the shared challenges faced by both jurisdictions and the mutual benefits to be gained through collaborative working.

The *Framework for Co-operation* (2013) was developed to promote cooperation on shared challenges, North and South. A core objective was to encourage policy-makers in the public sector to take account of the wider impact of their work, to learn from – and further encourage – collaboration across local government bodies, and recognise the potential benefits of avoiding “back to back” planning (p.27). The Framework identified four priority areas for co-operation to be delivered at two different levels of working (see Table 1).

The potential for cross-border cooperation is further captured in the recently published *Regional Strategic Framework for the Central Border Region 2013 – 2027* (ICBAN, 2013). This Framework sets an overall vision for the Central Border region that emphasises sustainability, quality of life, economic and social renewal and regional growth. This vision is to be achieved through the pursuit of four key objectives closely tied to national and European policy objectives, supported by clear priorities and outcomes, and drawing on international good practice.

Table 1: Delivering on the Priorities of the Framework for Co-operation

Priorities		Delivery
1. Enhancing Competitiveness	Enhancing physical connectivity to allow sharing of scarce and expensive infrastructure, such as ports and airports; improved access to the North West/ Londonderry; continued investment in energy and communication grids	Level 1 - The Northern Ireland Executive and the Irish Government.
2. Competitive Places	Integrated planning process where Departments, Agencies and Authorities work together to secure a co-ordinated and agreed approach to development of Dublin-Belfast corridor, Dundalk-Newry Twin-City Region, Letterkenny-Derry /Londonderry Gateway	
3. Environmental Quality	Co-operation at a strategic level, and in line with relevant EU Directives to ensure the careful conservation and enhancement of shared natural and cultural heritage assets; protect and enhance the built heritage; responding to the assets of places	Level 2 - Local Authorities in both jurisdictions.
4. Spatial Analysis	Continuation of the sharing of key datasets such as population, employment, transportation, housing, retailing and environmental indicators; enhanced visualisation techniques; analysis of geographically addressed data	

(Source: Extract - Department of Environment, Community and Local Government & Department for Regional Development, 2013).

While there is a growing library of strategies, frameworks and policies that can be drawn upon to inform (and drive) future collaborative working, this too often tends to be reactive and framed around the actions of innovative local and regional networks whose local knowledge informs what needs to happen, where it needs to happen and when it needs to happen. The work of local government and, as appropriate, other key local stakeholders in delivering on key strategic objectives cannot be underestimated; and in the context of mitigating risks arising from Brexit, there is a strong case for involving local government agencies in the negotiation processes.

SECTION 3: EXISTING MODELS OF COLLABORATION

The Barca Report (2009) acknowledges that there are both internal and external border areas across the EU; and that cooperation plays a key role in overcoming any institutional barriers and mobilising critical mass to support economic, social and cultural exchanges and nurture new relations. As noted by the ICLRD in its report for Louth Local Authorities and Newry and Mourne District Council on strategic alliances, *“Dealing with the many diverse challenges and opportunities that confront local authorities across administrative and political borders requires robust arrangements founded on mutual cooperation”* (2010: 1). Key to effective cooperation is good governance arrangements driven from the bottom-up and initiated by local and/or regional government (Hague, 2017). Key to this is a common vision, strong political will and an appropriate legal framework.

There are a number of models used by local governments in collaborative practice: from urban partnerships to European Groupings for Territorial Cooperation (EGTCs) to European Economic Interest Groupings (EEIG) to Euroregions to MOUs. Across Europe, 45 EGTCs have been created since 2006, but none involve parties from the UK or Ireland (European Union, 2014). The EEIG instrument has a much longer history than the EGCT, and has been used in Ireland and Northern Ireland on a number of occasions. Examples include the Strabane Lifford Development Commission established in 1993 and the European Regions Network of the Application of Communications Technology (ERNACT), involving Donegal County Council and Derry City Council (McClelland & Creamer, 2014). The AEBR notes that from the large number of bilateral agreements that have been concluded between regions within the European Union, the majority are general framework agreements promoting cooperation in a broad range of fields (AEBR, 2001: 102). Such bilateral cooperation is usually *“founded on simple written agreements between the partners consisting of memorandums, cooperation protocols and declarations of intent”* (Driscoll & McClelland, 2010: 24).

Models that have come into play since 2010 in the Irish border region have mainly been bi-lateral agreements as described below.

Memorandum of Understanding (MOU)

A Memorandum of Understanding (MOU), a legally non-binding statement of common intent between two or more parties, is arguably one of the most readily understood types of enabling agreement. In 2010, following a detailed review of options, Newry and Mourne District Council (NI) and Louth Local Authorities (IE) agreed on the adoption of a practical, ad-hoc agreement in the form of a bilateral, legally non-binding Memorandum of Understanding (MOU) to cement their long tradition of (mostly informal) cooperation². Specific to the needs of this cross-border region, the MOU encompasses the establishment of a number of cooperative structures including a joint Committee of Elected Members; a joint Senior Management Group; an Advisory Forum; and a number of Project Teams as deemed appropriate (see Appendix 1 for outline). Secretariat support was originally provided by InterTradeIreland, demonstrating the economic significance attached to this alliance. The agreed

² Cross-border cooperation between the local authorities in County Louth and Newry and Mourne has been ongoing since the 1970s, whether directly between the councils or within a broader setting such as that provided by the East Border Region (EBR). The local authorities of Newry and Mourne, County Louth and Dundalk Town Council were co-founders of the EBR in 1976.

cooperation themes upon which the Strategic Alliance initially focused, and to which the Councils signed-up to in March 2011, were:

- Emergency planning;
- Renewable energy and green technology;
- Tourism and recreation; and
- Sustainable economic growth and job creation.

These areas were carefully selected to reflect ongoing cooperation projects, the opportunities and responsibilities presented by the shared natural and heritage resources within the region, as well as the mutual desire to assist in the development of the regional economy. They build on the concept of “place-based services” which is particularly relevant to improving cross-border cooperation where service catchment areas are strongly influenced by functional relationships that often span cross jurisdictional boundaries, for example retail, economic activities, housing, services, and environment (Barca, 2009). A number of other cross-cutting areas of cooperation were identified for development in the future. These included: coordinated/shared services; non-statutory spatial planning; pursuing linked-gateway status; developing a regional profile to enable evidence informed planning; and developing joint policies and action plans in areas of mutual interest to increase efficiencies in the delivery of services.

The adoption by the Councils of the MOU between their respective councils was viewed as a tangible representation of the close social, cultural and economic links within the region. Furthermore, the MOU was regarded as a tool to strengthen and deepen the already good working relationships that existed not only between the Councils but other key local and regional stakeholders such as InterTradeIreland, and relevant Government Departments, North and South, including the Department for Environment, Community and Local Government (IE) and the Department for Regional Development (NI).

Similarly, in 2013, the Councils of Monaghan and Armagh City and District began work on the development of a strategic alliance – again taking the form of a Memorandum of Understanding (MOU). Monaghan County Council and Armagh City and District Council are located within the central border region. As neighbouring cross-border local authorities, they have a relatively long history of cooperation spanning a number of sectors, including tourism and heritage, environmental conservation, urban regeneration and, over the past decade or so, the promotion of an all-island economy and the growth of the regional economy (McClelland & Creamer, 2014).

In this case, the MOU specifies cooperation in three thematic areas deemed of long-term strategic importance for the region:

- Tourism;
- Economic development and prosperity; and
- Shared Services.

Furthermore, the Councils have agreed to make joint representations to central government and others on strategic issues of mutual interest that are pertinent to the sustainable development of this cross-border region. In particular, they will seek to encourage investment in critical infrastructure projects aimed at improving digital connectivity and upgrading key transportation links.

Implementation of the MOU will be overseen by a Joint Plenary Committee consisting of Elected Members and Senior Management; and Joint Project Implementation Teams as required to progress specific initiatives. The Secretariat will be provided by the Councils themselves on a rolling basis; with Monaghan County Council taking on the role for 2015-2017. These groupings are open to review as and when deemed necessary by the Councils.

There are also other instances of the MOU model being used effectively by Councils in the Irish border region. These include:

- Cavan County Council and Fermanagh and Omagh District Council concerning the management of the Marble Arch Caves Global Geopark – the first cross-border geo-park;
- Monaghan County Council, Dungannon & South Tyrone Borough Council and Armagh City and District Council on the implementation of environmental, tourism and community-related projects in the Blackwater catchment³.

As bi-lateral agreements go, the MOU is not onerous or unnecessarily complex. The purpose and objectives of the agreement are very clear in terms of (1) detailing the cooperative structure to be employed incl. the composition of any committees, their roles and responsibilities, etc.; (2) outlining the key themes under which collaboration will take place, and any specific tasks/projects under each theme; (3) providing an overview of the resources, financial and otherwise, that will be made available for sustained cooperation; (4) clarifying the communication channels to be operationalised between the parties, including responsibility for any secretariat functions; and (5) establishing procedures for its' review, amendment and termination, as well as resolution provisions should disputes arise.

Partnership Agreements

Donegal County Council and Derry City and Strabane District have a long history of cooperation dating back to the 1970s and the formation of the North West Region Cross Border Group (NWRCBG). This shared space has enabled council officials and elected representatives to jointly engage in activities ranging from advocacy and lobbying around strategic regional priorities to securing EU funds for a broad range of priority initiatives. With the reform of local government in 2014, and a strengthening of local government function, there was a growing consensus around the need for a refreshed, singular and clear collaborative arrangement to be put in place. Following a detailed consultation process involving Council officials, elected representatives, key Government Departments, North and South - and the ICLRD as facilitators – new structures were adopted by both Councils in May 2016. These structures were subsequently ratified by both Governments at a North South Ministerial Council Plenary Meeting in July 2016.

To advance cooperation at the strategic level, and to ensure a coordinated approach to advancing the North West Gateway Initiative (NWGI), the Councils committed to taking a lead in the future development of the region and supporting the strategic priorities of central government. This is to be strategically achieved across three Pillars:

³ Unlike other MOU's, this arrangement resulted in the creation of an autonomous organisation with charitable status (registered in Northern Ireland), which was empowered to employ staff, purchase property and enter into contractual relationships.

- Regional Economic Growth and Investment;
- Regional Physical and Environmental Development;
- Regional Social and Community Cohesion and Well-Being.

The Councils vision is of a region, which releases its significant potential and becomes a very strong contributor to the economy of both jurisdictions on the island of Ireland. With a cross-border catchment of around 350,000 people, the North West region represents the fourth largest urban agglomeration on the island of Ireland and the only one of such scale to experience an international border within its functional hinterland.

The new structures, as adopted, are Council-led and founded on a principle of partnership between local and central government; with a key dimension being the concept of place-making and place-based leadership. The structures are centred around an inter-jurisdictional *North West Strategic Growth Partnership*, with joint Council and joint Government membership at senior/strategic level, underpinned by a strong cross-border joint Council *North West Regional Development Group* (see Appendix 1 for overview of structures). External regional stakeholders will be invited to participate in, and contribute to both the Partnership and Development Group as appropriate. The work of both Groups is supported by a Secretariat/Coordination Team, housed in Derry City and Strabane District Council but reporting directly to both Councils.

The North West Strategic Growth Partnership, which meets twice a year, involves senior representatives from Government Departments in both jurisdictions. The emphasis is on the strategic growth of the region to the benefit of the all-island economy; with unsurprisingly, Brexit being recognised as a challenge the region needs to build a resiliency around. The Strategic Growth Partnership has identified three core strands of activity – infrastructure/connectivity, business investment, and higher education pathways – as the focus for its 2017-2019 work programme. It is expected that this will be reviewed at the December 2018 meeting of the Partnership.

Partnership Agreements can also be formed around sectoral interests and/or areas of shared challenges, risks or opportunities. This is best demonstrated by the Cross-Border Emergency Management Working Group (CBEMWG) established in 2014 in response to increased frequency of flooding in the Irish border region. Taking a more thematic approach to cross-border cooperation, emergency management/planning is an area in which the notion of proximity – over jurisdiction – becomes a key criteria in determining whether collaborative measures should be put in place or not. Geography is a common driver for cross-border cooperation on emergency planning, especially in locations where a neighbouring local authority can more readily fulfill an emergency service provision (Murphy *et al*, 2016). It is argued that a well-developed emergency management programme that operates at a local level, and involves local government, must incorporate the sharing of resources including workforce, equipment, and expertise (Palm & Ramdell, 2007 quoted in Murphy *et al*, 2016). In addition, the efficient use and pooling of often limited resources in tackling common challenges makes financial sense - an increasingly key impetus for collaboration among local authorities - particularly in sparsely-populated areas (Princen *et al.*, 2014).

Across the Irish border region, for example, there is a long tradition of emergency services supporting each other on a case-by-case (or emergency-by-emergency) basis – largely based on proximity and

response times. The Northern Ireland Fire and Rescue Service (NIFRS), for example, has a Service Level Agreement with Donegal Fire Service by which NIFRS provides first response to call-outs in the border areas of Derry/Londonderry, Strabane and Belleek. Between 2007 and 2013, Co-operation and Working Together (CAWT), the cross-border partnership for the Health Authorities, held a series of cross-border training events and courses to foster shared approaches to emergencies and to ensure that the presence of the border would not become an obstacle to the efficiency of responders. In the aforementioned MOU between the Councils of Louth and Newry and Mourne, a defined area of cooperation is that of emergency planning, with the Councils committing to *“optimise the use of resources through sharing of services, facilities and personnel in responding to emergencies”* (Murphy *et al*, 2016).

In 2014, these experiences led to the identification of emergency planning as an arena for closer cooperation and the sharing of services between local government and other agencies. This, in turn, led to the establishment of the Cross Border Emergency Management Working Group (CBEMWG), a multi-agency platform based on equal representation from key government agencies in Ireland and Northern Ireland. Its membership includes ten representatives from the Southern and Western Emergency Preparedness Groups in Northern Ireland, and a further ten representatives from the North West and North East Major Emergency Management Regional Working Groups in Ireland. In addition, nominated representatives from identified key stakeholder agencies such as the Department of Environment, Community and Local Government are invited to attend meetings. The CBEMWG has been operating to a three-year strategy (2015-2018) which articulates a number of strategic priorities concerning the internal functioning of the group, the implementation of cross-border emergency management arrangements, enhanced training and information sharing, and the principle of continuous improvement.

Outside of these more formal structures, there are numerous instances of local authorities collaborating with each other on a project by project basis; similar to the Mancomunidades model operated in Spain (O’Keeffe, 2011). Relationships are formed based on shared issues and/or need; and disband again following resolution or end of project. These relationships have been key over the years to addressing social, economic and environmental challenges faced by communities, and will face, if not all, the same challenges posed by Brexit as the more formal partnerships and alliances.

SECTION 4: BREXIT – THE EMERGING ISSUES

The complexity of Brexit continues to play-out – fifteen months since the referendum vote and six months following the triggering of Article 50. Given the continued land-border between Ireland and Northern Ireland, and the ethno-political and social tensions with which it can be associated, it is unsurprising that the Irish Government has been actively seeking solutions to key challenges that lie ahead in terms of maintaining an open border and the Common Travel Area (CTA), and protecting the Good Friday/Belfast Agreement. The local authorities along the Irish border have also been very active in this space, supported by the local authority networks – not surprising when local authorities have been identified as being particularly vulnerable to the uncertainties of Brexit (All Island Civic Dialogue on Brexit, 2016); both collectively as a sector and individually as authorities (Ulster University, 2017). This section will draw on three key reports produced by the local authorities in 2017:

1. Initial Analysis of the Challenges and Opportunities of Brexit for the Derry City and Strabane and Donegal County Council areas – The North West City Region (February 2017);
2. Brexit and the Border Corridor on the Island of Ireland: Risks, Opportunities and Issues to Consider (October, 2017); and
3. Bordering on Brexit: Views from Local Communities in the Central Border Region of Ireland/Northern Ireland (November 2017).

Report 1

Commissioned by Derry City and Strabane District Council and Donegal County Council, this report recognises that the results of Brexit will have differential geographical impact across these Islands, and that the effect on the North West Region, the fourth largest City Region within Ireland, may be significant and sustained unless coherent, decisive, mitigating actions are put in place. As an initial analysis that took place before the triggering of Article 50, and the commencement of negotiations, the report offers a clear consensus on the continued need for free movement of goods, services and people across this Region, thus *“preserving the seamless border”*. Following a detailed consultation process, key challenges identified include:

- Trade – diversification and pathways for exporting, currency fluctuations, border controls, sectoral exposures;
- FDI – locational choices, corporation tax rates, quality of connectivity;
- EU Funding - cross-border funding, alternative sources, future of partnerships;
- Migration – cross-border commuting, free movement;
- Education – mutual recognition of equivalent qualifications, access to EU funding, access to exchange programme - all of which have implications for quality of the labour force;
- Health – access to cross-border health-care, sharing of data, cross-border workers;
- Tourism – border controls/ease of movement, need for visas, growing market share, connectivity;
- Enterprise – currency fluctuations, divergence in the harmonisation of standards, trade and tariff barriers, energy costs/supply;
- Construction – EU funding incl. EIB, poor connectivity/infrastructure, labour shortages;
- Retail – currency fluctuations, freedom of movement, vibrant town centres;

- Fishing – access to fishing grounds, labour supply/mobility, cross-border travel with products – tariffs;
- Agriculture – labelling, cross border mobility, tariffs, cross-border barriers;
- Logistics – labour supply/mobility, border delays.

The report concludes that the “complex cross-border relationships that exist across trade, retail, commuting, tourism and access to public services suggest that this area is disproportionately sensitive to the effects of the UK’s leaving the EU and the return of any hard form of border management” (UUEPC, 2017: 41). In terms of localised solutions to (hopefully) mitigate against the impact of Brexit⁴, a Cross-Border Free Trade Zone and local border traffic zones (as on the Polish-Russian border) are proposed, with both requiring further exploration as appropriate solutions for the North West City Region.

Report 2

This report was commissioned by the Border Corridor Local Authorities - eleven authorities spanning both sides of the Irish border – to consider the potential impacts of the Brexit decision on this cross-border region. Published in October 2017, the report highlights a number of areas potentially impacted by the Brexit result (see Figure 1) – with a particular emphasis placed on trade, agri-food and fisheries, movement of people and inward investment (Chapter 4).

Figure 1: Potential areas of Impact from Brexit



(Source: Ulster University Economic Policy Centre, 2017b)

⁴ This need for localised solutions was further reiterated at the All Ireland Sectoral Dialogue on Brexit focusing on the North West held in Letterkenny in May 2017.

Despite the fact that the Irish Border Corridor has received significant amounts of EU and other funding since the 1990s, *“it continues to lag behind national or regional averages in areas such as productivity and household incomes”* (2017b: 43). Key issues identified by the councils included:

- Trade – issues of currency differentials, diversification – both of markets and, equally importantly of the export base beyond a small number of firms;
- Agri-food – issues of currency fluctuation, continuation of CAP, diversifying the all-island supply chains;
- FDI – maintaining the competitiveness of the region, policy certainty surrounding access to markets, stronger R&D links with higher/further education;
- Movement of People – maintaining the CTA, population vitality, sustainable labour forces;
- EU Funding – cross-border funding, access to EU schemes;
- Tourism – open skies agreement, free movement, new markets;
- Border management – local authorities need to strengthen existing bilateral or multi-lateral cross-border arrangements, maintaining current level of co-dependencies which exist across Council areas.

The report recognises that there are many good policies and proposals within the existing planning hierarchy of both jurisdictions that would go some way to alleviating the challenges outlined above – from, for example, the Local Economic and Community Plans in Ireland and the Community Plans in Northern Ireland. It further calls for the maintenance of the status quo around the openness of the border, facilitating free movement of goods, services and people. Finally, it purports the creation of a new economic zone within which the free movement of goods and services would continue as now.

Report 3

This report was commissioned by the Irish Central Border Area Network and researched by Dr. Katy Hayward of the Centre for International Borders Research at Queen’s University Belfast. It echoes the concerns articulated in the other reports presented here, and notes the particular challenges that are likely to become manifest along the central border area, most notably any restrictions on the free movement of people, goods and services. Among the issues it highlights are:

- Diverging environmental standards;
- Specialised healthcare provision;
- Shrinking recruitment pools;
- The loss of EU funding (including CAP);
- Tourism decline; and
- Tariff barriers.

The overarching significance of this report is that it presents issues and concerns as identified through an extensive consultation process with citizens and communities on both sides of the border. Indeed, the consultation process noted that Brexit was already beginning to have a polarising effect, and that this was most adversely affecting economic interests. Citizenship rights and the status of cross-border workers emerge very strongly as key concerns. Almost all those who participated in the research (94%) believe that Brexit will affect them, with three-quarters of respondents saying it will affect their community ‘to a great extent.’ These responses are reflected on both sides of the border.

This report acknowledges that there are unknowns and risks associated with Brexit, and that there is a need for authorities in both jurisdictions to avoid any return to back-to-back planning and/or development. It calls for careful consideration of common interests, and it notes the role of Dublin, London and Brussels in safeguarding these, and in supporting the desire and commitment of local stakeholders – regardless of their views on Brexit or politics – to collaborative working and deriving mutual benefits.

These reports, in their own way, recognise the *“resilience within the local government system to make pragmatic choices”*, particularly given their enhanced role in local economic development (Ó Riordáin, 2017). They also place an emphasis on each local authority to be alert to the implications of the final Brexit deal on their respective administrative areas, and they elucidate the multi-dimensional and cross-cutting nature of the issues.

The Role of Local Government

As noted by Keyes (2017), himself a former local authority Chief Executive, there is an onus on local government to provide *“leadership and develop innovative solutions to problems that arise”*; that the relationships nurtured with local and indeed, national and regional, stakeholders – whether economic, social, cultural or environmental – can and should be drawn upon to identify solutions (p.4). Local government, it must be remembered, play a unique combination of roles:

- They are providers of public services;
- They have collaborated closely with colleagues in neighbouring councils – including cross-border – on policy development and regulators of standards (e.g. waste management, river basin catchments, retail strategies, capital investment in roads, land zonings, etc.);
- They play a key role in supporting local businesses and promoting local economic development and growth – a role that has expanded in recent years;
- They have co-designed and implemented funding programmes – often cross-border in nature; a process that, on occasion, has required cooperative mechanisms to be put in place between local government bodies on both sides of the border (Keyes, 2017; LGA, 2017).

As a result, local government bodies hold a wealth of experience and knowledge on collaborative working processes in terms of what works/what doesn't work including the structures and skills required, the specificities on various sectors, financing models, etc.

Based on the key challenges/issues in each of the reports above, and based on analysis of other reports produced by Grant Thornton (2016), IBEC (2017), Centre for Rural Economy (2017), Keyes (2017) it is clear that the future workings of local government, particularly in the space of collaborative working, will be (negatively) impacted upon. The risks (and opportunities) will vary from place to place. Some ways in which these impacts/risks will present itself include:

- Regulatory divergence between the EU and the UK – impacting on economic trade, environmental management/conservation, etc.;
- Reduced business rates stemming from reduced growth;

- Issues around the transfer of data between Ireland and the UK which, in turn, could negatively impact on cross-border public service provision in areas of housing, health, education;
- Reduced efficiencies and effectiveness of service delivery – resulting from the combination of diminished EU funding and ongoing local government budget cuts;
- Procurement – currently subject to EU rules, how will this change depending on the UK’s positioning within/without of the Single Market and/or Custom’s Union (Ulster University, 2017);
- Project delivery/loss of funding – how will local authorities deliver on projects previously made possible through EU funding?; and
- Increased controls on immigration and removal of free movement provisions thus introducing travel and labour market barriers – particularly pertinent when one considers that over a third of the workforce in Derry City and Strabane District Council, for example, reside in Ireland (Gallagher, 2017).

Emerging Issues

Honing in on the issues facing local government and future collaborative working arrangements on a North-South basis post-2019 (across an external EU border), the ICLRD have classified ‘known’ key challenges/risks under five key headings:

1. Governance and Legal Framework;
2. Financial Arrangements;
3. The Specific Role(s) of Local Authorities;
4. Citizen and Civil Society Engagement; and
5. EU Role.

1. Governance and Legal Framework

Along the Ireland-Northern Ireland border, inter-jurisdictional collaboration pre-dates the Good Friday/Belfast Agreement, with local government and civil society bodies being to the fore in initiating contacts and cooperation. Arrangements were generally informal initially, but progressively became more formalised and resilient, as local authorities and others acquired greater know-how and increased contacts. The 1998 Agreement, and the subsequent normalisation of political relations on this island and with Britain, have provided further impetus for collaboration and have brought about an increased range of legal and institutional cross-border arrangements, the effects of which has been to involve more actors in cross-border cooperation, and further formalise and facilitate cross-border engagement. Local authorities are to the fore in giving effect to collaboration, while their operations are affected by the broader geopolitical context. Looking at international experiences and considering the role of inter-governmental relations and inter-state legal frameworks, the following issues emerge:

- The extent to which inter-state treaties and the associated formal inter-governmental machinery shapes or influences agendas and dynamics in respect of cross-border collaboration as promoted by local authorities; and
- The significance, or otherwise, of vertical and horizontal governance interfaces and mechanisms, particularly those driven by and/or involving local government.

These considerations give rise to the following questions:

- Now that the UK is due to leave the EU and inter-governmental relations between Ireland and the UK have been adversely affected, are there transferable legal and/or institutional models or examples from elsewhere that provide for continued inter-governmental and inter-state interfacing, which provide a supportive backdrop and conducive political environment in enabling local authorities to engage in collaboration?
- How do sub-national authorities formally engage with one another across external EU borders?
- How do sub-national authorities relate to, or engage with other institutions, including, if relevant statutory or regulatory bodies in the other jurisdiction?
- What mechanisms or models of co-decision making exist in scenarios when one of the participating states is not an EU-member?

2. Financial Arrangements

European Union funding has been integral to the rollout of cross-border initiatives on the island of Ireland. Actors in both jurisdictions have enjoyed access to various EU funds, such as INTERREG. Actors at all tiers of government have successfully accessed and utilised these funding streams to promote local economic development, among other goals. In addition, the EU supported a dedicated PEACE Programme that has brought to fruition several inter-community and cross-border projects. As noted in the research reports cited here, the UK's exit from the EU raises questions and poses challenges in respect of the ability to qualify for EU funding. Thus, Brexit will, in all likelihood, place an additional onus on national authorities to fill the void caused by an inability to access EU funds. Moreover, local authorities may well have to raise funds themselves if they wish to promote projects. Thus, the following questions need to be considered:

- Does the EU fund, and can the EU fund, cross-border projects and initiatives involving actors in non-EU member states? If so, what funding mechanisms exist, and how do these operate?
- How does the operation of EU funding mechanisms in external cross-border contexts compare and contrast with current mechanisms on the island of Ireland?
- In the absence of EU funds or in the case of ineligibility, who provides local government with the requisite funding for cross-border initiatives or projects, and how are such funds raised?

3. The Specific Role(s) of Local Authorities

Recent reforms of local government, particularly in Northern Ireland, have brought about greater alignment in terms of functional remit between local authorities, North and South. Planning functions are among local authorities' core functions, while those in Ireland are, since 2014, also charged with increased responsibilities for local economic and community development. As local authorities in both jurisdictions come to exert greater decision-making powers and gain increased political significance, there are merits in their looking at the roles and responsibilities of their equivalents in other states. These merits are valid in a general sense, but they are specifically valid in respect of cross-border engagement. Any comparisons with other jurisdictions must take account, however, of the issues of scale and function. Local authorities in Ireland and the UK operate over larger geographical units, but have narrower ranges of functions than is the case in other OECD countries. Thus, while they are enablers of development and deliverers of essential local services, local authorities on this island are challenged by a relative lack of influence over many policy areas. Therefore, in looking at international examples, it is important to focus on both the functional areas that come within the remit of local authorities and those that are governed at a higher tier. Indeed, an initial trawl of international examples reveals that local authorities may be involved as consultative partners, if not as full delivery

agents, in respect of inter-jurisdictional projects that are beyond their legally-defined functional remits. In such cases, project leaders acknowledge the soft power of local government and its ability to bring particular knowledge and cultural capital to collaborations. Therefore, in studying the specific roles of local authorities with respect to cross-border engagement it is worth reflecting on the following questions:

- How has engagement in cross-border cooperation affected the operations of local authorities?
- What are the main sectors and functional areas in which local authorities deliver projects (as a result of cross-border cooperation)?
- How has cross-border cooperation affected the budgets, resources, capacity and orientation of local authorities?
- How do local-level actors envision the future of cross-border cooperation?
- Are inter-local authority cross-border relationships mainly bilateral or multilateral, or both? What have been the factors that have shaped such relationships?
- What is the nature of the relationship between local government and other actors (e.g. the private) sector with respect to the promotion of cross-border cooperation?

4. Citizen and Civil Society Engagement

On the island of Ireland, civil society organisations are proactive and prominent in the delivery of services and in the promotion of economic development. Emergency services, such as the fire services and search and rescue rely considerably on volunteers. By extension, civil society organisations are key actors in enabling cross-border collaboration and are heavily involved, both formally and informally, as co-decision makers with other actors. Previous ICLRD and other studies have noted the leadership role played by civil society in initiating, fostering and expanding cross-border collaboration. Local government reforms, particularly in Ireland, provide for formalised engagement mechanisms between local government and civil society. Civil society brings particular strengths to cross-border collaboration, but it also faces greater resource limitations and more insecurities than do statutory and semi-statutory actors. Thus, harnessing the resources and capacities of civil society represents an important consideration in advancing cross-border collaboration. To this end, it is worth contemplating the following questions:

- What roles, if any, do civil society organisations play in cross-border collaboration in other jurisdictions, and how do such roles interface with, or influence local government agendas?
- Is the ability of civil society to engage in cross-border collaboration hampered in the context of external borders and in the absence of the freedom of movement associated with membership of the EU and the Single Market? If so, how are such barriers overcome?

Cultural proximity, and cultural, social and family ties and bonds have served to stimulate and underpin many cross-border initiatives on the island of Ireland. Moreover, cultural projects often serve as a gateway to more extensive collaborative arrangements. In many international contexts, inter-state boundaries and indeed external EU borders do not conform to the boundaries of nations. Consequently, communities with shared cultural and ethnic identities find themselves living in different states. In such cases, e.g. Romania – Hungary (the Hungarian population in Transylvania) EU membership and freedom of movement have served to expedite and facilitate cross-border cooperation. As this assumption may no longer apply on the island of Ireland, there is a need to look, particularly for the nationalist community, at ways in which cultural linkages can be furthered and developed.

5. EU Role

In addition to its role in funding cross-border cooperation, the EU has proven itself to be an enabler of collaborative governance. Regulatory alignment among member states has brought about a simplification with respect to the administration of projects, and in particular the putting in place of cross-border infrastructure – both hard and soft. As the UK exits the single market and the jurisdiction of the ECJ, new challenges may emerge for local authorities and others engaged in cross-border cooperation on this island. Among the questions that need to be deliberated are:

- Is regulatory alignment in place, and if not, how do EU regulations and standards apply to cross-border cooperation activities?
- What role do local authorities play in enforcing EU requirements?
- What networking arrangements and mechanisms exist in respect of third-country actors?

In addition to addressing the thematic issues and questions presented above, the forthcoming studies provide opportunities to access relevant research and to examine mechanisms for review and evaluation. Among the relevant questions are:

- Have there been reviews or evaluations of cross-border cooperation? If so, what are the main messages arising from these reviews?
- Are reviews undertaken externally/independently, or are they undertaken by the agencies/authorities themselves?
- How do local actors engage in self-evaluation?
- Are universities involved in the reviews of cross-border cooperation?
- How is evaluation resourced?

SECTION 5: CONCLUSION

The deep economic, social and cultural links between Ireland and Northern Ireland leaves the island of Ireland particularly exposed to the disruption of Brexit. North-South political, legal and institutional ties, common approaches and mutually-beneficial collaborative frameworks have emerged and been consolidated over the past two decades against the backdrop of EU membership and with EU support - both tacit and explicit. Processes of European Integration are strongly associated with local-level inter-jurisdictional collaboration on the island of Ireland. Local authorities have been among the foremost actors in driving cross-border collaboration, recognising the benefits that flow to them and to the people they serve. Such collaboration has improved efficiencies, enhanced services and engendered modes of collaborative governance that have fostered peace, reconciliation and mutual understanding and respect. There have been clear economic dividends. Since the UK's decision to leave the EU, local government actors, businesses, communities and individuals on both sides of the border have been actively questioning the implications of Brexit and have been endeavouring to put in place creative responses, so as to minimise risks and maintain the benefits associated with collaboration. Indeed, Brexit calls for local authorities to look specifically at strategies for and means of enabling local economic development.

Over the past twenty years, local authorities have successfully levered EU funds and supports into border areas, and have made strategic investments in hard and soft infrastructure, drawing on EU resources and mechanisms. The local government sector's ability to access EU supports has been called into question as Brexit looms. Brexit has also caused local actors to reflect on the possible implications of the collaborative frameworks, including MoUs and partnership agreements that give effect to collaborative arrangements, and through which specific benefits are derived locally. In addition, the changed relationship between the UK and Ireland/the EU is likely to bring about legal and administrative changes that may well affect the ways in which local authorities apply standards and regulations. These may also have implications for the ways in which local authorities engage with one another and with other stakeholders. While the consequences of these may be far-reaching, of immediate concern is the governance and delivery of shared services, including emergency services.

Research undertaken to date reveals the extensive range of sectors, issues and themes involving local government, which Brexit affects. This research also acknowledges the scale of these and the complexities associated with institutional change, uncertainties and possible risks. It notes the need for creative approaches and responses. Previous work undertaken by the ICLRD notes the capacity of local authorities to be to the fore in driving such approaches, and our international linkages will, in Phase Two of this research, contribute to identifying potential signposts, models and templates to enable ongoing and mutually beneficial collaboration be Brexit, hard or soft.

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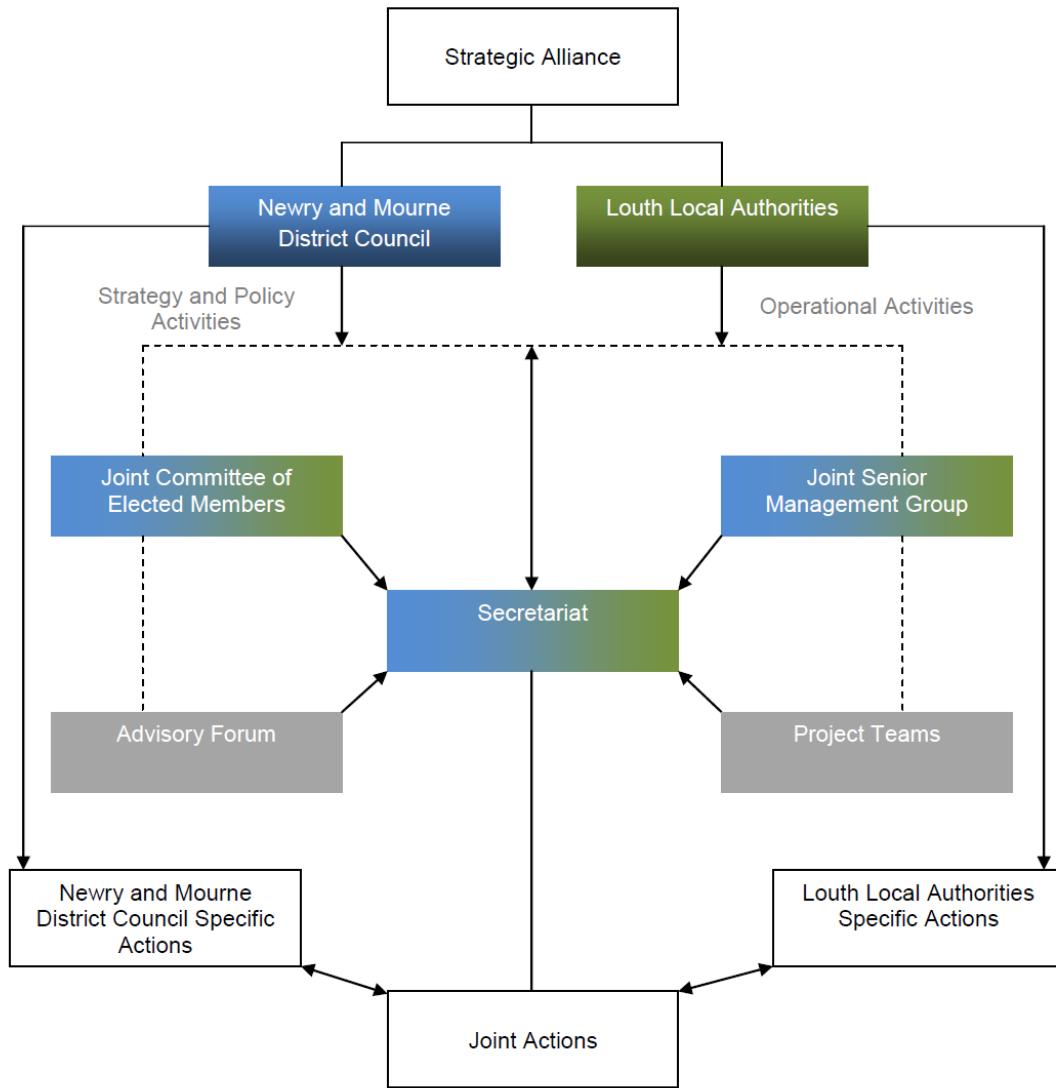
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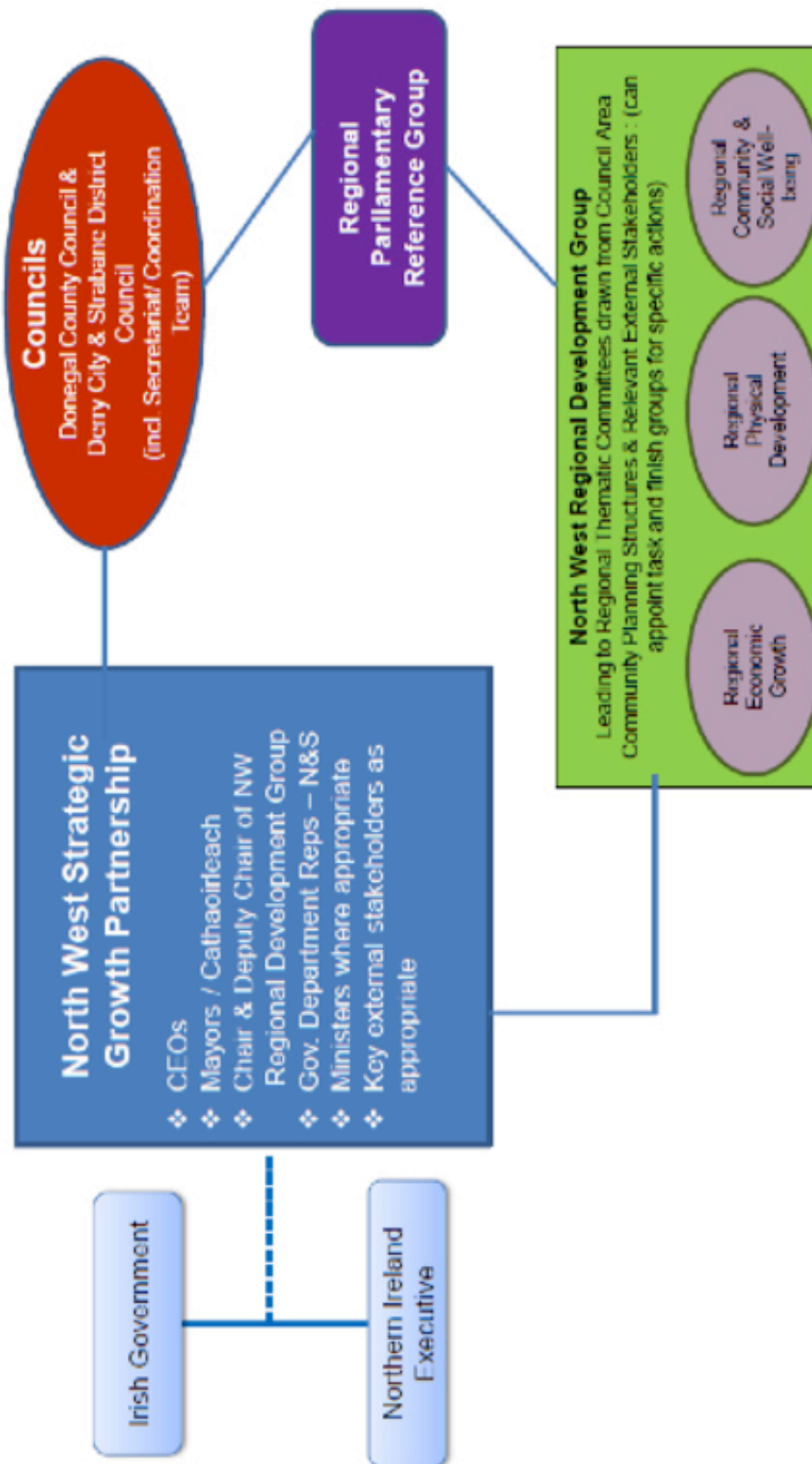
APPENDIX 1

Figure 2: Organisational and Reporting Structure of the strategic Alliance between Newry & Mourne District Council and Louth Local Authorities



(Source: Driscoll & McClelland, 2010)

Figure 3: Structure of the New Formal Collaborative Partnership in the North West Region



(Derry City and Strabane District Council & Donegal County Council, 2016)

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