Zürcher Beiträge

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Ready for Peace?

**The Implementation of the Good Friday
Agreement in Northern Ireland 1998–2002**

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Foreword

The implementation of the Good Friday Agreement, reached during the Multi-Party Negotiations of 1997/1998, has proven to be very complicated, and the process is not yet complete. Although some of the new institutions set out in the agreement have been established and the paramilitary organisations have decommissioned a significant number of arms, the peace process in Northern Ireland has been slow and fraught with crises.

This study examines the main factors and core issues of the implementation of the Good Friday Agreement in order to assess the significance of the Agreement to the peace process in Northern Ireland. It reflects the fact that most parties in Northern Ireland are ready and willing to coexist peacefully on the basis of the implementation process. The study thus focuses on the provisions of the Agreement, as well as on the developments in the first four years of the implementation process (1998-2002). It discusses the roles and positions of the major political actors in Northern Ireland, especially of the large official parties and the British and Irish governments. It further addresses the core issues surrounding the conflict, which remain partly unresolved.

The author concludes that the Good Friday Agreement represents a major step towards peace in Northern Ireland but that the process is far from complete. The study uses a historical approach and is thus based on many resource documents, especially official reports from the Northern Ireland Assembly, negotiation documents, government papers and newspaper articles.

The editor would like to thank the author, who was a research assistant at the Center for Security Studies at ETH Zurich (Swiss Federal Institute of Technology) until summer 2003, for her contribution to the research on the conflict in Northern Ireland.

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List of Abbreviations

AIA	Anglo-Irish Agreement 1985
ANIA	Americans for a New Irish Agenda
APNI	Alliance Party of Northern Ireland
CAC	Continuity Army Council
DUP	Democratic Unionist Party
EU	European Union
FAIR	Families Acting for Innocent Relatives
FARC	Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia)
HURT	Homes United by Republican Terror, later changed to 'Homes United by Recurring Terror'
IICD	Independent International Commission on Decommissioning
INC	Irish National Caucus
INLA	Irish National Liberation Army
IRA	Irish Republican Army
LVF	Loyalist Volunteer Force
MP	Member of Parliament
MEP	Member of European Parliament
NIA	Northern Ireland Assembly
NIAOR	Northern Ireland Assembly Official Report (Hansard)
NILP	Northern Ireland Labour Party
NIWC	Northern Ireland Women's Coalition
PUP	Progressive Unionist Party
RUC	Royal Ulster Constabulary

RUSI	Royal United Services Institute for Defence Studies
SDLP	Social Democratic and Labour Party
SF	Sinn Féin
UDA	Ulster Defence Association
UDP	Ulster Democratic Party
UFF	Ulster Freedom Fighters
UK	United Kingdom of Great Britain and Northern Ireland
UKUP	United Kingdom Unionist Party
USA	United States of America
UUP	Ulster Unionist Party
UVF	Ulster Volunteer Force
WTC	World Trade Center

Note on Terminology

In the paper the terms Unionist, Nationalist, Loyalist and Republican are capitalised to denote parties or organisations and their members; without capitals they refer to supporters within the wider community. Although not all Protestants are unionists and all Catholics are nationalists, it is a commonly held perception that religious belief or upbringing corresponds with political allegiance. The terms 'Protestant' and 'Catholic' are used in the text where political allegiance merges with communal membership. Terms such as Ulster and Londonderry, which are mainly used by members of the unionist community, and the Six Counties, the North and Derry, which are mainly used by members of the nationalist community, reflect the different political and cultural perceptions. To avoid adopting any political position, the term 'Northern Ireland' is used to describe the geographical and political entity in the North-eastern part of Ireland (The term 'Northern Ireland' is not neutral because it implies that the Northeast is independent, which is not the case). For reasons of convenience, the terms 'Republic of Ireland' and the 'Irish Government' – rather than 'Ireland' (this describes the whole island of Ireland) and the 'Government of Ireland' – are used in the text to avoid confusion.

Good Friday Agreement. The official title of the Agreement is 'The Agreement Reached in the Multi-Party Negotiations'. The name 'Good Friday Agreement' is attached to the day when it was reached. This expression is now mainly used by cultural Catholics. The term 'Belfast Agreement' is that of the UK government, and is used by many cultural Protestants – even though the Agreement was created in many places. Internationally, the Agreement is known as 'Good Friday Agreement'. In this study, the three names are used as equivalents.

Introduction[*]

Today is only the beginning, it is not the end.
Headline on the front page of the
Irish News, 11 April 1998.

The implementation of the Good Friday Agreement appeared to be almost completed, four years after it was signed. The novel institutions are established, the Irish Republican Army (IRA) has decommissioned a significant amount of its arms, and the new police service is launched. Northern Ireland is said to have learned about peace.[**]

The Good Friday Agreement or, variously, the Belfast or the Agreement Reached in the Multi-Party Negotiations was achieved on 10 April 1998. Since the fall of the Sunningdale Agreement in 1974, the British and Irish Governments had sought a settlement that would have cross-community support and would bring a permanent end to violence. With the Belfast Agreement, it seemed, it had been achieved, based on a compromise not only between unionism and nationalism, but also between loyalism and republicanism. In two referendums held on the same day, 22 May 1998, the settlement secured the support of a large majority in the North (71 per cent) and an overwhelming majority in the South (94 per cent). Its significance was recognised even among unionist opponents in Northern Ireland.

In the immediate aftermath of the Agreement, widely different interpretations were put forward by commentators and politicians. Some saw it as the starting point for new relationships not only in Northern Ireland, but throughout the island of Ireland

and between the two islands of Ireland and Great Britain. Others declared it to be an error that could open the back door for unacceptable claims from both sides. Some defined it as a positive step for the Union, others saw it as a victory for nationalism. Many saw it as a historic compromise between two communities which remain unchanged by it, while others hoped it would be the starting point of a process of transformation, which would soon bring far-reaching cultural, institutional and constitutional change.

Between these extremes of optimism and pessimism, the most informed voices called for caution. The party leaders who negotiated the Agreement stressed that it would work only if people applied their minds and will to make it work. The most neutral, but directly involved observer of the peace process, US-Senator George Mitchell, chairman of the peace talks leading to the Agreement, warned that the Agreement might not be in existence in eighteen months' time and commented on the complete lack of trust, 'a presumption of bad faith', between unionists and republicans.[1]

Four years after the signing of the Good Friday Agreement, it should be possible to give a first evaluation of the implementation process. There is now some distance from the immediate emotion which opens the way to view the Agreement in a more reflective and analytical way and to understand better the forces which formed it, the background in which it has been implemented and the aspects which address the direct causes of the underlying conflict.

This study will assess the significance of the Good Friday Agreement for the Northern Ireland peace process. It analyses the different steps that have been taken to reach a successful implementation of the Agreement and the roles and efforts of the different parties in the implementation process. It also addresses some issues, which remained partly unresolved, and tries to interpret facts and statements to promote a better understanding of the

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1   George MITCHELL. Article in *The Times*, 13 April 1998. Democratic US-Senator George Mitchell chaired the multi-party talks leading to the Good Friday Agreement. Furthermore, he played a great role in fall 1999 by reviewing the implementation process.

core questions of the conflict in Northern Ireland. This study cannot offer a final judgement because the implementation process is only partly completed. It can, however, reflect the underlying conditions, the crucial points of the Agreement, the way in which the Agreement has been implemented or could be implemented in the future, and the tendencies and processes which threaten a successful implementation.

The central goal of this study is to examine the main factors and core issues in order to assess the significance of the Good Friday Agreement for the whole peace process. Which factors and issues influenced the implementation process of the Good Friday Agreement 1998–2002, and what can they tell about the significance of the Agreement for the Northern Ireland peace process so far? What is the Good Friday Agreement about? Which factors have been crucial, and which political positions influenced the realisation and implementation of the Good Friday Agreement? Which issues lay at the heart of the implementation process?

This study wants to reflect Northern Ireland's preparedness and ripeness for a peaceful co-existence on the paradigm of the implementation of the Good Friday Agreement. An observable fact running through the whole implementation process is the lack of trust between the two communities. When having a closer look at the history of Northern Ireland, mistrust and misunderstandings can be detected as shaping conditions since the immigration of Protestant settlers in the 17th century to the Catholic north of Ireland. This resulted in deep cultural, religious and political differences.

In 1801, in an attempt by Britain to secure more direct control of Irish affairs, the *Act of Union* decreed that the kingdoms of Great Britain and Ireland would 'be united into one kingdom, by the name of the United Kingdom of Great Britain and Ireland.'[2] The *Act of Union* was and remained for almost 200 years the legal basis of British sovereignty over Ireland, and later, over Northern Ireland. Ever since its establishment, the right of the United Kingdom Parliament to sovereignty in Ireland has been contested by

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2 *Act of Union* 1801, Article 1. http://dspace.dial.pipex.com/town/terrace/adw03/c-eight/1801act.htm (State of all internet references: 25 May 2002).

nationalists who have demanded the right of self-determination for the Irish people. The problem, however, was defining the Irish nation. In pre-partition Ireland, unionists, who were mainly Protestants, violently opposed the 'Home Rule' claimed by nationalists. This was particularly true for the nine-county province of Ulster in the north. In 1911, Ulster Protestants organised themselves in an armed paramilitary force to resist an extension of Home Rule to the whole island. A civil war seemed imminent.

A settlement of the Irish question was postponed by the outbreak of the First World War. After the end of the war, the British government started a new attempt to frame a Home Rule scheme for Ireland. Ulster unionists would accept a Home Rule Bill for Ireland only if the island was partitioned, with at least six of the nine Ulster counties remaining outside the jurisdiction of an Irish Parliament.[3]

The *Government of Ireland Act* of 1920 partitioned Ireland, creating two jurisdictions within the island of Ireland and also within the United Kingdom. 'Northern Ireland' was the name given to the aforementioned six counties, 'Southern Ireland' was to consist of the remaining twenty-six Irish counties. The settlement led to violent confrontations between those willing to accept partition and those who believed it to be a betrayal – especially between the armed wing of the republican movement, the Irish Republican Army (IRA), and British forces in Northern Ireland.

The 1921 Anglo-Irish Treaty signed by Great Britain and Sinn Féin (SF) led to the establishment of the Irish Free State (comprising the twenty-six counties of 'Southern Ireland' as defined in the *Government of Ireland Act*) as an Irish Dominion within the British Empire, but outside the United Kingdom. This ended the political unity of the British Isles. The sovereignty of the Irish Free State was constrained by British impositions in the treaty. The result was a civil war in the new state, and a constitution that was widely regarded as illegitimate in Ireland because of its conformity with the treaty. In 1937, the name was changed to

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3   The six counties were Armagh, Antrim, Derry (Londonderry) and Down with Protestant majorities alongside Fermanagh and Tyrone with Catholic majorities, but substantial Protestant minorities. For a map of Northern Ireland see Annex C.

Ireland – 'Éire' in the Irish language – and a new constitution was introduced and popularly endorsed. Article 2 of the constitution, defining the Irish nation, declared that 'the national territory consists of the whole island of Ireland.' Article 3 stated that 'pending the re-integration of the national territory', the Irish parliament and government, established by this constitution, have the right 'to exercise jurisdiction of the whole of that territory.'[4] This was a territorial claim. According to the Irish constitution, Northern Ireland was part of both the Irish nation and, in principle, part of the independent Irish state. Thus the right of British sovereignty in Northern Ireland was challenged. As was proved in the following decades, this threat to British claims on Northern Ireland would become a major issue in the conflict between unionism and nationalism.

Grievances and dissatisfaction of the Catholic and nationalist minority in Northern Irland grew over the decades following the definitive partition of the island. Unionist domination on every political level and as a consequence, discrimination of the Catholic/nationalist minority divided the society. The economic prosperity in the 1950s led to a relaxation of social and political tension. From this position of strength, some small but growing sections of the Protestant population were willing to adopt a more liberal position towards the minority. During the 1960s, the Catholic middle class could thus engage in civil rights campaigns. The Northern Ireland Civil Rights Association was formed in 1967 to demand liberal reforms, including the removal of discrimination in employment and housing, permanent emergency legislation and electoral abuses. The civil rights campaign was modelled on comparable campaigns of Afro-Americans in the United States and involved protests, marches, sit-ins and the instrumentalisation of media in order to make minority grievances public.

However, the local administration was unable to handle the growing civil disorder. In 1969, the British Government sent troops to support the local efforts. The British presence, originally

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4   1937 *Constitution of the Republic of Ireland*, Articles 2 and 3. http://cain.ulst.ac.uk/
    issues/politics/docs/coi37a.htm. The current Constitution of the Republic of Ireland
    can be viewed under http://www.irlgov.ie/taoiseach/publication/constitution/intro.htm.

welcomed by Catholics, soon led to aversions and finally to the revival of the armed republican movement. The newly formed Provisional IRA began their violent struggles against British presence in Northern Ireland. Violence peaked in 1972 with 468 killed, by far the worst year of the Troubles.[5] Considerable tracts of Northern Ireland were becoming deeply ethnically divided, with thousands forcibly expelled from their homes.[6] Faced with these facts, the British Government suspended the Northern Irish Parliament at Stormont and imposed Direct Rule from London. To find a way out of the spiral of disorder, British and Irish Governments began to search for a new political accommodation. The Sunningdale Agreement of 1973 was a first attempt, but lasted only five months. The reason for its failure was firstly the shock felt by the unionist community at losing their majority-controlled parliament and the realisation that they would have to share power with nationalists. The fear was that nationalists would have the possibility of destroying Northern Ireland's constitutional position from within. Added to this was the fact that the Irish Government could not recognise Northern Ireland as part of the United Kingdom without proposing a constitutional change that would have required endorsement in a referendum which it could not be sure of winning. But the fundamental error of the Sunningdale Agreement was that the agreement was confined to unionist and nationalist moderates only; the respective hard-liners were not included. Furthermore, neither unionists nor nationalists understood or accepted the legitimacy of each other's position. In the following decades, mutual acceptance had to be learned by both unionists and nationalists.

5   One of the worst and probably best-known incidents in Northern Irish history took place on 30 January 1972, called 'Bloody Sunday'. 14 unarmed Catholic civilians were killed at a civil rights march in Derry (Londonderry). They were shot by the British army.
    The expression 'the Troubles' is the popular paraphrase for the more than thirty years of conflict in Northern Ireland, starting in 1969.
6   Henry McDONALD, David Trimble's biographer, even says: 'It could be said that the first example of ethnic cleansing in post-war Europe occurred not in the Balkans, but in Belfast.' Henry McDONALD. *Trimble*. London: Bloomsbury, 2000. 33. However, Northern Ireland is doubtlessly not the only place where ethnic cleansing took place. A similar example to the Northern Ireland case is the ethnic cleansing in Cyprus from the mid-1960s until the definite partition of the island in 1974.

The Belfast Agreement was once famously described as 'Sunningdale for slow learners.'[7] It is the second cross-community settlement since the beginning of the political crisis known as the 'Troubles' and involves not only moderate unionists and nationalists, but also republicans and loyalists, which is new to the peace process. Unlike the Sunningdale Agreement, the Good Friday Agreement is still in place, four years after it was signed, although implementation has been slow and crisis-ridden. Reaching the written agreement seems to have been the easier part; implementing it has proved far more difficult. Unionists and republicans still disagree over the interpretation of key clauses of the Agreement. Its implementation has been uneven: progress was made on matters which were mostly in the hands of the governments, like elections to the Northern Ireland Assembly and the establishment of new cross-border institutions. The implementation of issues where a greater involvement of the Northern political parties was required has proved more difficult, especially in terms of decommissioning, policing, prisoner release and the formation of the Executive.

In one way or another, the Belfast Agreement has changed the political landscape in Northern Ireland and throughout the two islands. The question remains: What has Northern Ireland changed into? Widely different opinions exist in the literature. In general, the literature on the implementation of the Agreement is sparse for two reasons: first, we are still in the middle of a process whose outcome is far from clear and on which there is no possibility to attain a final statement. Second, many authors have focused on the process of achieving the Agreement and what they thought it meant for peace in Northern Ireland rather than the analysis of the implementation process. One finds mostly sociological studies or analyses by political scientists concerned with specific topics

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7   Seamus MALLON. He described the last rounds of the talks in April 1998 as 'Sunningdale for slow learners'. He was the SDLP chief negotiator in the talks leading to the Good Friday Agreement. Mallon was cited in the media in the days after the signing, for example in *The Irish Times*, 11 April 1998; in *The Observer*, 12 April 1998; or in the *BBC Online News* http://news6.thdo.bbc.co.uk/hi/english/events/northern_ireland/latest_news/newsid_75000/75981.stm.

of the conflict[8] such as demographic matters, the kind of victims resulting from sectarian violence[9] or comparative perspectives of the conflict[10]. Only a few historical investigations of the implementation process exist.[11] Three different views can be observed in the small amount of existing literature: an optimistic, a moderately optimistic and a pessimistic view.

Optimists see an end to the centuries-old conflict between Catholics and Protestants as well as between Britain and the Republic of Ireland. Thomas Hennessey describes the Agreement as 'historic compromise', which 'created a new confederal relationship between the two sovereign states of the British Isles and a new confederal relationship between (…) the Republic and Northern Ireland.' The Multi-Party Talks process 'was an

8   A good overview of the different aspects is given by the following collections of essays: *After the Good Friday Agreement: Analysing Political Change in Northern Ireland*, ed. Joseph Ruane and Jennifer Todd. Dublin: University College Dublin Press, 1999. And *Aspects of the Belfast Agreement*, ed. Rick Wilford. Oxford: Oxford University Press, 2001. Both collections try to view the Agreement, the talks process and the steps of implementation from different perspectives. The books draw together scholars from the fields of politics, social sciences and law. The articles are written from a variety of theoretical and methodological perspectives. This offers a broad view of the different aspects of the Good Friday Agreement.

9   See for example Mike MORRISSEY and Marie SMYTH. *Northern Ireland After the Good Friday Agreement: Victims, Grievance and Blame*. London and Sterling, VA: Pluto Press, 2002. They examine the implementation of the Good Friday Agreement in the context of the violence of the past and the continuing sectarian violence of the present . Mike Morrissey and Marie Smyth look at issues facing a society coming out of a protracted period of low intensity conflict such as victims, the impact of the Troubles on the society as a whole and the problematic experiences of the young generation which has grown up with the Troubles.

10 An interesting example is *Northern Ireland and the Divided World. The Northern Ireland Conflict and the Good Friday Agreement in Comparative Perspective*, ed. John McGarry. Oxford: Oxford University Press, 2001. This collection of articles compares Northern Ireland with divided societies in other parts of the world. The collection includes analyses of the conflict in the Basque Country, Canada, Cyprus, Corsica, East Timor, Lebanon, Israel/Palestine, Puerto Rico, South Tyrol, Sri Lanka and South Africa. The aim of the book is to show that comparative analysis is essential to understand the dynamics of the conflict in Northern Ireland. Furthermore, it can help to understand ethnic conflict in general, especially in terms of conflict resolution.

11 A chronological analysis is provided by Thomas HENNESSEY. *The Northern Ireland Peace Process. Ending Troubles?* Dublin: Gill & Macmillan, 2000. Thomas Hennessey considered a huge amount of official sources and news papers to give a review of the peace process. The focus of the book lies on the years before 1998, although one part is concerned with the Belfast Agreement. The study analyses the progress made in the talks and negotiations beginning in the late 1980s.

apt comment on both Unionists and Nationalists' and in his view, 'it seems highly unlikely that the Belfast Agreement could have been secured at an earlier stage.'[12] Ruane and Todd speak of a 'healing process', a 'new beginning', the 'achievement of reconciliation, tolerance and mutual trust' as well as of 'partnership and equality'.[13] This optimistic view reflects a general movement from ideological absoluteness and dogmatism to secularism, liberalism and religious pluralism. The reason for this shift lies among other things in the global changes – for example European integration and the post-Cold War environment – which are also impacting on Northern Ireland. Jonathan Stevenson describes the impact of European integration on the conflict. In his view, European unity presented economic and political incentives substantial enough to provide a weakening of national identities. By creating a common identity among nations, transnational economic, political and cultural forces can provide conflict resolution.[14] This view is also supported by the chief negotiator of the Social Democratic and Labour Party (SDLP) and former party leader John Hume. He has always stressed the impact of European integration on the peace process. In his Nobel Peace Price acceptance speech in Oslo 1998, he said that the peoples of Europe created institutions which respected their diversity – the same institutions have been established in Northern Ireland. 'Once this institutions are in place and we begin to work together (…), the real healing process will begin and we will erode the distrust and prejudices of our past and our new society will evolve, based on agreement and respect of diversity.'[15] On the bilateral level, the consolidation of British-Irish relations in the last decade has helped to improve communal relations

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12   HENNESSEY, *The Northern Ireland Peace Process*, 217/218.
13   Joseph RUANE and Jennifer TODD. "The Belfast Agreement: Context, content, consequences." In *After the Good Friday Agreement*, 22.
14   Jonathan STEVENSON. "Peace in Northern Ireland: Why Now?" *Foreign Policy* (Fall 1998): 41–54. 43.
15   John HUME, Nobel Peace Prize acceptance speech. Oslo, 10 December 1998. http://www.nobel.no/eng_lect_98h.html.

within the island of Ireland.[16] The shift in both Irish and British approaches to the Northern Ireland question provided a context in which both communities could begin to move towards a society based on mutual trust.[17] Cathal McCall, expert on communal identity matters, also points to the weaker polarisation between the two communities. 'The adoption of liberal nationalism,' he argues, 'in a climate of postmodern structural change [European integration] enables a nationalist identity to recreate itself in a way that allows it (…) to fulfil the demands of the democratic principle [at best]'.[18] The democratic principle needs mutual acceptance of the legitimacy of the other community's claims. Optimists argue that this could be achieved with the Good Friday Agreement.

A less optimistic view, however, argues that the Belfast Agreement is only one step within the dynamics of the traditional conflict rather than a sign that the conflict is coming to an end. The Agreement anticipates a shift from a high to a low intensity level of the conflict, which may return to a high intensity phase in the future. There are signs suggesting that the lack of trust remains the crucial concern of the conflict in Northern Ireland and may still

16   An interesting overview concerning the British influence on conflict regulation is given by Brendan O'DUFFY. "Containment or regulation? The British approach to ethnic conflict in Northern Ireland." In *The Politics of Ethnic Conflict Regulation: Case Studies of Protracted Ethnic Conflicts*, ed. John McGarry and Brendan O'Leary. London, New York: Routledge, 1993. 128–150. More recently, O'Duffy published two essays on British and Irish conflict regulation, namely "British and Irish conflict regulation from Sunningdale to Belfast. Part I: Tracing the status of contesting sovereigns, 1968–1974." *Nations and Nationalism* 5/4 (1999): 523–542; and "British and Irish conflict regulation from Sunningdale to Belfast. Part II: Playing for a draw 1985–1999." *Nations and Nationalism* 6/3 (2000): 399–436. He shows the development of a more symmetrical intergovernmental relationship between British and Irish governments. This provided for a basis of consent to address the conflict directly, a precondition of the peace process.

17   See Sean FARREN and Robert F. MULVIHILL. *Paths to a Settlement in Northern Ireland*. Buckinghamshire: Colin Smythe Ltd, 2000. In the concluding chapter, 'Transforming the Conflict', the authors examined how the Good Friday Agreement was achieved and the extent to which its underlying principles have been addressed. They conclude that the conflict could not be transformed unless there were changes in the key relationships. With the negotiations process and the simplification of the British-Irish relationship, a shift towards a more differentiated, neutral position was made possible for the communities in Northern Ireland. The next step was the development of a certain level of trust – a situation in which the achievement of the Good Friday Agreement was made possible. Sean Farren is member of the SDLP.

18   Cathal McCALL. *Identity in Northern Ireland. Communities, Politics and Change*. London and New York: Macmillan Press and St. Martin's Press, 1999. 204.

be a source of communal division in the future. According to the episodic model of conflict, the gap between the two communities will widen again. This is a real possibility. In the past high intensity phase of thirty years, the Catholic community has grown in size,[19] improved its economic position, returns a higher vote in elections and has more cultural self-confidence. This process is still going on. Some day, Catholics may become a demographic majority, demand more contacts between North and South, and may push for Irish unity. If this becomes true, argue moderate optimists, a return to serious conflict is likely. In this context, the Belfast Agreement is only one step in a given process and thus brings no fundamental change. John Cash is one author who defends these arguments. He asks the rhetorical question whether history will repeat itself in Northern Ireland and answers with a 'yes'. Cash is convinced that a permanent transformation process requires deeper change: 'It will need to move Northern Ireland's culture from one marked predominantly by enmity to one organised by [democratic means].'[20] This, he argues, has not yet been achieved.

The most pessimistic view agrees with the foregoing that the conditions of the conflict persist despite the Belfast Agreement. It differs from the second opinion over whether the intense phase of the conflict is coming to an end. Pessimists say that it is not. First, it is argued, the balance of power is unlikely to remain stable for long. Change is occurring very fast which attacks potential structural transformation and may prevent a stable communal power balance. John Lloyd, a supporter of the Union, says that the Good Friday Agreement

> did no more than sketch out a middle ground on which Unionists and Nationalists who reject violence might together gov-

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19   The demographic balance of Protestant to Catholic has altered from 63:37 per cent in 1971 to 58:42 per cent in 1991. RUANE and TODD, "The Belfast Agreement: Context, Content and Consequences", 2. A census held in 2001 has yet to be analysed and will be published at the end of 2002. Estimations of statisticians suggest that the population in 2001 could consist of 49–51 per cent Protestants, 45–46 per cent Catholics and around 4 percent others. *Independent*, 11 February 2002.
20   John CASH. "The Dilemmas of Political Transformation in Northern Ireland." *Pacifica Review* 10/3 (October 1998): 234.

ern this province of 1.6 million people. But the ground is still narrow. (…) A threat is (…) sure to come.[21]

He further points to the fact that 'neither side has what it wants.' In his view, the Agreement promises diametrically opposed things to the two sides, which may lead to great pressure for political leaders to deliver those promises.[22] The potential for conflict and instability is aggravated by demographic and inequality issues, say pessimists. Past periods of stability arose when the Catholics had no resources to lay their claims on. If the equality provisions of the Agreement will be successful, such resources will be available and may constitute a powerful political weapon for them. If this happens, the most likely scenario is that both communities will try to use their resources to the best of their advantage and that the power struggle will continue, writes Joseph Ruane.[23] Left wing socialist Eamonn McCann argues that the terms of the Agreement are profoundly ill-conceived; that by the institutionalisation of the communal division at the political level differences are reinforced. In his view, the requirement that Assembly members register as 'nationalist, unionist or other', and the provision for parallel consent and weighted majority decisions, work in favour of a communal separation.[24] Rick Wilford uses a birth metaphor to describe the achievement and implementation process of the Belfast Agreement. He concludes that 'the arrival of [the Belfast Agreement] has been premature'.[25]

It is difficult to tell which view is confirmed in reality. A mix of these positions probably comes closest to the real conditions. A few months after the signing of the Agreement, the optimist

21 John LLOYD. "Ireland's Uncertain Peace." *Foreign Affairs* 77/5 (September/October 1998): 109.
22 Ibid. 122.
23 Joseph RUANE. "The End of (Irish) History? Three Readings of the Current Conjuncture." In: *After the Good Friday Agreement,* 145–170. He argues that that if political and communal struggle becomes intense, questions of justice will count little. In this case, there is a real possibility for a return to violence.
24 Eamonn McCANN. "Quest for a Deal." *Belfast Telegraph*, 30 June 1999. The provision to register as 'nationalist, unionist or other' is laid down in the Belfast Agreement. Strand One, para. 6. See also chapter 1.2.2 on this issue.
25 Rick WILFORD. "Aspects of the Belfast Agreement: Introduction." In *Aspects of the Belfast Agreement*, 6.

scenario described in the first view appeared to be true. The Omagh bombing, the worst single incident since the beginning of the Troubles, and the impasse on important policy issues led to a more pessimistic view. Four years later, at a time when local violent sectarianism has still been a reality, but progress has been made on major issues such as decommissioning and policing, one could argue that a moderately optimistic view comes closest to being validated.

In general, the conflict in Northern Ireland is well analysed. Great interest in the conflict is caused by its topical nature and complexity, which opens the way for different approaches to the topic and contains a wide range of different perspectives. Not surprisingly, the amount of works done on the conflict in Northern Ireland is huge: one author estimates that there exist approximately 10,000 works, excluding the works done on conflict theory.[26]

Academic research on the conflict in Northern Ireland has moved through several phases, often in parallel or slightly ahead of policy initiatives. The first phase of research, which began before the Troubles, emphasised political and economic inequality as a source of the conflict. This view was adopted by Terence O'Neill, a moderate unionist Prime Minister of Northern Ireland

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26   William G. CUNNINGHAM. *Conflict Theory and Conflict in Northern Ireland*, 1998. CAIN Web Service http://cain.ulst.ac.uk/conflict/cunningham.htm.
Because of the overabundance of literature on the conflict in Northern Ireland, only some recently published works are listed here. They provide an interesting introduction to the conflict and peace process in Northern Ireland and have been a useful background to work on the subject.
Paul BEW, Henry PATTERSON and Paul TEAGUE. *Northern Ireland: Between War and Peace. The Political Future of Northern Ireland*. London: Macmillan, 1997.
John CASH. *Identity, Ideology and Conflict: The Structuration of Politics in Northern Ireland*. Cambridge: Cambridge University Press, 1996.
Alvin JACKSON. *Ireland 1798–1998: Politics and War*. Oxford, Malden: Blackwell Publishers, 1999.
John McGARRY and Brendan O'LEARY. *Explaining Northern Ireland*. Oxford: Blackwell Publishers Ltd, 1995.
Jonathan TONGE. *Northern Ireland. Conflict and Change.* London: Prentice Hall Europe, 1998.
Sabine WICHERT. *Northern Ireland since 1945*. London and New York: Longman, 1999(2).
The Northern Ireland Question. Nationalism, Unionism and Partition, ed. Patrick J. Roche and Brian Barton. Hants and Vermont: Ashgate Publishing, 1999.

during the 1960s. It was an approach favoured by the British Government, which moved to secure the political and legal rights of the Catholic minority through such measures like an anti-discrimination legislation.

The second phase, which can be attached to the early 1970s, viewed Northern Ireland as a conflict rooted in colonialism, though with political, economic and religious influence, involving a dominant and a subordinate group. This approach stressed the comparative dimension, setting it in the context of similar conflicts in South Africa for example.[27] The policy implications of this approach was to develop a state building process to ensure the full political participation of both communities at executive level of government. This view was in fact adopted in the Sunningdale Agreement 1973 with the creation of a power-sharing executive, which collapsed after only five months in office.

Since the early 1980s, there has been an emerging academic consensus that the conflict has deeper roots and is ethnonationalist in origin.[28] The cause of conflict was seen in the fact that two competitive ethnonationalist communities had to share the same territory. At the policy level, this interpretation was supported by

27 Interesting works on comparative studies are the analyses published by Frank Wright and Peter Waldmann. Frank WRIGHT. *Northern Ireland: A Comparative Analysis*. Dublin: Gill & MacMillan, 1987.
Peter WALDMANN. *Ethnischer Radikalismus: Ursachen und Folgen gewaltsamer Minderheitenkonflikte am Beispiel des Baskenlandes, Nordirlands und Quebecs*. Opladen: Westdeutscher Verlag, 1989.
Comparative studies exist also in more recent literature. Of interest are McGARRY and O'LEARY, *Explaining Northern Ireland*, chapter 8, 311–353; or the essay by Adrian GUELKE. "International Dimensions of the Belfast Agreement." In *Aspects of the Belfast Agreement*, 245–263. A whole book concerned with comparative studies is the aforementioned *Northern Ireland and the Divided World*, edited by John McGarry. A very recent publication, which compares in particular approaches to conflict resolution and peace-building activities, is the book *Searching for Peace in Europe and Eurasia. An Overview of Conflict Prevention and Peacebuilding Activities*, ed. Paul van Tongeren, Hans van de Veen, and Juliette Verhoeven. Boulder: Lynne Rienner Publishers, 2002. Mari FITZDUFF and Liam O'HAGAN have published an article, titled "Northern Ireland: Painstakingly Slow and Small Steps to Bring About Change." In Ibid. 124–139.

28 An overview of this argument is given by Bernadette C. HAYES and Ian McALLISTER. "Ethnonationalism, public opinion and the Good Friday Agreement." In *After the Good Friday Agreement*, 30–48. Based on the ethnonationalist argument, Hayes and McAllister show the changes in political attitudes and identities throughout the society in Northern Ireland.

both the British and Irish governments which saw the Northern Ireland question as a regional conflict with an international dimension. Consequently, the problem could be solved by an agreement between Great Britain and the Republic of Ireland. This approach was ultimately reflected in the Anglo-Irish Agreement 1985. The concept of identity and the need for political expression provides a basis of the Good Friday Agreement too.[29]

The peace process itself and the multi-party negotiations are well analysed. There exist not only many works on the progress made, but also many readings on different aspects of the process such as the impact of international influences, for example European integration, on the conflict, the role of gender specific conflict regulation and the development of polarisation of the youth in both communities.[30]

29 Ibid. 32.
30 An overview over the whole process reaching the Belfast Agreement is published in the following books and articles (examples):
HENNESSEY, *The Northern Ireland Peace Process*. See footnote 12.
CASH. "Dilemmas of Political Transformation". Cash focuses on the developments towards new political arrangements. He concludes that Northern Ireland needs a strong leadership which can address the different identities, boundaries and desires of the communities inhabiting Northern Ireland.
Bill McSWEENEY. "Security, Identity and the Peace Process in Northern Ireland." *Security Dialogue* 27/2 (1996): 167–178. In this article, Bill McSweeney examines the security situation during the earlier phases of the peace process. He views the peace process as a kind of security policy designed to alter allegiances and identities to overcome the impasse of violence and counter-violence. In a further article, he examines the influence of collective identities and interests on the creation of the Belfast Agreement. He gives an overview of factors and issues influencing the peace process in a context based on conflict theory. Bill McSWEENEY. "Interests and Identity in the Construction of the Belfast Agreement." *Security Dialogue* 29/3 (1998): 303–314.
John de CHASTELAIN. "The Northern Ireland Peace Process – A Perspective on Outside Involvement." *RUSI Journal* (April 1998): 15–19. Former General John de Chastelain has been appointed chairman of the Independent International Commission on Decommissioning (IICD). He comments on the role of outsiders in the peace process. He assesses the importance of this input while at the same time acknowledging that a true and lasting settlement must come from within Northern Ireland. Furthermore, he reflects his personal involvement.
Ernest EVANS. "The US Peace Initiative in Northern Ireland: A Comparative Analysis." *European Security* 7/2 (Summer 1998): 63–77. Ernest Evans lays the focus on the inputs by the Clinton administration. He examines the lessons learned by the US government from its role as 'peace maker' in other conflicts such as Bosnia, Israel-Palestine (Oslo Accord) and South Africa.
Roger MacGINTY. "American Influences on the Northern Ireland Peace Process." *The Journal of Conflict Studies* XVII/2 (Fall 1997): 31–50. The author addresses the US involvement in Northern Ireland during the 1990s. He further explains why the extent

To address the central questions, this study contains three parts: first, an introduction to the Good Friday Agreement itself; second, an overview of the actors playing a role in the implementation process; and third, a range of core questions which have complicated the successful implementation of the Agreement. The first part briefly describes the situation in which the Agreement could be reached, the content of the Agreement and the consequences on politics and society in Northern Ireland. The second part is focused on the influencing factors in the implementation process. The characters and positions of the political actors[31] and the role of external influences in the process are analysed in this section. The last part addresses the core questions, which remain partly unresolved, even four years after the signing of the Agreement. This leads to a short outlook, which reflects the state of the implementation process in May 2002. It shows which questions should be addressed in the future in order to stabilise the progress reached in the four years after signing. The final conclusion summarises the results and estimates the value of the Agreement in the context of the conflict.

of American involvement has been so great. MacGinty argues that part of Clinton's involvement can be located in the wider picture of US foreign policy at that time. Furthermore, he locates Clinton's interests in terms of an economic interest in a stable and co-operative Europe (page 43).

31   The political actors considered are the larger official parties in Northern Ireland as well as the British and Irish governments. The positions of associations like the paramilitary organisations or the Orange Order are not subject to the analysis. Nevertheless, their influences on the parties' decisions and on major developments in the implementation process have indirectly affected the positions of the political actors. These impacts are considered and examined in the study.

1 The Good Friday Agreement: Background, Content and Assessment

To say Yes [in the referendum on the Belfast Agreement]
is to say yes to hope, to peace, to stability and to prosperity.
A No vote is to turn your back to the future.
> Tony BLAIR. Speech to the Royal Agricultural Society.
> Belfast, 14 May 1998. CAIN Web Service, source documents.

On 10 April 1998, the search for a political settlement in Northern Ireland was rewarded when eight political parties in Northern Ireland and the British and Irish governments signed up to the Belfast Agreement. This has been made possible by profound changes in the cultural, social and political environment. The Good Friday Agreement is an attempt to deal with the new situation in a way that tries to secure the most positive outcome for all involved parties. The British Prime Minister Tony Blair claimed in a speech held shortly after the signing of the Agreement that the Belfast Agreement should be 'a settlement which could command the support of nationalists and unionists alike.'[1] The Irish Taoiseach (Prime Minister) Bertie Ahern stated in an article that the Good Friday Agreement 'provides for a new beginning – based on partnership and co-operation – in relationships within Northern Ireland, between North and South, and between Ireland and Britain.'[2]

To sum up, it can be said that the conflict in Northern Ireland comprises four levels: firstly, the conflict between the two communities living in Northern Ireland; secondly, the boundaries between the unionist community and the host-state, Britain; thirdly, the boundaries of the nationalists with their kin-state,

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1   Tony BLAIR. Speech to the Royal Agricultural Society. Belfast, 14 May 1998. CAIN Web Service, source documents, http://cain.ulst.ac.uk/events/peace/soc.htm (from here on called CAIN Web Service, source documents). The CAIN Web Service (Conflict Archive on the INternet) contains information and source material on 'the Troubles' in Northern Ireland from 1968 to the present. Also information on society and politics in the region.
2   Bertie AHERN. Article in *The Irish Times*, 1 May 1998.

the Republic of Ireland; and finally, the international context of European integration.[3] The challenge of the Belfast Agreement was to cover all political and institutional levels in order to reach a broad solution.

This chapter explains how the Agreement could be reached and gives a first impression of the difficulties faced in the implementation process. It describes the background of the negotiations process leading to the Agreement, the content of the Agreement and gives a first assessment of the strength and weaknesses of the settlement.

1.1 A Short Background to the Belfast Agreement

The conflict in Northern Ireland has deep historical and cultural roots.[4] It has been more or less continuous, although alternating phases of high and low intensity are its characteristic trait. The years of the Troubles expressed such a high intensity phase. The crisis of 1969 can be seen as a product of the change in the balance of power between the unionist and nationalist communities in the decades after 1921. The nationalist struggle for power led to diverse failed political initiatives such as the Sunningdale Agreement and strategic manoeuvres by the governments. The new power balance, expressing the new weight of nationalism, was consolidated during this process. The conditions for a new political initiative to solve the conflict emerged. The impulse came originally from the republican side and was a response to the changed environment. The IRA had demonstrated that it could not be militarily defeated, and the British government had proven that it could not be forced to withdraw from Northern Ireland.

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3   Stefan WOLFF. "Context and Content: Sunningdale and Belfast Compared." In *Aspects of the Belfast Agreement*, 11–27. 12.

4   The following explanations about the peace process rely on
Striking a balance: The Northern Ireland peace process. Accord: 8 (1999); ed. Clem McCartney http://www.c-r.org/accord8/.
FARREN and MULVIHILL, *Paths to a Settlement in Northern Ireland*.
HENNESSEY, *The Northern Ireland Peace Process*. 67–114.
RUANE and TODD. "The Belfast Agreement: Context, content, consequences", 4–13.
Jonathan STEVENSON. "Irreversible Peace in Northern Ireland?" *Survival* 42/3 (Autumn 2000): 5–26.
TONGE, *Northern Ireland. Conflict and Change,* 126–185.

The military stalemate between the IRA and the British security forces led to the insight that alternative ways would serve better to achieve their goal of an united Ireland. With the establishment of the political wing of the republican movement, Sinn Féin (SF), in the early 1980s, the IRA realised that its violent campaign came at price to its supporters. A violent struggle meant not only the harassment by the security forces, the attacks of the loyalists and the tension of living in a 'war situation', but it also imposed a limit on the development of a wider political base. It carried a political risk: if moral tolerance was stretched too far, support for both the campaign and the political objectives would fall away. The practical and political limits of the armed campaign directed the attention of the republican leadership to alternatives.

At the same time, the unionist influence on the destiny of Northern Ireland declined after the establishment of Direct Rule from London in 1972. The unionists followed an abstentionist tactic. In this context, the Anglo-Irish Agreement (AIA) of 1985 played a crucial role for both unionists and nationalists. For the first time it recognised the Irish government as a representative of northern nationalists. In return, there was the Irish recognition of the right of the majority in Northern Ireland to determine its constitutional status as part of the United Kingdom or of a united Ireland. It showed what could be achieved by the combined forces of peaceful, constitutional nationalism – the Irish government, the SDLP and the pressures of influential Irish-Americans through the US government.

Other developments reinforced the view that republican objectives might be achieved quicker and with less cost by constitutional means than by violence. One was the growing strength of the nationalist community, in particular the increasing Catholic proportion of the population, their stronger position in economy and the rise of the overall nationalist/republican vote. This pointed to the potential strength of an alliance of constitutional nationalists and republicans throughout the island of Ireland and in the US. The condition of such a coalition, however, was the abandonment of the armed struggle. The start of the negotiations process

was made by talks between Sinn Féin and the SDLP in the spring of 1988.

Meanwhile, unionists were re-evaluating their strategy. The Anglo-Irish Agreement had been a traumatic shock and profound setback for unionism. The unionists discovered the limit of just saying 'No' as British decisions occurred over their heads.[5] The two main unionist parties, the Ulster Unionist Party (UUP) and the Democratic Unionist Party (DUP), made efforts to bring it down – there were mass protests, boycotts of Northern Ireland ministers, appeals to the courts and to the Crown, and threats of an armed campaign. As these efforts had no positive outcome, the UUP and DUP began the difficult task of trying to remove the Anglo-Irish Agreement by negotiation.

These changed circumstances led to a series of multi-party talks between British and Irish governments and the Northern parties. In the first series in the early 1990s, the talks were important less because of their outcome than for the consensus about negotiating procedures and the conditions of a settlement. Four aspects were crucial for this phase. First, and perhaps most important, the unionists accepted that the Irish government had a role to play. Second, there was agreement on a three stranded agenda: Strand One should settle the internal issues in Northern Ireland, Strand Two should deal with issues concerning North-South relations, and Strand Three should be concerned with the East-West relations, mainly between the British and Irish governments. Third, a principle was accepted that 'nothing was agreed until everything was agreed'. And finally, the talks were to be chaired by international independent figures.[6]

During the period of inter-party talks, the republican initiative was sidelined, but it did not end. There were contacts between John Hume (SDLP) and Gerry Adams (SF), between the Irish government and the republicans, and between the British government and both Sinn Féin and the IRA. Rapid progress was made: there was an agreement between the SDLP and SF on the

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5   Brendan O'LEARY. "The Character of the 1998 Agreement: Results and Prospects." In *Aspects of the Belfast Agreement*, 49–83. 72.
6   RUANE and TODD. "The Belfast Agreement: Context, content, consequences", 6.

basis of a joint nationalist-republican approach to a settlement, and a major breakthrough was achieved by the Downing Street Declaration of 10 December 1993, setting out the general principles on which a settlement might be reached. An IRA ceasefire was required to underline the republican commitment to their non-violent strategy. It was declared in August 1994 followed by a loyalist ceasefire six weeks later. In February 1995, the two governments sketched out their proposals for a constitutional and institutional settlement in the Joint Framework Document. The unionists heavily rejected the suggestions, particularly the ones about North-South integration. They had been suspicious of the process from the beginning and they were now extremely anxious about the direction it was taking. James Molyneaux resigned as leader of the UUP and the party elected as his successor the candidate who, at the time, appeared most hard-line: David Trimble.

Political progress was blocked by the British requirement of IRA decommissioning before Sinn Féin could enter the multiparty talks. The slowing of the process, and the suspicion that the British were not serious about it, led the IRA to return to violence in February 1996. This resulted in an acceleration of the process. After elections in May 1996 that served the purpose to designate the parties for the negotiation process, the talks began the following month. SF was excluded because armed IRA campaign continued.

However, the negotiations were blocked from all sides again. The nationalists and the Irish government declared that a talks process without Sinn Féin would be worth nothing. The Conservative Party, dependent on UUP votes in the House of Commons, however, did not accept any initiative, which did not have UUP support. Furthermore, the unionists refused to negotiate with SF prior to decommissioning. The talks reached thus a dead end.

The situation altered in June 1997, with the Labour Party's return to power in Great Britain. The new government was determined to restart the peace process and to involve Sinn Féin in the negotiations. The condition of prior IRA decommissioning was dropped and SF was to be admitted to a new round of talks if the IRA declared a further ceasefire. The IRA renewed a complete

ceasefire in July 1997 and Sinn Féin could join the negotiations in September. Nevertheless, unionist participation was still uncertain. Two unionist parties, the Democratic Unionist Party (DUP) and the United Kingdom Unionist Party (UKUP), representing nearly 43 per cent of the unionist electorate, refused to participate in the talks without prior IRA decommissioning. The UUP with 46 per cent of the unionist electorate as well as the Progressive Unionist Party (PUP) and the Ulster Democratic Party (UDP), which shared only 10 per cent of the unionist vote and with links to loyalist paramilitaries, decided to participate. This fulfilled the requirement of a cross-community participation – over 50 per cent nationalists and unionists – and made talks possible. The UUP decision to take part in the negotiations was a calculated response on three factors. A first issue was the steady erosion of the unionist position under Direct Rule. Second, the British government's willingness to deal with nationalists over the heads of unionists posed a real threat to their position. And third, the talks process provided a possibility to renegotiate the rejected points of the Anglo-Irish Agreement. Whereas the DUP decided to stay away and express their aversion to this, David Trimble was convinced that unionists should participate in talks and ensure that unionist interests would be protected in any settlement.[7]

The changed situation in Northern Ireland gave all parties a strategic incentive to participate in the talks. Changes in British and Irish governments as well as the greater influence of European integration – which decreased the emphasis on national sovereignty and gave new input to cross-border cooperation – created a favourable context to successful negotiations. The circumstances in which the negotiations began were more conductive to a settlement than any time in the past. But there were plenty of signs that the conflict was continuing. As the multi-party talks began, commentators and participants alike were far from convinced that a settlement would follow.[8]

7   McDONALD, *Trimble*, 183. See also the *News-Letter*, 8 August 1997.
8   See for example Mo MOWLAM. Article in *The Irish Times* in response to the second IRA ceasefire, 22 July 1997. See also HENNESSEY, *The Northern Ireland Peace Process*, 107–114.

The remaining participants, after the DUP and UKUP had left the talks, were the UUP, PUP and UDP on the unionist side, the SDLP and SF on the nationalist side, the Alliance Party (APNI) and two smaller parties, the Northern Ireland Women's Coalition (NIWC) and the Labour Party at the 'centre'. The talks were chaired by US-Senator George Mitchell, Canadian General John de Chastelain, and a former Finish Prime Minister, Harry Holkerri. The Agreement's preparation drew on the store of general political and constitutional knowledge, but it was targeted to the specific nature of the conflict in Northern Ireland. The agenda was thus decided to be similar to the one negotiated in the early 1990s: Strand One dealt with internal Northern Ireland institutions, Strand Two with the North-South relations, and Strand Three with East-West relations. Special issues, like decommissioning, equality matters, policing and prisoner releases, were included but dealt with separately. Decommissioning was to be dealt with an Independent International Commission on Decommissioning (IICD), chaired by General John de Chastelain, which met parallel to the talks process. Constitutional issues were to form part of a new inter-governmental agreement, to be endorsed by the parties and incorporated to the multi-party agreement. The principle 'nothing was agreed until everything was agreed' was adopted: the settlement was to be a package.

The bargaining will not be discussed in detail here, only a general overview is given.[9] In the initial months of the talks beginning in the fall of 1997, the parties presented widely different views and goals. There was little evidence of serious engagement, still less substantial negotiations. Then, and later, the UUP refused to talk directly to SF. Outside the talks, tension was high, and it was further raised by a series of murders over the Christmas and New Year period. The first steps towards serious negotiations began in January 1998 with the release of a short position paper by the two governments. It set out in broad outline their proposals for a settlement. It was completely different from the 1995 Framework Document. Therefore, it caused a warm welcome by unionists and

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9   As mentioned before, a detailed description of the bargaining and talks can be found in HENNESSEY, *The Northern Ireland Peace Process*, 67–158.

produced disquiet among nationalists. Discussions now became more focused, despite violent incidents interrupting the process. Both the UDP and SF were briefly expelled because their associated paramilitaries broke the ceasefires. There was now serious engagement and in late March, George Mitchell set a deadline of 9 April for the conclusion of the talks. Nevertheless, as the talks moved into their final stages, differences could not be overcome and a breakdown was widely predicted. The British and Irish governments failed to reach agreement and the Irish government, the unionist parties and SF publicly stated incompatible positions. The situation worsened. Days before the deadline, the chairman presented a draft agreement to the parties. It was rejected by both the UUP and the Alliance Party because of the range of proposed North-South bodies and their accountability to the Assembly. The crisis brought the British Prime Minister and Irish Taoiseach hurriedly to Belfast. Intensive negotiations followed on the structure of the Assembly, the Executive and the North-South bodies.

In the final two days, it looked like the talks were not coming to a successful end. Unionist disquiet grew as the package emerged and focused again on the issue of decommissioning. The UUP demanded decommissioning prior to SF's entry into the Executive. Sinn Féin, on the other side, did not want to include such a precondition for the establishment of the Executive. Sinn Féin reached agreement with Tony Blair on a form of wording that did not require prior decommissioning. This led to a split of the UUP in two parts: one was ready to sign up to the Agreement despite the fact that their wish was not included while the other part refused to do so. On the morning of Good Friday, 10 April, when the official deadline had already passed, the UUP was still deeply divided. The crisis was finally resolved by a fudge: the Agreement did not require decommissioning, but the British Prime Minister wrote a letter to David Trimble to confirm his understanding that decommissioning should begin once the Agreement was signed.

Agreement was finally reached on the afternoon of Good Friday, 10 April 1998. All parties signed except Sinn Féin, which agreed to bring it to their party members. The text of the Agreement did not resolve all outstanding issues, but in many ways it

was a triumph of the political process. Ruane and Todd describe it as follows:

> From the beginning to end the talks were skillfully chaired. The political resources of the two states were mobilized. (...) At the very end, the experience, negotiating skills and trust over the previous moths paid off. Bargains were struck. Compromise forms of wording were found. (…) It was secured by the personal interventions of the political leaders (…) The final plenary session was an emotional affair. It seemed that the political logjam had finally been broken.[10]

Dr Mo Mowlam, then Secretary of State for Northern Ireland, identified the key factors leading to the achievement of the Agreement as 'confidence, time, progress on different levels, outside support, momentum and time-scales, addressing peoples' grievances, social justice, taking risks and gut instincts.'[11]

The Good Friday Agreement addresses the main parts of political life in Northern Ireland. It includes constitutional guarantees and defines a possible future for Northern Ireland. Its equality and human rights measures secure a more balanced dealing with the Catholic minority and their respective rights. The structure of the Agreement is able to shape the political environment in Northern Ireland by democratic means. These involve an Assembly, an Executive as well as cross-border institutions, which allow cooperation not only within the province, but also with their host- or kin-states and in the context of the European Union. The Agreement deals with the core issues of ending a 'war' – the decommissioning of paramilitary weapons and the early releases of prisoners. It addresses human rights and equality issues as well as the reform of the mainly Protestant police.

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10   RUANE and TODD. "The Belfast Agreement: Context, content, consequences", 12.
11   Mo MOWLAM. Presentation to the RUSI (Royal United Services Institute for Defence Studies), 11 November 1998. The presentation was later published in the RUSI Journal: Mo MOWLAM. "Implementing the Northern Ireland Peace Process." *RUSI Journal* (December 1998): 12/13.

Most parties supported the Belfast Agreement.[12] The text was distributed in every household in the North and the South. The results of the referendum showed that the people of Northern Ireland stood behind the Belfast Agreement too. 81 per cent of people of Northern Ireland voted and 71 per cent of them supported the Agreement. The referendum was carried out on a single constituency basis – consequently, it was not possible to give a breakdown of 'yes' and 'no' figures into the two main communities. This did not stop the 'yes' and 'no' camps claiming that the majority of unionists have supported their position. The estimates indicated that the overwhelming majority of Catholics/nationalists voted 'yes' perhaps as many as 96 or 97 per cent. In the case of Protestants/unionists who voted 'yes' it is estimated that the figure was between 51 and 53 per cent.[13]

1.2 Content: Constitutional and Institutional Changes, Policy Issues

The Agreement Reached in the Multi-Party Negotiations – to give the Agreement its official title – is a detailed and complex document. It combines general principles with innovative institutional provisions. Unlike the joint government statements which led to the Agreement, especially the Downing Street Declaration

12 Summary of the positions:
Alliance Party of Northern Ireland (APNI) – Yes
Northern Ireland Labour Party (NILP) – Yes
Northern Ireland Women's Coalition (NIWC) – Yes
Progressive Unionist Party (PUP) – Yes
Sinn Féin (SF) – Yes
Social Democratic and Labour Party (SDLP) – Yes
Ulster Democratic Party (UDP)– Yes
Democratic Unionist Party (DUP) – No
United Kingdom Unionist Party (UKUP) – No
Ulster Unionist Party (UUP) – Yes (although a majority of UUP MPs voted against the Agreement)
Workers Party of Ireland (WP) – Yes
Source: http://cain.ulst.ac.uk/issues/politics/election/ref1998.htm.
13 Ibid. If a majority of unionists voted 'yes' is difficult to find out. It was of political interest that the involved pro-Agreement parties and the two governments could argue that the Belfast Agreement was endorsed by a majority of both communities. The figures are contested by the hard-line unionist and loyalist parties that called for a 'no' vote in the referendum.

of 1993 and the Framework Document of 1995, there is little new in its first principles. A Declaration of Support secures partnership, equality and mutual respect, and exclusively democratic and peaceful means. The body of the text consists of detailed practical institutional arrangements negotiated by the parties. The Agreement deals basically with four issues: firstly, with the status of Northern Ireland, the obligations to which the two governments have to exercise their sovereignty, and related citizenship questions; secondly, with the implementation of those parts of the Agreement which require formal interstate agreement, namely the North/South Ministerial Council, the implementation bodies, the British-Irish Council, and the British-Irish Intergovernmental Conference; thirdly, with the cessation of the Anglo-Irish Agreement of 1985 and its replacement by the 1998 British-Irish Agreement; and fourthly, with the requisite conditions which need to be satisfied before the entry into force of the Agreement.

As a political deal, the package of the Belfast Agreement contains consociational elements in the powers and protections the Agreement gives to the two communities. A consociation, says Brendan O'Leary[14], is an association of communities – in this case British unionist, Irish nationalist and other – that is the outcome of formal or informal bargains or pacts between the political leaders of ethnic or religious groups.[15] Consociations are ideally

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14   Brendan O'Leary is an expert on consociational theory. He published numerous articles and books on the consociational design of the Belfast Agreement, some together with John McGarry. See for example McGARRY and O'LEARY, *Explaining Northern Ireland*, 320–326; Brendan O'LEARY. "The 1998 British-Irish Agreement: Consociation Plus." *Scottish Affairs*, 26 (1999): 1–22; Brendan O'LEARY. "Assessing the British-Irish Agreement." *New Left Review*, 233 (1999): 66–96; Brendan O'LEARY. "The Nature of the Agreement." *Fordham Journal of International Law*, 22 (1999): 1628–1667; further O'LEARY, "The Character of the 1998 Agreement: Results and Prospects". Other authors like Ruane and Todd, Sean Byrne and Rupert Taylor point to the consociational background of the Agreement too, but they refer to the findings of Brendan O'Leary (in some cases to McGarry and O'Leary). RUANE and TODD. "The Belfast Agreement: Context, content, consequences", 16. Sean BYRNE. "Consociational and Civic Society Approaches to Peacebuilding in Northern Ireland." *Journal of Peace Research* 38/3 (2001): 327–352. 328. Rupert TAYLOR. "Consociation or Social Transformation." In *Northern Ireland and the Divided World*, 36–52. 36.

15   O'LEARY, "The Character of the 1998 Agreement: Results and Prospects", 49. The concept was developed by Arend LIJPHART and published in his book *Democracy in Plural Societies: A Comparative Exploration*. New Haven, London: Yale University Press, 1977.

characterised by four features: a grand coalition between parties representing the main ethnic communities (cross-community executive power-sharing), minority veto rights, proportionality in governmental and public sector expenditure, and segmental autonomy.[16] These aspects as well as topics like access to resources, equal opportunities and political participation were taken into account in both Sunningdale and Belfast Agreements. The Belfast Agreement, argue Ruane and Todd, goes beyond consociationalism in a number of elements: in the strong and egalitarian liberal thrust of the document; in the proportional representation on the executive which in principle allows non-communal parties into power; in the provision for a Civic Forum in which the civil society is represented; in granting the Irish government an input into policy through the British-Irish institutions; in the North-South Council which is explicitly made co-dependent with the Assembly; in the British-Irish Council; and in the provisions for constitutional change.[17] The Agreement had important external dimensions; it was made with the leaders of national, not only ethnic or religious communities and it was endorsed by most of the leaders and in referendums across a sovereign border. It was the first settlement which gained overwhelming majorities in jurisdictions in different states.[18]

The political nature of the agreement can be described as an act of recognition between states and national communities. The Republic of Ireland has recognised the status of Northern Ireland as part of the United Kingdom. The United Kingdom has recognised the right of the people of Ireland to exercise their national self-determination. The Irish government changes Articles 2 and 3 of its constitution and drops its territorial claim to Northern

16   John McGARRY and Brendan O'LEARY. "Introduction. The Macro-Political Regulation of Ethnic Conflict." In *The Politics of Ethnic Conflict Regulation: Case Studies of Protracted Ethnic Conflicts*, ed. John McGarry and Brendan O'Leary, 8–36. London, New York: Routledge, 1993. 35/36.
17   RUANE and TODD. "The Belfast Agreement: Context, content, consequences", 16.
18   O'LEARY. ""The Character of the 1998 Agreement: Results and Prospects", 49.

Ireland.[19] Both states have confirmed that, by majority consent, Northern Ireland has the right to secede to unify with the Republic of Ireland, or to stay within the United Kingdom.[20] The Republic of Ireland has recognised the British identity of the unionists. The United Kingdom has recognised Northern nationalists as a national minority, not simply as a cultural or religious minority, which may be part of the Irish national majority in the future. Unionists have recognised nationalists as nationalists, not simply as Catholics or rather as a religious minority. Nationalists have recognised unionists as unionists, and not just as Protestants.[21]

1.2.1 Constitutional Issues

The Good Friday Agreement contains basically four constitutional changes for Northern Ireland. Firstly, the Agreement provides for an elected assembly in which representatives of the major parties share executive power. This replaces Direct Rule from London. Secondly, the Agreement allows a certain degree of Irish influence on certain key areas of Northern Irish policy. Thirdly, the majority of people in Northern Ireland has a veto over future constitutional change. Before the establishment of the Belfast Agreement, the future of Northern Ireland's constitutional status was in the hands of the British government. With the inclusion of the veto, self-determination of the people living in Northern Ireland could be granted. Finally, the provision for an amendment of the Articles 2 and 3 of the Irish Constitution claiming jurisdiction over the whole territory of the island led to a relaxation of the relationship between British and Irish governments as well as the unionist community and the Irish government. The first two changes can be interpreted as concessions in favour of national-

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19   The 1937 constitution of the Republic of Ireland declared that 'the national territory consists of the whole island of Ireland, its islands and the territorial sea' (Article 2). Article 3 stated the right of the parliament and government 'to exercise jurisdiction over the whole of that territory'. This was a territorial claim. For the new text of Articles 2 and 3 of the Irish constitution see Annex A.

20   Belfast Agreement. Constitutional Issues, para. 1. See Annex A for the full text of the Agreement.

21   O'LEARY. "The Character of the 1998 Agreement: Results and Prospects", 71/72.

ists, whereas the other point to the unionist need to protect their identity.[22]

The part on constitutional issues reproduces much of the text of the Downing Street Declaration of 1993 with its emphasis on the Irish role in the conflict and the right of Irish self-determination. The Belfast Agreement states that the British and Irish governments 'recognise that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland.'[23] It adds to this a formal recognition that the present status of Northern Ireland is within the United Kingdom and that this reflects the wish of the majority of people in Northern Ireland. It pledges changes in UK legislation and an amendment to the Irish constitution to reflect these principles. In the British context, these changes involve an abandonment of the *Government of Ireland Act* of 1920. In this act as well as in the *Ireland Act* of 1949 Northern Ireland's constitutional position was described that 'in no event will Northern Ireland or any part thereof (…) cease to be part of the United Kingdom without the consent of the Parliament of Northern Ireland'.[24] This guarantee to the Northern Ireland political establishment was replaced after the fall of the unionist-dominated Stormont government in 1972 by a guarantee to the Northern Irish majority: the last phrase of the 1949 expression was replaced by 'without the consent of the majority of people of Northern Ireland voting in a poll held for purposes of this section'.[25] The Sunningdale Agreement 1973 supplemented this negative provision – specifying the circumstances in which Northern Ireland could not leave the Union – by a positive provision – specifying circumstances in which Northern Ireland could leave the United Kingdom: 'if in

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22 See McSWEENEY, "Interests and Identity in the Construction of the Belfast Agreement", 303.
23 Belfast Agreement. Constitutional Issues, para. 1 (ii).
24 *Ireland Act* 1949. Section 2 (1). http://www.northernireland-legislation.hmso.gov.uk/ .
25 *Northern Ireland Constitution Act* 1973, section 1. Provision was made for polls on this issue; they were to be separated by a period of at least 10 years. http://cain.ulst.ac.uk/hmso/nica1973.htm.

future a majority of the people of Northern Ireland should indicate a wish to become part of a united Ireland, the British Government would support this wish'.[26] This commitment was repeated with a more precise wording in the Anglo-Irish Agreement of 1985, where the British and Irish Governments promised that 'if in the future a majority of people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective parliaments legislation to give effect to that wish'.[27] The commitment was in turn incorporated in the Downing Street Declaration of 1993.[28] In a further step, it was agreed in 1998 that the *Government of Ireland Act* of 1920 would be repealed.[29]

These developments raise the question, it seems, about the reasons for the growing British disinterest in Northern Ireland. In the early and middle years of the twentieth century, there were powerful strategic and emotional reasons behind British support for the Union. But as the ideology of imperialism faded away in the early sixties, as Northern Ireland's strategic importance diminished, and as the continuing integration of both the United Kingdom and the Republic of Ireland into the European Union undermined the significance of the border, the benefit of Northern Ireland to Great Britain could not have rested on measurable or concrete factors. Moreover, the economic problems in Northern Ireland led to massive subsidies from Britain. The sceptical international opinion on British involvement in Northern Ireland made the relationship with the province even worse.[30] In the Downing Street Declaration of 1993, the British Prime Minister thus 'reiterates, on behalf of the British Government, that they

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26   Sunningdale Agreement, section 5. http://cain.ulst.ac.uk/events/sunningdale/agreement .htm.
27   Anglo-Irish Agreement, section 1 (c). http://cain.ulst.ac.uk/hmso/aia.htm.
28   Downing Street Declaration, sections 4, 7. http://cain.ulst.ac.uk/events/peace/temp/ docs/dsd151293.htm.
29   Article 75 of the *Government of Ireland Act* included a declaration that 'the supreme authority of the Parliament of the United Kingdom shall remain unaffected und undiminished over all persons, matters, and things in Ireland and part thereof'. http:// cain.ulst.ac.uk/issues/politics/docs/goi231220.htm.
30   A more detailed overview gives John COAKLEY. "The Belfast Agreement and the Republic of Ireland." In *Aspects of the Belfast Agreement*, 223–244. 232/233.

have no selfish strategic or economic interest in Northern Ireland. Their primary interest is to see peace, stability and reconciliation among all the people who inhabit the island'.[31]

1.2.2 Democratic Institutions in Northern Ireland

In Strand One, the Agreement provides for a single chamber Assembly and an Executive to govern Northern Ireland. The Assembly and the Executive are to have full legislative and executive competence for economic development, education, health and social services, agriculture, environment, and finance.

The Agreement provides for an Assembly elected with legislative devolution in the internal affairs of Northern Ireland.[32] Through cross-community agreement the Assembly is entitled to expand its competencies. The Northern Ireland Assembly (NIA) is part of the United Kingdom. It is its task to formulate and deliver public policy for Northern Ireland, in line with the needs of the local electorate. In return, the NIA has also to take into account what is happening elsewhere in the UK. During the 'shadow' period, the time before devolution, it was the responsibility of the Secretary of State for Northern Ireland to determine the standing orders.[33]

Assembly members are obliged to designate themselves as 'nationalist', 'unionist' or 'other'. This posed difficult questions for many cross-community parties. The Alliance Party (APNI) and the Northern Ireland Women's Coalition (NIWC) saw themselves as the 'centre' and did not like to declare themselves as 'others'.[34]

The Assembly was elected in June 1998. The outcome is shown in table 1.

31 Downing Street Declaration, section 4.
32 Belfast Agreement. Strand One, para. 2–13.
33 See the Northern Ireland Assembly Official Reports (NIAOR), http://www.ni-assembly.gov.uk/record/hansard.htm and the *Northern Ireland Act* 1998. http://cain.ulst .ac.uk/hmso/niact98.htm.
34 NIAOR, 1 July 1998.
35 Northern Ireland Assembly Election Results. http://www.ni-assembly.gov.uk/parties .htm.

Table 1.1   Assembly Elections – Results by Party[35]

Party		Seats
UUP	Ulster Unionist Party	28
SDLP	Social Democratic and Labour Party	24
DUP	Democratic Unionist Party	20
SF	Sinn Féin	18
APNI	Alliance Party of Northern Ireland	6
NIUP*	Northern Ireland Unionist Party	3
UUAP**	United Unionist Assembly Party	3
NIWC	Northern Ireland Women's Coalition	2
PUP	Progressive Unionist Party	2
UKUP	UK Unionist Party	1
Independent Unionist***	Independent Unionist	1

*   Elected as UKUP, resigned and formed NIUP with effect from 15 January 1999.
**   Elected as Independent Candidates, formed UUAP with effect from 21 September 1998.
*** Mr Roger Hutchinson was expelled from the NIUP with effect from 2 December 1999.

'Nationalists' include the SDLP (nationalist) and Sinn Féin (republican). Nationalists won a total of 42 seats. The unionists won a total of 58 seats, but were divided in a 'yes'- and a 'no'-camp. 'Yes'-unionists, supportive of the Agreement, included the UUP and the PUP (30 seats). 'No'-unionists, opposed to the Agreement, included the DUP, the UKUP, which has since split, and independent unionists (28 seats). 'Others' include the APNI and the NIWC (8 seats).[36]

Through standard majority rule the Assembly is entitled to pass laws within its competences, though there is provision for a minority of 30 of the 108 Assembly members to trigger special procedures. 'Key decisions' automatically need these special procedures that require cross-community support (e.g. budget). Two rules were designed for this purpose: the 'parallel consent' rule and the 'weighted majority' rule. The 'parallel consent' rule requires a majority that encompasses strict concurrent majority of nationalists and the unionists. Parallel consent with all members present requires the support of 22 nationalists and 30 unionists,

36   See also footnote 43.

as well as an overall majority in the Assembly. With all present a majority of the Assembly is 55 members. This shows that the 'others' are not unimportant for the Assembly decision as there are three 'other' votes needed to reach a majority.[37] The 'weighted majority' rule requires that amongst those present and voting a support of 60 per cent has to be reached. In absolute terms, that means 65 members when all members vote, or 64 excluding the Speaker (Presiding Officer). It also required a support of 40 per cent of both nationalists and unionists (at least 17 nationalists and at least 24 unionists). [38]

The election outcome suggested that pro-Agreement unionists (30) would be vulnerable to pressure from anti-Agreement unionists (28). In fact, one member of the UUP resigned as supporter of the Agreement and from then on has been counted as 'no'-unionist. Even without his resignation, the margin of 'yes'-unionists was small. It needed only one UUP assembly member who would refuse to be part of the unionist majority necessary to work the parallel consent rule. Indeed, this was a problem for many votes taken in the Assembly sittings.

Besides the Assembly, the Belfast Agreement provides for an Executive.[39] It established two quasi-presidential figures, a First Minister and a Deputy First Minister, elected together by the parallel consent procedure. This procedure ensured that nationalists and unionists nominated a candidate for one of these positions acceptable to a majority of the other bloc's Assembly members. The rule makes certain that unionists and nationalists share the top two posts. Both posts have identical symbolic and external representation functions, and the First Minister and the Deputy First Minister share identical powers. The only difference appears in the name given to the two premiers.[40] This dual premiership

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37 22 nationalists + 30 unionists + 3 'others' = 55.
38 A more detailed overview of the functioning of the Assembly is given by Rick WILFORD. "The Assembly and the Executive." In *Aspects of the Belfast Agreement*, 107–128. 107–110. See also O'LEARY, "The Character of the 1998 Agreement: Results and Prospects", 50–52.
39 Belfast Agreement. Strand One, para. 14–25.
40 This was introduced because the unionists did not want to accept to share power with the nationalists on the executive level. When agreement was reached on this point, the unionists insisted on different names.

critically depends on the personal co-operation of the two holders of these posts and on the co-operation of their respective majorities. The *Northern Ireland Act* of 1998, the UK legislative enactment of the Belfast Agreement, reinforced their interdependence by requiring that 'if either the First Minister or the deputy First Minister ceases to hold office, whether by resignation or otherwise, the other shall also cease to hold office'.[41] This rule underscored the delicacy of the dual premiership.[42]

Any party that wins a significant share of seats and is willing to abide by the new institutional rules has a chance of access to the Executive Committee (d'Hondt rule[43]), consisting of ten members in addition to the First Minister and the Deputy First Minister.[44] Each minister is supported by an Assembly Committee, which is chaired by a person from a different party in order to secure representativeness and proportionality at every level. It is a voluntary participation – parties are free to exclude themselves from the Executive Committee.[45] The initial design, however, creates strong incentives for parties to take their entitlement to seats in the Executive because if they do not, their entitlement will go either to their ethno-national rivals, or to their rivals in their own bloc. The rule does not require a specific proportion of national-

41   *Northern Ireland Act* 1998, Article 14 (6).
42   O'LEARY, "The Character of the 1998 Agreement: Results and Prospects", 52.
43   The d'Hondt rule is named after Victor d'Hondt (1841–1901), Belgian lawyer, who introduced a mathematical system of proportionality to the allocate seats to a certain number of parties. The number of votes won by each party is divided by the number of seats held by the party, plus one. The first seat is awarded to the party with the highest number of votes, since, no seats yet having been allocated, the initial denominator is one. When a party wins a seat, its formula denominator is increased by one and hence the party's chances of winning the next seat are reduced. The available seats are awarded one at a time to the party with the greatest average. Party totals, not candidate totals, are used in the calculations. No transfer of ballots takes place.
44   The ten departments are: Agriculture and Rural Development; Culture, Arts, and Leisure; Education; Enterprise, Trade, and Investment; Environment; Finance and Personnel; Health, Social Services, and Public Safety; Higher and Further Education, Training, and Employment; Regional Development; and Social Development. Allocation of ministers (1998 elections): 3 SDLP, 3 UUP, 2 SF, 2 DUP.
45   The DUP did take their seats but its ministers did not take part in the first meeting of the Executive Committee in December 1999 because of protest against Sinn Féin.

ists and unionists.[46] The ministers elected take a 'Pledge of Office', not an 'Oath of Allegiance'. This is because of the bi-national nature of the Agreement: nationalist ministers do not have to swear an Oath of Allegiance to the British Crown or the Union. The Pledge of Office reflects the ideology of the Agreement: the ministers commit themselves to non-violent, peaceful and democratic means, and to the principle of equality.[47]

The special skill of the designers of the Agreement was to create strong incentives for executive power-sharing and power-division. The dual premiership was designed to tie moderate representatives of each bloc together, and give some drive towards overall policy-coherence. The d'Hondt mechanism ensured inclusion and reduced the process of bargaining about allocation of seats. Distinctive coalitions could form around different issues within the Executive, permitting flexibility.[48]

In the first elections for the posts of the First Minister and Deputy First Minister in designate form, the 'yes'-unionists, who then had the majority of registered unionists, and the SDLP voted for David Trimble (UUP) and Seamus Mallon (SDLP). The 'no'-

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46 This was temporarily changed in the course of the crisis over executive formation in the summer of 1999. The Secretary of State for Northern Ireland introduced a new rule requiring that the Executive consists of at least three designated nationalists and three designated unionists. It was a panic measure, which should prevent that an Executive would contain only nationalists if the contra-Agreement unionists would not take their entitlements in the Assembly and the UUP would therefore not get the requested share of seats; or would contain no pro-Agreement unionists. This measure changed the Executive incentive structures agreed by the SDLP and UUP in the negotiation of the Agreement, and was subsequently abandoned. O'LEARY, "The Character of the 1998 Agreement: Results and Prospects", 53 and endnote 7. WILFORD, "The Assembly and the Executive", 115–119.

47 The Pledge required ministers to:
(a) discharge in good faith all the duties of office;
(b) commitment to non-violence and exclusively peaceful and democratic means;
(c) to serve all the people of Northern Ireland equally (…) and prevent discrimination;
(d) to participate (…) in the preparation of a programme for government;
(e) to operate within the framework of that programme (…);
(f) to support, and to act in accordance with, all decisions of the Executive Committee and the Assembly;
(g) to comply with the Ministerial Code of Conduct.
Pledge of Office required in the Belfast Agreement. Strand One, Art. 23 and Annex A.

48 O'LEARY, "The Character of the 1998 Agreement: Results and Prospects", 52–56.

unionists voted against this combination, while SF abstained when the vote for David Trimble as First Minister was taken.[49]

The elections to these posts proved to be much more difficult in fall 2001. David Trimble had resigned in July 2001 due to delays in the decommissioning issue. The impasse could be overcome in October 2001. The First Minister and, as the 1998 *Northern Ireland Act* requires, the Deputy First Minister could thus be re-elected. However, the 'yes'-unionist had lost its majority. David Trimble could consequently not be re-elected at a first ballot. The re-election became possible only with a 'trick': the members of the Alliance Party and of the Women's Coalition had to change their designation from 'other' to 'unionist' in order to secure a cross-community and intra-community majority vote. David Trimble could then be re-appointed as First Minister together with Mark Durkan (SDLP) as his deputy.[50] Interesting is the fact that this time, Sinn Féin did not abstain. In fact, it had voted for Trimble and Durkan.

The establishment of the Northern Ireland Executive was subject to many discussions. The question has never been whether there should be an Executive for Northern Ireland or not. The question was when this Executive should be set up. Unionists argued that the Executive could only be appointed after some decommissioning. Their position was 'no guns, no government' or rather 'guns for government'. They justified their case with the letter David Trimble had received from the British Prime Minister on the morning of the Agreement, indicating that it was Tony Blair's view that decommissioning 'should begin right away'. The Belfast Agreement, however, did not imply such a condition. This was the main point about the decommissioning-Executive formation impasse.[51]

49   See NIAOR, 1 July 1998.
50   See NIAOR, 2 November and 6 November 2001. 100 per cent of Nationalists voted 'yes'.
51   See also chapter 3.2.1 about the decommissioning issue.

1.2.3 North-South and East-West Institutions

Besides the provisions for internal institutions within Northern Ireland, the Belfast Agreement deals with the British-Irish relations and the affairs between Northern Ireland and the Republic. Strand Two and Three establish institutions to organise these relations.

The North-South bodies are defined in Strand Two to institutionalise the relationship between Belfast and Dublin. The outcome of the negotiations was that there should exist six new cross-border implementation bodies and a further six matters of cooperation effected through exiting bodies in each jurisdiction.[52] The North-South Ministerial Council decisions must achieve the consent of both the Northern Ireland Assembly and of the Oireachtas.[53] There is provision for a reciprocal veto on each side of the border although it was clear that the North/South Ministerial Council would enjoy a measure of autonomy, provided its participants could agree on the adoption of common policies and their implementation.

At the head of the all-Ireland institutions is the North-South Ministerial Council, which would meet regularly and frequently to formulate policy on all-Ireland matters and to oversee the implementation of the decisions reached. A permanent secretariat supports the work of the Council and the implementation bodies.

The subject of North/South institutions has not played a great role in the implementation process. For nationalists, however, the cross-border institutions have an important function supporting their identity. They provide a 'foretaste' of a possible Irish unity. Unionists agree to these bodies as long as the North-South institutions are subordinate to the Northern Ireland Assembly. This means de facto that the unionists can veto the decisions of the North/South Ministerial Council because of their majority in the NIA.

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52 The six implementation bodies were: Inland Waterways; Food Safety; Trade and Business Development; Special EU Programmes; Language; Aquaculture and Marine Matters. The six matters for cross-border cooperation were: Transport, Agriculture, Education, Health, Environment, and Tourism. See NIAOR, 15 February 1999.

53 Belfast Agreement. Strand Two, para. 2. 'Oireachtas' is the Irish expression for the two chambers of the Irish parliament.

The British-Irish Council, also known as 'the Council of the Isles', constitutes one part of Strand Three. It connects the governments and nations of the United Kingdom and the Republic of Ireland, and is subject of a treaty between the two states, attached to the Agreement. The British-Irish Council not only includes representatives from British and Irish Governments, but also from devolved institutions in Scotland, Wales, the Isle of Man, the Channel Islands and Northern Ireland.[54]

The reason for inclusion of the British-Irish Council in the terms of the Agreement was to create a balance between the institutions provided in Strand Two and Three. Whereas Strand Two considered Irish nationalist demands and aspirations, Strand Three offered reassurance to Ulster unionists. Indeed, the inclusion of Strand Three appears to have been fundamental to the UUP's acceptance of the whole package. Ideally, unionists wished to have the North-South bodies made subordinate to the British-Irish Council. The Agreement provided instead for the separate operation of the North-South and East-West bodies with the clear implication that independence was to be secured in both, along with the Northern Ireland Assembly. However, it cannot be overseen that the North-South dimension is bound more tightly to the Northern Ireland Assembly, and that the development of the British-Irish Council is not as clearly predetermined as that of the North-South bodies.[55]

The purpose of the Council, as stated in the Agreement, is 'to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands',[56] 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 relevant administrations.' Areas of cooperation 'could include transport links, agricultural issues, environmental issues, cultural issues, health issues, education issues and approaches to the EU issues'.[57] The British-Irish Coun-

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54   Belfast Agreement. Strand Three: British-Irish Council, para. 2.
55   Graham WALKER. "The British-Irish Council." In *Aspects of the Belfast Agreement,* 129–141. 130.
56   Belfast Agreement. Strand Three: British-Irish Council, para. 1.
57   Ibid. para. 5.

cil appears as a possible way forward politically, socially, culturally, and economically for the British isles as a whole.

The role of the British-Irish Council is not crucial to the implementation process. It takes its place in the already crowded arena of intergovernmental and inter-parliamentary activity.[58] The British Government's perception of the British-Irish Council is of a body designed to develop further the relationship between the United Kingdom and the Republic of Ireland, and to provide a context in which the Northern Ireland problem can be truly resolved. One goal seems to be a more coherent British-Irish voice in the EU.

1.2.4 Policy Issues

The last part of the Good Friday Agreement deals with special policy issues. In a fist section, the parties affirm their commitment to a set of human and civil rights. A new Northern Ireland Human Rights Commission should be set up with advisory, review, research, publicity, watchdog and legal functions. An Equality Commission should deal with issues concerning equal opportunities in housing, employment and similar areas. The British Government pledged to incorporate the European Convention on Human Rights into Northern Ireland legislation and to create a statutory obligation on all public authorities to carry out their functions with due regard to promote equality of opportunity. Furthermore, the British intended to pursue policies for sustained economic growth in Northern Ireland and for promoting social inclusion in its jurisdiction, including new regional and economic development strategies, measures on employment equality and the promotion of the Irish language. The Irish Government pledged legislation to ensure protection of human rights, employment equality and equal status.[59]

58 The British-Irish Council joins the British-Irish Inter-parliamentary Body, which has deliberated since 1990, a new British-Irish Intergovernmental Council which follows that established by the Anglo-Irish Agreement of 1985, and the Joint Ministerial Committee on devolution. The question thus arises as to the definition of a distinctive role for the British-Irish Council. WALKER, "The British-Irish Council", 130/131.

59 Belfast Agreement, Rights, Safeguards and Equality of Opportunity, para. 9. For more information concerning equality issues, see Christopher McCRUDDEN,. "Equality and the Good Friday Agreement." In *After the Good Friday Agreement*, 96–121.

On decommissioning, the parties pledged 'to use any influence they may have, (…) to work to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement in the context of the implementation of the overall settlement.'[60] An Independent International Commission on Decommissioning (IICD) should develop schemes, which can represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups. The IICD would monitor, review and verify the progress and report the results on a regular basis. Decommissioning was the most crucial issue in the whole implementation process. No other topic discussed in the Agreement led to deeper divided positions.

A further section states that the British Government would reduce the numbers of armed forces in Northern Ireland, remove security installations and emergency powers in order to develop 'a peaceful environment' and normalise 'security arrangements and practices'.[61] This was included to encourage the paramilitaries, and particularly the republican movement, to conclude that there was no need for a return to the armed struggle.

Referring to policing, the Agreement states that the talks participants recognised that policing is a 'central issue in any society'. The Agreement was seen as the opportunity for a new beginning which could leave the emotive past of policing in Northern Ireland behind. The police service should be capable of attracting and sustaining support from the community as a whole. An Independent Commission should be established to make recommendations for policing arrangements in Northern Ireland. The Commission should have expert and international representation among its membership and would have to present a report no later than summer 1999.[62] The Agreement claims that the criminal justice system in Northern Ireland should be designed to be a fair and impartial, to be responsive to the community's concerns, to

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60   Belfast Agreement. Decommissioning, para. 3.
61   Belfast Agreement. Security, para. 1.
62   The requirements were met: Chris Patten, the former Conservative Cabinet minister and Governor of Hong Kong, was appointed as commission chair in June 1998. The report, commonly known as Patten report, was published in September 1999.

have the confidence of all parts of the community, and to be efficient and effective.[63]

In one of the most controversial sections, the Agreement sets up mechanisms to provide for an accelerated program for the release of prisoners. Those who had been convicted of scheduled – terrorist – offences were referred to as 'qualifying prisoners' and could profit from the program.[64] Prisoners affiliated to an organisation, which had not established or was not maintaining a complete and unequivocal ceasefire, would not benefit from the arrangements. The time frame was set that all qualifying prisoners should be released two years after the start of the scheme. The last prisoner was released at the end of July 2000.[65]

The last section of the Belfast Agreement is concerned with the implementation and validation procedures such as the referendum on the Agreement. Furthermore, it provides for a review of the implementation process, with each institution having its own annual report on its operation.[66]

1.3 Strengths and Weaknesses of the Agreement

To assess the strengths and weaknesses of the Agreement one has to look beyond the formal provisions and observe the manner in which it proposes to address the core issues of the conflict. The Agreement addresses the conflict on two levels: on a political level and on a level of underlying conditions. The political deal is mainly an elaborate mechanism for power sharing, designed to allow two communities with conflicting interests, aspirations and aims to coexist without violence. The Agreement is also a framework within which the underlying conditions of the conflict can be changed by a transformative social process. These two aspects of the conflict reflect the goals of the participants: Unionists wanted to have a deal, nationalists an open-ended process. The Agreement offers both.[67]

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63   Belfast Agreement. Policing and Justice, para. 4. See also chapter 3.2.2.
64   Belfast Agreement. Prisoners, para. 1.
65   See also chapter 3.2.3.
66   Belfast Agreement. Validation, Implementation and Review.
67   RUANE and TODD. "The Belfast Agreement: Context, content, consequences", 17.

On the level of underlying conditions, the Belfast Agreement basically addresses three aspects of the conflict: the interests and identities of the two communities, the difficulty of establishing a political system, acceptable to both sides, and the problem of uncertainty about the future. The constitutional section deals with the different interests of the communities. For unionists, these interests are twofold: on the one hand, they want to preserve their dominant status in economy, politics and cultural position, although their influence significantly declined since the early 1970s. On the other hand, unionists would like to maintain the Union of Great Britain and Northern Ireland. These interests are interdependent: the best way to secure their position in Northern Ireland is the continued membership of the United Kingdom. For nationalists the goals are to achieve equality and Irish unity. The Agreement attempts to find a middle course between these conflicting interests. It tried to put the future of the Union on a firmer basis while guaranteeing equality to nationalists within Northern Ireland. Furthermore, the Agreement contains aspects concerning the question of identity. It tries to secure the equalisation of both major communities as national communities, that is the 'British' and 'Irish' communities and not just, how it is often emphasised, the Protestants and Catholics. The Agreement promises a bi-national Northern Ireland, not a one-sided British or Irish one. [68]

As a second aspect, the Agreement addresses the fact that no political system achieved the acceptance from both sides. The Agreement states that any change of the constitutional status of Northern Ireland has to be agreed by a majority of its citizens. As mentioned before, this is similar to previous government assurances. However, the Good Friday Agreement is much stronger because of several reasons. It is stronger in a psychological way because it was directly negotiated by the parties concerned. The assurances were further coupled with the commitment to remove the relevant clauses (Articles 2 and 3) in the Republic's constitution, which have always been source for trouble. The Agreement includes a recognition that the present status of Northern Ireland as part of the United Kingdom reflects the wish of the majority of

68   Ibid.

people in Northern Ireland – for the first time, the Irish government recognised the legitimacy of British rule in Northern Ireland. These facts and the strong personal commitment to the Union from Tony Blair give more security to unionists.[69] However, there are also clauses challenging the unionist position and favouring nationalist interests. There is for example the voting procedure in the Assembly involving a combination of parallel consent and weighted majorities which benefits a nationalist 'veto'. Furthermore, for the first time, the unionists accepted a power-sharing executive with a First Minister and a Deputy First Minister with identical powers. The Sunningdale Agreement of 1973 provided for a power-sharing model, but the hard liners on both sides had no access to it – a reason why the Sunningdale proposals have never been widely accepted. The North-South Ministerial Council, which might deepen the relationship between the northern and the southern part of Ireland seem to threaten the Union. In this sense the Agreement provides advantages and disadvantages to both communities. The Agreement thus moderates the potential of conflict, but it does not eliminate it.

A third issue is the problem of the future – the danger that a change in the demographic and political balance in Northern Ireland will lead to future crises. The Agreement sets out to create a degree of certainty for the future of Northern Ireland by introducing the possibility to change the constitutional status. Self-determination of the people of Northern Ireland is treated as part of the Irish people as a whole; and if Northern Ireland leaves the Union, the only option would be the unity with the Republic of Ireland – there is no option of an independent Northern Ireland.

The Agreement addresses further social, economic and demographic issues. The administrative and economic integration of the two parts of Ireland is simplified by the North/South Council and the implementation bodies. Within Northern Ireland, the provision for proportionality and power-sharing ensures that changes in the demographic and political shape of Northern Ireland are

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69   See for example Tony BLAIR. Speech to the Royal Agricultural Society. Belfast, 14 May 1998. CAIN Web Service, source documents. 'I said last year that I valued the Union. I repeat that to you today.'

immediately reflected at the level of government. The Agreement also contains provision for an increased concern with human and minority rights in the Republic – this ensures that, in the event of Irish unity, the interests and concerns of the Republic's new Ulster Protestant minority would be considered.[70]

The Agreement goes a considerable way to contain conflict. It is conceived as a framework for more far-reaching long-term change. It has something for (nearly) everyone. The Agreement thus represents an attempt to move from a condition of zero-sum to positive-sum politics. For its proponents, whether nationalist, unionist, republican, loyalist, or 'other', it proved to be a difficult bargain: as David Trimble put it in commending support for the Agreement at the referendum, 'it's as good as it gets'.[71] Nationalists endorsed the Belfast Agreement because it promised them political, legal, and economic equality as well as institutions in which they would have a strong stake. It also provides for a possibility of unification with the Republic of Ireland at a later stake.[72] Unionists and nationalists would co-govern Northern Ireland which assured them that direct and indirect discrimination would be eliminated. The IRA got its possibility to end a long war that they could neither win nor lose without a loss of face. Militant republicans could claim that they only changed their means, but not their end: the termination of partition and the British withdrawal from the island of Ireland. The reasons for nationalists to support the Agreement are easy to understand. The Agreement promised a real improvement of their situation. But why did the unionists accept it? The aim of the unionists, namely to maintain the Union with Britain, was not touched either. Their hope was that only by being generous now could they reconcile nationalists to the Union, and protect themselves against possible shifts in the balance of demographic power.[73] Unionists would get a share of self-government, which would avoid the prospect of the British and Irish governments deciding about their future over their heads. In short, the Agreement represented a real step forward for

70   RUANE and TODD. "The Belfast Agreement: Context, content, consequences", 21.
71   David Trimble cit. in WILFORD, "The Assembly and the Executive", 121/122.
72   Belfast Agreement. Constitutional Issues, para. 1 (i) and (iii).
73   O'LEARY, "The Character of the 1998 Agreement: Results and Prospects", 73.

nationalists. For unionists, however, it was the lesser of two evils. It is thus not surprising that the rejection of the Agreement was greater in the unionist bloc.

The Agreement, reached in a context of continuing division, shows the capacity of political skills, will and determination to force an agreement against the odds. However, it leaves a wide range of aspects of the conflict untouched. It does not address the deeper roots of conflict. This is shown by the difficulties experienced in the implementation process. The limit to political progress will in some cases be reached soon. Political will, pressure and contingency can bring elite agreement on institutions. But where the institutions need wider party and communal support to function, where decisions are deeply emotive, and where the deeper roots of the conflict are addressed, agreement may not bee granted. This is not a failure of party leadership or government negotiation, but it is the product of the interaction between political leadership and structurally defined, conflicting communal interests and identities.

2 Implementing the Good Friday Agreement: The Main Factors and Positions

Today we cleared the way for the future.
Tomorrow we start to build the future.
The future is freedom. Together let us build
a bridge to freedom.
    Gerry ADAMS.
    Presidential address to reconvened Sinn Féin Ard Fheis, 10 May 1998.

There is one road ahead for this Party [UUP]
and this country. It is the road to stability –
to prosperity – to peace.
    David TRIMBLE.
    Speech to the UUP Annual Conference, 24 October 1998.

A future together. These words sum up
the history and philosophy of our party.
They are the essence of what the SDLP is about.
    John HUME.
    Speech to the SDLP Annual Conference, 14 November 1998.

The sky is not less grey because the blind man
does not see it. Equally, the danger
of this Agreement is not less real
because 71 per cent of the people do not see it.
    Peter ROBINSON.
    Speech to the DUP Annual Conference, 28 November 1998.

The successful implementation of the Belfast Agreement has proved to be more difficult than its formulation. The Orange parade at Drumcree in July 1998, the massacre at Omagh in August 1998 where 29 people lost their lives, and the repeated crises of executive formation and decommissioning together have

led to difficulties. The Agreement in its totality is an immensely subtle institutional construction and vulnerable to the politics of hard-line unionists or republicans, and to miscalculations by softer-line politicians.

John Coakley, Director of the Institute for British-Irish Studies at the University College in Dublin, outlines four kinds of positions concerning the Belfast Agreement: firstly, supporters of Irish unity who see in the Agreement movement in the direction of their desired objective; secondly, supporters of Irish unity who see the Agreement as making realisation of their desired objective more difficult; thirdly, opponents of Irish unity who see the Agreement as an alarming concession that may undermine partition; and fourthly, opponents of Irish unity who see the Agreement as securing a desirable geopolitical status quo.[1]

For optimistic nationalists, the Agreement constitutes a flexible framework within a range of possibilities. A clear mechanism for ending partition has been defined, and the growing demographic strength of the Catholic community in the North suggests that this is politically significant. The cross-border institutions may be restricted in scope, but they have the capacity to grow. The change in the Irish constitution leaves the goal of unity intact, and permits participation of the Republic in northern matters in a way not previously thought possible. This argumentation is close to the position of the main parties in the Republic of Ireland and the Taoiseach, Bertie Ahern. It can also be associated with the SDLP and Sinn Féin.

For more pessimistic supporters of the unity, the Agreement is a step back. The cross-border bodies are only of theoretical significance, and constitutional change has recognised partition more than ever before. The new institutions and the mechanism for bringing unity about are illusory because of the northern veto laid down in the Agreement. Most critically, the Agreement is seen as a fundamental violation of the organic conception of the nation, since it abandoned the nationalist argument that the people of Ireland should be the decision-making unit by conceding Northern Ireland's right of self-determination. This is the per-

1   COAKLEY, "The Belfast Agreement and the Republic of Ireland", 239.

spective of Republican Sinn Féin and of the Thirty-two County Sovereignty Committee, both based on factions that broke away from Sinn Féin.

Opponents of the Agreement can also be found in a second camp: those who advocate partition, but who fear that the Agreement undermines this. They accept the nationalist view, but come to the opposite political conclusion: the Agreement is politically destabilising, a threat to British institutions, and a threat to the rights of unionists of Northern Ireland. In the Republic, there are no significant political groups who support this position. In Northern Ireland, this perspective is adopted by the Democratic Unionist Party (DUP), by the United Kingdom Unionist Party (UKUP) and by many within the Ulster Unionist Party (UUP).

Finally, there are those who support the Agreement because it seems to guarantee the status quo. This group shares the analysis of the second view discussed, but reverses its political conclusion: the Agreement reinforces partition, and is therefore to be welcomed. This view is found in many of the political parties in the Republic of Ireland, though it is not an official position. In Northern Ireland, this view is held by many unionists, especially by the UUP.[2]

The following chapter describes the views and position of the most important factors influencing the implementation process of the Belfast Agreement. The main actors are the British and Irish governments together with the parties of Northern Ireland. Their positions and opinions are examined on the basis of the official reports of the Northern Ireland Assembly (NIAOR), public statements and newspaper articles. Other influential factors such as European integration and the impact of the Irish-American lobby are analysed in the second part of the chapter.

2 Ibid. 239/240.

2.1 Between Progress and Caution: The British and Irish Approaches

In the case where a sovereign border has separated a national minority living in its homeland from its kin-state, and where historically privileged former settlers cannot control the relevant disputed territory on their own, outside 'ethno-guarantors'[3] often play a crucial role to start a peace process. The external ethno-guarantors have identity ties with the internal groups. They can either collaborate to enforce agreements on the internal antagonists or they can exacerbate tensions between their internal allies.[4] In the conflict in Northern Ireland, these outside 'ethno-guarantors', namely the British and Irish governments, had both the will and political power to bring the protracted inter-group conflict to resolution. Without their involvement, there would have been no peace process.

The relations between the British and Irish governments started to improve during the 1970s. Until the mid-1970s, the British government approached the conflict by the hierarchical conception of British over Irish claims to sovereignty over Northern Ireland. The conflict was seen as a primarily internal rebellion, rather than as a conflict with the Republic of Ireland about opposing claims. However, in the early 1980s the British policy changed from a position favouring the unionist side towards a position of neutrality on the status of Northern Ireland. The relationship thus changed towards a more symmetrical British-Irish involvement. Relations improved when both governments realised during the mid-1980s that they had to cooperate to prevent the rise in nationalist electoral support for Sinn Féin by supporting the moderate SDLP position. Their efforts peaked for a first time in the Anglo-Irish Agreement of 1985, which laid the groundwork for the negotiations leading to the Belfast Agreement.[5]

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3   The expression 'ethno-guarantors' was determined by Sean Byrne, expert on ethnic conflict resolution. The term 'ethno-guarantors' stands for external third parties with direct involvement in an ethnic conflict through identity ties.

4   BYRNE, "Consociational and Civic Society Approaches to Peacebuilding in Northern Ireland", 331.

5   A good overview over British and Irish influence on the achievement of the Belfast Agreement is given by O'DUFFY, "British and Irish conflict regulation from Sunning-

The improving relations between Great Britain and the Republic of Ireland had its influence on the relation between Britain and Northern Ireland too. British Prime Minster Tony Blair repeatedly underlined the shared values in Ireland and Britain. He laid his hope on the fact that a changed situation between London and Dublin could have a favourable impact on the process in Northern Ireland too. Blair said in an address to the Joint Houses of the Oireachtas in November 1998: '[The people of Northern Ireland] can live together more easily if we, Britain and the Irish Republic, can live closer together too.' He also underlined the European dimension of the peace process.[6]

Both governments played an important role in the implementation process as negotiators and calming factors of often heated and tense situations. Without their influence, the Good Friday Agreement would have failed after a very short time.

2.1.1 The British Commitment to Progress

An obvious reason, why the British are deeply involved in the conflict and the peace process is the fact that Northern Ireland is still part of the United Kingdom. Although the devolution of power not only to Northern Ireland, but also to Scotland and Wales, weakened the British authority and made the country less centralised and more federal, British legislation is the rule in Northern Ireland. Northern Ireland is highly dependent on British subsidies because of the de-industrialised condition of its economy. Furthermore, the attitudes to Northern Ireland changed with the defeat of the Major government and the victory of New Labour. While John Major had been prepared to offer radical constitutional concessions to republicans and nationalists, it was Tony Blair who campaigned in favour of the Union. Consequently, the relation between unionists and the British state became closer

dale to Belfast. Part II: Playing for a draw 1985–1999". He concludes that the improvement of the relationship was founded principally on the diffusion or pluralisation of sovereignty in a way, which recognised, institutionalised and protected constitutionally both ethnic and civic bases of nation-state legitimacy and government.

6   Tony BLAIR. Address to the Joint Houses of the Oireachtas. Dublin, 26 November 1998. http://www2.nio.gov.uk/981126g-nio.htm.

again.[7] A further characteristic is the fact that the Protestants and unionists in Northern Ireland view Great Britain as their kin-state. Most unionists define themselves as 'British' instead of 'Irish' or 'Northern Irish'. Also in terms of cultural assimilation, Northern Ireland has become more integrated into the United Kingdom. The combination of these historical, political, cultural and economic factors, together with the fact that Great Britain provided the security infrastructure in Northern Ireland, explain the strong relationship and dependence between Northern Ireland and the British state.

Not only the Protestant/unionist population, but also the Catholic/nationalist population in Northern Ireland had invested energy in forging a relationship with the British government. The republican movement in particular hoped it could convince the British to push for Irish unity.[8] The major argument for the defence of the Union by the unionists had been that anything else than maintaining the constitutional status quo would mean a capitulation to terrorist violence. The central calculation of the republicans was thus that the cessation of their armed struggle with the British state would remove the unionist argument and allow the British state to become a persuader for a united Ireland. However, these aspirations were dashed on several levels. First, unionism recovered some ground on constitutional issues in the Belfast Agreement. Second, Blair had, in the last days of the negotiations of the Agreement, disappointed Sinn Féin by denying the republican claim of a free-standing north-south complex of institutions charged with the function of establishing a closer relationship between the two parts of Ireland. It is unsurprising that the satisfaction of unionist objections in Strand Two had to be compromised by a concession to the republicans. This is the extent of vagueness over the relationship between executive formation and decommissioning, and the short period in which prisoners have been released.

7 An interesting overview is given by Henry PATTERSON. "From Insulation to Appeasement: The Major and Blair Governments Reconsidered." In *Aspects of the Belfast Agreement*, 166–183.
8 See Gerry ADAMS. *Free Ireland: Towards a Lasting Peace*. Dublin: Roberts Rinehart Publishers, 1995. 209.

The British were aware that the lack of trust between the two communities could not be overcome easily. Republicans feared that the unionists were not serious about including them in the democratic process and that unionist members were trying to rewrite the Belfast Agreement; unionists in return believed the republicans were addicted to violence as a tactic. Tony Blair wrote in an article published in *The Sunday Times* in July 1999, when tension between the two communities reached one of its peaks: 'And I have no doubt that one of the reasons one side accepted it is that the other rejected it, sadly a common feature of Northern Ireland negotiations.'[9]

A crucial task defined by the British government has, therefore, been the attempt at confidence-building. The British government tried to point out the common grounds in the discussion. It tried to show how far the peace process had come since its beginning. It used all of its means to make dialogue possible and to change the circumstances in which dialogue could take place. The British government made it clear to both sides that if there should be progress, everyone would have to make concessions. The need for change has been at the core of the British government's policy since the start of the negotiations. Peter Mandelson, Secretary of State for Northern Ireland 1999–2001, described the British vision and goals in a speech held in November 1999, shortly before the devolution of power to the Northern Ireland institutions:

If we are to achieve the permanent peace and stability that the people of Ireland and Northern Ireland crave, we must build that spirit of empowerment into the fibre of Northern Ireland's constitution. (…) I want this sense of empowerment to provide the driving force of a new civic society, built from the ruins of a country rent apart by violence and ill-will. This is a civic society which must thrive on debate, but which is willing to compromise. A political culture in which there is constructive opposition, but where the majority does not seek to humiliate or destroy that opposition. An inclusive political culture, which harnesses all that is best of Northern Ireland's

9   Tony BLAIR. Article in *The Sunday Times*, 4 July 1999.

two traditions and ruthlessly drives out the worst. Two traditions turned in one community. There is only one way to achieve this goal: full implementation of the Good Friday Agreement.[10]

The British policy line of going 'back to basics', to the Good Friday Agreement, runs through the whole implementation process. A few months before Mandelson, Blair demanded in a speech held at Stranmillis University College in Belfast: 'We must return to the Good Friday Agreement. (…) We need politicians from both sides to move forward together. To put aside the past and implement the Agreement, all of the Agreement.'[11]

The role of the British government was thus to bring progress to the implementation process. This is demonstrated by their different joint statements and declarations with the Irish government. This progressive, but balancing position was often difficult to get accepted by all sides. There were moments of deep disappointment during the implementation process. Blair wrote in an article published in summer 1999, that he could not 'force people to sit in an executive.' He could not 'make people sit in a government.'[12]

In general, the British influence to bring progress to the implementation process was welcomed by the pro-Agreement parties. Without British assistance, the Agreement could not have been reached. However, the British position did not always find the approval of the parties in Northern Ireland. The problem was that the British have often been confronted with the accusation of favouring one or the other side. Unionists felt betrayed by the fact that despite their serious involvement in the negotiations process, the British government sometimes decided over their heads. Nationalists and especially republicans rejected heavily the British decision to suspend the devolved institutions. Their perception

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10 Peter MANDELSON. Speech at the Ireland Fund of Great Britain lunch. Belfast, 9 November 1999. http://www.nio.gov.uk/press/1999/nov/991109c-nio.htm.

11 'Unionists had to accept that they must share power with the nationalists and the republicans. Republicans had to accept that there is no way around decommissioning.' Tony BLAIR. Keynote speech at Stranmillis University College. Belfast, 15 June 1999. http://www2.nio.gov.uk/990615pm-nio.htm.

12 Tony BLAIR. Article in *The Sunday Times*, 4 July 1999.

of the British was that they could change from one moment to another. As Peter Mandelson put it in a speech to the Institute of Management in Dublin in the spring of 2000:

> When, in January [2000], I announced my decisions on the Patten report I was the toast of many nationalists. When, in February [2000], I was forced to suspend the operation of the institutions I was demonised by the same people. I have veered between villain and hero with equal speed in unionist eyes depending on the decisions I have taken. Of course, when people accuse me of being one-sided they mean that I have chosen not to accept their point of view. That is not mature politics. I am not interested in being one side or other's hero or villain. I am not playing 'good-cop, bad-cop'.[13]

The British government knew about the perceptions of the Northern Ireland parties. As is typical for their role, the British used this again to encourage the parties to take charge of the future of Northern Ireland themselves. Blair explained in the speech held at Stranmillis University College in Belfast: 'As British Prime Minister you get used to everyone blaming you for not doing this or that. But in the end our role can only be to help. To devote time and energy and resources. The final choices lie here. In Northern Ireland.'[14]

In short, the British government had a great deal of influence on the implementation process. This was due to their role as legislator in Northern Ireland and to the fact that Great Britain was perceived as the mother state of the majority of people in Northern Ireland. The British role in the implementation process was balancing and progressive. The government has always showed its strong commitment to the Good Friday Agreement. Its incentives to this commitment resulted from a shift in British observation of the conflict in Northern Ireland. The objective changed from a perception of a purely internal British problem to an acceptance of the Irish influence and claim to the Northern Ireland problem.

13   Peter MANDELSON. Speech to the Institute of Management. Dublin, 9 March 2000. http://www.nio.gov.uk/press/2000/mar/000309a-nio.htm
14   Tony BLAIR. Keynote speech at Stranmillis University College. Belfast, 15 June 1999. http://www2.nio.gov.uk/990615pm-nio.htm.

2.1.2 A Victory for 'Ireland': The Irish Position

The influence of the Irish government on the implementation process of the Good Friday Agreement is comparable to the British role of working for progress. The incentives to uphold this position, however, resulted from a different inspiration. At a referendum on the Belfast Agreement on 22 May 1998, 94 per cent of Irish people voted in favour of a set of constitutional changes designed to permit its implementation. On the other side, the 'national question' – the partition of the island and the relationship with Britain – is still an issue for the people in the Republic of Ireland. A poll in mid-December 1999 showed that 96 per cent of those expressing a view would like a united Ireland 'at some stage in the future'.[15] The coexistence of this apparently committed support for the Agreement, with apparently strong endorsement of Irish unity, may lead to the conclusion that the Agreement was seen in the Republic as a victory for nationalism, or at least compatible with the nationalist objective of unity. Like Blair, the Irish Taoiseach Bertie Ahern tried also to underline the advantages of the Belfast Agreement and the progress that had been made. As is cited in *The Irish Times*, he said shortly before the referendums:

> We have talked for thirty years about this day. Up to this, we have done all the things a democratic society can do for peace – we have prayed for peace, marched for peace and campaigned and negotiated for peace. But this is the first opportunity we have to vote for peace.[16]

In his view, there was no alternative to the Belfast Agreement, there was 'no Plan B'.[17]

Since the partition of the island, Irish governments continued to call on the British government to initiate negotiations on the subject of Irish unity. The Troubles and consequently, the civil

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15 COAKLEY, "The Belfast Agreement and the Republic of Ireland", 223.
16 Bertie AHERN cit. in *The Irish Times*, 22 May 1998 (the day of the referendum).
17 Bertie AHERN. Statement on the state of the peace process and the implementation of the Good Friday Agreement. Dublin, 10 March 1999. Surprisingly, he was optimistic about the decommissioning issue: 'the guns have remained silent (…) There are, of course, some issues here to be resolved, but (…) there is every reason that theses issues, too, will be resolved through the intensive contacts and dialogue now under way.'

unrest in Northern Ireland, forced politicians in the Republic to give more careful consideration to the complexity of the problem. From the 1970s onwards, the Irish government defined unity as a long-term goal. Irish politicians were concerned about the conflict, but their position was more moderate. The parties in the Republic adopted a policy of favouring an internal solution to the problem. This shift in policy is illustrated at best in the Downing Street Declaration of 1993: unity is dependent on endorsement by referendums not only in Northern Ireland but also in the southern part of Ireland.[18]

The Irish government perceived the Belfast Agreement as the first step towards Irish unity. The Belfast Agreement showed the British goodwill on the issue of unity. British commitment to neutrality on the issue of Irish unity and to implementation of the wishes of the Irish people should they opt for a united Ireland was written into the Agreement. The Irish dimension is strengthened as the Agreement creates an all-island political entity through North-South institutions. Furthermore, the Agreement provides for a mechanism for ending partition. The mechanism for bringing about Irish unity was ensured with the empowerment of the Secretary of State for Northern Ireland to direct the holding of a poll to ascertain the views of the electorate 'at any time it appears likely to him that a majority of those voting would express a wish that Northern Ireland could cease to be part of the United Kingdom and form part of an united Ireland'.[19] Such polls could take place at least seven years apart, but given the rapid change in the Catholic-Protestant population ratio in Northern Ireland, there were reasons for assuming that in due course one such poll would produce a pro-unity majority. In March 2002, a first proposal to hold such a poll was put forward by the UUP.

While the supporters saw the Agreement as a victory for nationalism and a defeat for unionism, others, though less numerous, changed these positions in their arguments. In their view, the Agreement reinforces partition and British rule in Northern Ireland. The fact that self-determination required the 'agreement

18   COAKLEY, "The Belfast Agreement and the Republic of Ireland", 231.
19   Belfast Agreement. Constitutional Issues, Schedule 1, para. 2.

between the two parts'[20] of the island was perceived as a restriction of the principle of self-determination. Furthermore, the Irish Government agreed for the first time to the amendment of the Irish constitution that would remove any territorial claim to Northern Ireland. The termination of the Anglo-Irish Agreement (AIA) of 1985 was a further issue of disagreement. The AIA had given the Irish government a consultative role in the internal affairs of Northern Ireland and had made provision for additional cross-border cooperation. A standing Anglo-Irish Intergovernmental Conference, serviced by a local secretariat in Northern Ireland, was established to implement this. Although the Irish Government's role was to be consultative, provision was made to resolve any differences between the two governments. The fact that the AIA did not specify the status of Northern Ireland made it compatible with Articles 2 and 3 of the Irish constitution. Under the Belfast Agreement, this framework was replaced by a system of cooperation that laid its emphasis on bilateral cooperation rather than domestic Northern Ireland or all-Ireland matters.[21]

Opponents criticise that the Agreement, although it has created a theoretical channel to bring about unity, also erected additional obstacles to the achievement of that unity. As mentioned before, the Catholic minority is growing, which may lead to a pro-unity majority. However, a demographic majority is not necessarily an electoral majority, and an electoral majority is not necessarily a pro-unity majority. Survey evidence consistently suggests that a considerable proportion of Catholics favour maintenance of the Union, or some other outcome short of Irish unity, and that only some 50-60 per cent support a united Ireland at present.[22] Even when the small amount of Protestants who support Irish unity, about 5 per cent, is considered, the present trend suggests that despite demographic change opponents of Irish unity are likely to outnumber its supporters by at least two to one well into the

20   Belfast Agreement. Constitutional Issues, para. 1 (ii).
21   A more detailed overview is given in COAKLEY, "The Belfast Agreement and the Republic of Ireland", 234–237.
22   See Richard BREEN and Paula DEVINE. "Segmentation and the social structure." In *Politics in Northern Ireland*, ed. Paul Mitchell and Rick Wilford. Boulder: Westview, 1999. 52–65.

future.[23] Furthermore, the new hurdle introduced by this mechanism for unifying Ireland is the southern veto. Opinion polls in the Republic of Ireland showed that support for unity would critically depend on the nature of the 'package', and that 'expensive packages' entailing economic, political, or symbolic costs would be rejected. Even if potentially unpleasant packages are presented in an attractive way, the very fact that the southern consensus can no longer be taken for granted makes the southern veto a political reality and not a theoretically interesting footnote.[24]

A further point for criticism is the fact that the institutions created by the Belfast Agreement are far away from those which could be associated with an Irish state. The decisions of the North-South Ministerial Council have to be accepted by agreement between the two sides, thus giving each side a veto. Some of the implementation bodies are cross-border EU-programs and already well established, and others can be qualified as very narrowly defined (animal and plant health or teacher qualifications etc., for example). Although the bodies, whose establishment was agreed in December 1998, covered areas of significance, the Agreement itself gave no guarantee that any major sector would be covered.[25]

In summary, the improving relationship between the British and Irish governments also shaped the Irish role in the implementation process. Similar to the British, the Irish government too pushed for progress and the full implementation of the Good Friday Agreement.[26] Major decisions were agreed with the British government, which influenced the implementation of the Belfast Agreement in the form of joint statements and declarations. Although there is some criticism of the Agreement, most people in the Republic are convinced of the significance of the Belfast Agreement for the Northern Ireland peace process.

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23 COAKLEY, "The Belfast Agreement and the Republic of Ireland", 238 and endnote 45.
24 Ibid. 238 and endnote 47.
25 Ibid. 238.

2.2 The Struggle for the Union: The Unionist and Loyalist Positions

Unionism is the view of most Protestant people in Northern Ireland. It is defined by the strong support of the Union between Great Britain and Northern Ireland. Unionist emphasis during the negotiations was, therefore, laid on the internal dimension in order to limit the influence of the North-South dimension. Unionists have always wished political and institutional developments to reflect the integrity and legitimacy of Northern Ireland. The unionist view is influenced by a conservative attitude that is largely concerned with the maintenance of the status quo. Those who sought change have always been subject to criticism. Steve Bruce once described the political views of Ulster unionists as a 'dismal vision'. He noted that they 'fell easily into a self-pitying assumption that the world was against them'.[27] Arthur Aughey even describes the unionist political action scheme by a Schopenhauerian saying: 'No rose without a thorn. Yes, but many a thorn without a rose.'[28] Thus better no action than an action that hurts.

The different perceptions of how far change should go, led to a fragmentation of the unionists into a moderate and a hard-line bloc. The peace process and the Belfast Agreement in particular changed many of the conservative and traditional attitudes. The differences between moderate unionists and hard-liners have grown deeper during the negotiation period. This process has continued during the implementation of the Agreement. The following chapter examines the existing views and demonstrates the reasons for the different positions.

26   'What we all want to see is the full implementation of the Agreement, in all its aspects.' Bertie AHERN. Statement. Dublin, 23 November 1999. CAIN Web Service, source documents.

27   Steve BRUCE. *The Edge of the Union: The Ulster Loyalist Political Vision*. Oxford: Oxford University Press, 1994. 63.

28   See Arthur AUGHEY. "Learning form 'The Leopard'." In *Aspects of the Belfast Agreement*, 184–201. 184. Arthur Schopenhauer's saying is published in his *Studies in Pessimism: A Series of Essays*. London: Reprint Services Corp, 1903.

2.2.1 'The Unionist Voice Shall Be Heard': Unionism and the Belfast Agreement

The reaction of the unionists to the Belfast Agreement must be seen against the background of their habit to think that any modification of the political circumstances would threat the Union. Unionists are most suspicious of political change, suspicious of the intentions of those outside the unionist 'family', and even more suspicious of the intentions of those within it. After thirty years of political violence and subversion, unionist power showed a decline and at some points even marginalisation. During this time, unionism changed from an ethnic or cultural ideology to a political attitude, being more concerned with citizenship than self-determination.[29] Unionism had to deal with the situation of a vital past, which seemed to turn into a future without a place for them. Many unionists could only see things changing to their disadvantage. They remained sceptical that the things they valued would stay the same or, even if they did, that it was worth making the required changes to secure that end. The Belfast Agreement was the first occasion a majority said 'yes'. This appeared to be a fundamental change in position, although only a small majority advocated the Agreement. The reason for this shift lies in a change of perception concerning the possibilities of unionism. David Trimble, the leader of the moderate Ulster Unionist Party (UUP) and First Minister of Northern Ireland, said in a speech to the Northern Ireland Forum shortly after the signing of the Agreement that the UUP attended the talks because he and his party's members felt that the best way to defend and promote the cause of the Union was not by abstention but by fighting for their case from within the talks process.[30]

For unionists it was important that the Agreement confirmed Northern Ireland as part of the United Kingdom. Equally significant for them was that the cross-border institutions could be seen in the context of relations with a neighbouring state rather

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29   See Norman PORTER. *Rethinking Unionism. An Alternative Vision for Northern Ireland*. Belfast: Blackstaff Press, 1996.
30   David TRIMBLE. Speech to the Northern Ireland Forum. Belfast, 17 April 1998. http://www.uup.org/current/displayfullspeech.asp?pressid=9.

than as factors indicating any measure of ambiguity to Northern Ireland's status as a political entity. Furthermore, they did not want to sit in the Assembly with 'unreconstructed terrorists'. In their view, terrorist bodies and their political wings should only hold ministerial office if they meet seven conditions, including giving a clear commitment that the 'war' is over and to disarmament within two years. The UUP wanted to uphold the rights of the loyal orders to parade on public highways. Moreover, the party stated that it would only support co-operation with the Republic of Ireland, which has a 'sound economic and commercial basis', if an Assembly would be established with the same access to the EU Council of Ministers in Brussels as regional governments have in Germany.[31]

However, the unionist position has been fragile and contestable during the implementation process. The Good Friday Agreement seemed to be the peak of change acceptable to unionists. As mentioned before, the Belfast Agreement contains many parts and terms of the Framework Document of 1995, which was heavily rejected by Unionists. This could serve as an explanation for their 'cold feet' after 1998.[32] Most unionists saw the need for change, but preferred the status quo. Opposition to the Agreement remained significant in the unionist community despite the referenda results. The unclear intentions of the IRA to decommission any of its considerable stores of arms led to uncertainties. Furthermore, the age-old fears of abandonment and betrayal by Britain, of violation by, and enforced assimilation into the ethos of a Catholic-nationalist Ireland persisted within sections of the unionist community. The UUP was split more than any other party by the making of the Agreement. Most members would have preferred an internal Agreement which involved them governing Northern Ireland with the SDLP in a weaker Assembly without its dual premiership and its inclusive executive. The formal participation of Sinn Féin in the government was subject to major discussions. Many unionists feared that Sinn Féin would try to get out the maximum advantage from the Agreement – membership

31   UUP manifesto, 10 June 1998. http://www.uup.org/current/pdfs/manifesto_output.pdf.
32   STEVENSON, "Irreversible Peace in Northern Ireland?" 7.

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of the Executive, prisoner releases, changes in policing, criminal law reform, demilitarisation an new equality legislation – and then would fail to take on their decommissioning obligations under the Agreement. The unionists were afraid to see the enemy against which they fought for three decades brought inside the pale of democratic politics and rewarded with seats, ministerial posts, and salaries – without changing position, apologising for past murders, or giving up any of its large stock weapons.[33] In short, they feared that the violence would not be over.[34]

Unionist uncertainty about their own position had its consequences. The pro-Agreement unionists lost votes to the 'no' unionists and subsequently in the Assembly. To remedy the situation, unionists tried to renegotiate some parts of the Agreement and caused great anger of other involved parties. The anti-Agreement unionist bloc was sufficiently influential to inhibit progress on a considerable number of elements. Consequently, the aspiration of the UUP leader was to find a middle way to reconcile the different views existing within the unionist bloc. The difficulty for him has been to find a balance between moving forward for progress, but moving not too fast for his own supporters.

The implementation process has been highly dependent on David Trimble. No other person earned as much praise as the Ulster Unionist leader, but nobody was criticised as hard. Many authors and experts of the peace process confirm this view. John Lloyd, unionist himself, argues that 'the key figure [in the implementation process] is Trimble. He must not only (…) make a new democratic forum work but must also create a political environment in which his own people, the unionists, can feel confident enough to share power with the nationalists.'[35] Henry McDonald, Trimble's biographer, goes one step further: 'David Trimble is perhaps Northern Ireland's Yitzak Rabin.'[36] Individuals, who have

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33   LLOYD, "Ireland's Uncertain Peace", 114.
34   See for example John TAYLOR. Statement to the NIA in January 1999. 'The crucial issue is whether there will continue to be a threat of violence in Northern Ireland. (…) I have always been in doubt about that. (…) The Ulster Unionist Party accepts that there is absence of total trust in this society.' NIAOR, 18 January 1999.
35   LLOYD, "Ireland's Uncertain Peace", 118.
36   McDONALD, *Trimble*, 5.

been directly involved in the implementation process, confirm this view. Peter Mandelson, Secretary of State for Northern Ireland, said about Trimble in a speech held at the Ireland Fund of Great Britain lunch in November 1999:

> David Trimble is the very embodiment of modern, progressive unionism. He has had the vision to look forward, to bring closer the day when he puts his party finally on to the front foot and leads them into a truly inclusive Executive based on the principle of democratic consent. I pay tribute to him because he has had the courage to look outwards, forging meaningful working relationships with nationalists and republicans in a way that was unthinkable even a few years ago.[37]

Even Sinn Féin seemed to be conscious that a peace process without David Trimble would have been unthinkable – despite the different opinions, particularly about executive formation and the decommissioning issue, and sometimes hard rhetoric used against the UUP leader. Gerry Adams stated in a meeting about David Trimble: 'I have said many times that David Trimble is the best bet for the peace process. I appreciate how far he has come and the difficulties he has had to deal with.'[38] However, Trimble's hardest critics could be found in his own bloc: the hard-line unionists and loyalists. The DUP argued that one of the objectives of British policy has been to find a unionist leader who would collaborate with their policy of disengagement, and they found such a person in David Trimble.[39] The credibility of David Trimble has been contested by the hard-liners throughout the implementation process.[40] In October 2000, they put forward a motion concerning the lack of confidence of the Assembly in its First Minister. The DUP claimed that David Trimble did not keep his promises.[41]

37 Peter MANDELSON. Speech at the Ireland Fund of Great Britain lunch. Belfast, 9 November 1999. http://www.nio.gov.uk/press/1999/nov/991109c-nio.htm.
38 Gerry ADAMS. Statement issued at a meeting. New York, 21 October 1999. CAIN Web Service, source documents.
39 DUP. "The Big Lie". 12 May 1998. http://www.dup.org.uk/scripts/dup_s/manifestodetails.idc?article_ID=156.
40 Sammy WILSON (DUP) to the NIA. NIAOR, 1 July 1998.
41 The reproach was that David Trimble had done greater damage to the Union and democracy. An interesting fact is that Peter Robinson, who held the speech about the

The hard rejection of David Trimble by the DUP may have resulted from his personal background. David Trimble was originally regarded as the candidate most hostile to political negotiation. His elevation at a young age to the post of Unionist leader was unexpected, not only for outside observers, but also for many of his older, more traditional colleagues in the party. His success had been emphasised by his public participation, along side Reverend Ian Paisley, leader of the DUP, in a stand-off between Orangemen and Catholic residents at Drumcree in July 1995. The dilemma of the Unionist leader was illustrated one year later at the Drumcree marches and the resulting stand-offs. On the one hand, Trimble's position within unionism depended on the support of its traditional elements. Less than a year before he had become Unionist leader with the support of Orange Order votes. On the other hand, the events at Drumcree strengthened the Nationalist position of searching for long-term change and, thus, weakened Trimble's position in the negotiations.[42] The DUP accused David Trimble of having made a u-turn and having betrayed his voters.

In fact, one of David Trimble's main problems in the implementation process proved to be the deeply divided unionist community. Without a closed, supporting party in his back, there was no way to overcome the divisions existing between unionists and nationalists, Protestants and Catholics. His aim was thus twofold. He not only wanted to reunion unionism, but he tried also to find a balance with the nationalists and republicans. In his Nobel Peace Prize acceptance speech in Oslo in December 1998, he described

motion, cited several times the UUP manifesto which was not produced on behalf of the First Minister, but was written on behalf of the UUP. Many of the comments referred back to the agreement and to the first months following the Belfast Agreement. He did not take into account any change of the situation since 1998. Many comments made were on a personal basis and beyond any factual footing. Almost no point was made related to the office of First Minister. David Trimble's reaction on these accusations was very tough, which is hardly surprising. After putting some things 'right', he made some reproaches on the address of the DUP. He accused the DUP that its 'primary objective is simply to gain office and advantage for itself.' The statements of the other parties were mostly accusing the DUP except for the other hard-line unionists. The motion was finally dropped. The motion failed with 26 Ayes to 52 Noes. NIAOR, 9 October 2000.

42   See Duncan MORROW. "Nothing to fear but…? Unionists and the Northern Ireland Peace Process." In *Protestant Perceptions of the Peace Process in Northern Ireland*, ed. Dominic Murray. Limerick: University of Limerick, Centre for Peace and Development Studies, 2000. 11–42.

Northern Ireland politics in the following way: 'The way politics work in Northern Ireland – if John Hume has a medal, it is important I have one too.'[43] It is surprising to observe David Trimble's staying power despite the adverse conditions he had faced. The implementation of the Agreement had become his lifework. 'The true glory lies not in a grand beginning, but in carrying it on until all is completed', he said to *The Irish Times* in October 1999.[44]

On the other side, David Trimble has been a very stubborn and distrustful politician, especially concerning the decommissioning issue. At one occasion in September 1998, David Trimble directly talked to Gerry Adams in order to break the impasse on decommissioning. At this event, he refused to shake hands with Gerry Adams. He considered it to be a political move too far for that moment.[45] He accepted the necessity to talk to the Sinn Féin president, but he still thought of him as of an armed terrorist – a person one does not make politics with. Nevertheless, the very fact that the meeting took place represented a political breakthrough.

Another typical example of David Trimble's policy is the crisis about executive formation in summer 1999. The crisis arose from political and constitutional reasons. Politically, because David Trimble insisted that Sinn Féin delivers some IRA decommissioning before its members would take seats in the Executive Committee: 'no government before guns' became his party's slogan. Under the text of Agreement, Trimble had no constitutional background to exercise this veto. However, the British and Irish governments were sympathetic to his exposed position and therefore more tolerant to Trimble's actions. He took further advantage of the fact that the SDLP did not make the formation of an executive a pre-condition of its support for the Trimble/Mallon ticket for First and Deputy First Minister. The SDLP wished also to support Trimble's political position. The flexible language of the

43 David TRIMBLE. Nobel Peace Prize acceptance speech. Oslo, 10 December 1998. http://www.nobel.no/eng_lect_98t.html.
44 David TRIMBLE cited in *The Irish Times*, 11 October 1999.
45 The origin of a handshake is to show that there is no weapon in one's hand. It is possible that this decision should be a symbol for his believe that Gerry Adams still held some weapons in reserve. A political handshake also sends a potent signal. The handshake can be defined as the beginning of politics.

Agreement gave Trimble additional room for manoeuvre. Finally, the crisis over executive formation was resolved in November 1999. The UUP agreed to executive formation – with the IRA appointing a contact person to negotiate with the Independent International Commission on Decommissioning (IICD) – while actual decommissioning, consistent with the text of the Agreement, was not required until after executive formation. To get this decision passed by the Ulster Unionist Council, David Trimble felt obliged to give his party a post-dated resignation letter. This meant that if there was no decommissioning reported by February 2000, the UUP would walk out of the Executive. No such IRA decommissioning happened, though the IRA did appear to clarify that decommissioning would occur. Fearful that Trimble could not be resurrected as First Minister, the Secretary of State Peter Mandelson suspended the Executive and the Assembly.[46]

David Trimble finally resigned as First Minister in July 2001 as a consequence of the delay in decommissioning. As seen before, his re-election in fall 2001 after the first IRA disarmament has been difficult and could be overcome only by political tricks.

In conclusion, the various crises of the implementation process had its consequences on the unionist community. They led to apathy and resignation shown by lower electoral turn-outs in unionist areas. The unionist people felt that the British government ignored their opinion. They have thought that they gave as much as they could and getting nothing in return. They feared that they could be betrayed by the republicans. The UUP worried that republican involvement could turn out to be a new type of subversion. Not a direct threat to the state with bombs and attacks on the security services, but a Mafia state in which ministerial power would be allied with a well-stocked private army able to control public opinion through intimidation. The repeating events of violence in Northern Ireland seemed to strengthen this view.

The direction in which unionism is developing is unclear. Some say that David Trimble knows exactly where he is going.[47]

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46 For more details see O'LEARY, "The Character of the 1998 Agreement: Results and Prospects", 54/55.
47 See for example Frank MILLAR. Article in *The Irish Times*, 22 June 1998. And HENNESSEY, *The Northern Ireland Peace Process*, 212–214.

Others cannot see where his politics would lead to. During the implementation process, the British and Irish government positions of supporting David Trimble weakened – a consequence of his sometimes incomprehensive moves and inflexibility. Furthermore, Trimble's policy caused more criticism in the nationalist and republican community – a fact, which may be surprising at first sight because it should be the hard-line unionist position that should cause most annoyance. One reason for this could be that Reverend Ian Paisley fits much better in the nationalist/republican prejudices. It is much more difficult to put David Trimble in a certain category. However, to accommodate a more secure position in the future – within unionism and in the contest with the republicans to reach a better status – it might be easier if David Trimble would follow a more clearly defined strategy. Nevertheless, he achieved more than anyone would have thought possible before: that the Belfast Agreement has still been alive, four years after the signing. This was, besides other factors, also his merit.

2.2.2 Opposition Against Change in the Loyalist Bloc

The hard-line unionists and loyalists proved to be a challenge to the peace process. Although the hard-liners are divided too, they had enough power to slow down the implementation process. The two blocs are defined by its attitudes against the Agreement. On the side of the pro-Agreement parties, the Progressive Unionist Party (PUP) played a crucial role to secure a pro-Agreement unionist majority in the Assembly. Nevertheless, the PUP holds only two seats in the Northern Ireland Assembly. Their direct influence on decisions in Northern Ireland politics is therefore limited. In addition to the PUP, the Ulster Democratic Party (UDP) and some loyalist paramilitaries, namely the Ulster Defence Association (UDA) and its military wing, the Ulster Freedom Fighters (UFF), came out in support of the Good Friday Agreement and called for a 'yes' vote.[48] The loyalist paramilitaries understand themselves as a reaction to IRA presence and consequently, as defenders of the rights of the Protestant community. The best way to protect the

48   UDA. Statement on 24 April 1998. *The Irish Times*, 25 April 1998.

community, however, was defined differently by the various loyalist paramilitary organisations. While the UDA/UFF supported the Agreement, the Loyalist Volunteer Force (LVF) initially called its ceasefire only because it wanted to urge people to vote 'for Ulster and that is to vote no.'[49] In October 1998, the LVF changed its position and declared a permanent cessation. Its first weapons were destroyed on 18 December 1998 under the supervision of the Independent International Commission on Decommissioning (IICD). The UDA, however, did not move on decommissioning. The UDA/UFF has always made this condition: they are, in general, ready to disarm, but not before the IRA does so.[50]

The Democratic Unionist Party (DUP) and the United Kingdom Unionist Party (UKUP) represent the 'no'-bloc. The DUP holds a significant amount of seats in the Assembly, which gives it some influence on Assembly decisions, especially on those which require a cross-community vote. Neither DUP nor UKUP did take part in the talks process, a fact for which the other parties always blamed them. Nevertheless, US-Senator George Mitchell, chairperson of the negotiations, said about their absence: 'Reaching agreement without their presence was extremely difficult; it would have been impossible with them in the room.'[51] Consequently, both parties called for a 'no'-vote in the referendum on the Belfast Agreement. This was seen as 'political cowardice' by the pro-Agreement parties[52] and isolated the hard-liners from the other parties involved in the implementation process.

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49   Loyalist Volunteer Force (LVF) ceasefire statement, 15 May 1998. CAIN Web Service, source documents.
50   See for example the statement by the Ulster Freedom Fighters (UFF) on 8 December 1999 announcing that they had appointed a contact person for the IICD. The IRA had announced to appoint a contact person on 2 December. CAIN Web Service, source documents.
51   George MITCHELL. *Making Peace*. Berkeley: University of California Press, 2001. 185.
52   *The Irish Times*, 9 May 1998.

The mistrust of the DUP and its stubbornness on policy leaves other positions to its criticism.[53] In many cases, DUP members attacked personalities, mainly David Trimble or individuals of Sinn Féin. The DUP deputy leader, Peter Robinson, said about David Trimble that no other man had done so much to undermine the Union, divide unionism, endanger the safety and lives of the unionist people and erode their defences.[54] Unionist hard-liners were against any change and progress during the implementation process. They expressed their views by flowery rhetoric due to the lack of arguments. DUP members justified their position by referring to the fact that they only represent the people who elected them.[55] During the Assembly meetings, they developed a strategy to deter members of other parties from finishing their statements by interrupting speeches and attacking members on a personal basis.[56] There have been few constructive proposals from the DUP side during the implementation process.

Why did members of the DUP react like this? The British Prime Minister put it in a nutshell in the speech he held at the Stranmillis University College in Belfast in June 1999:

53   A characteristic example for DUP argumentation is showed by the following exemplary case: During a debate in the Assembly DUP member Gregory Campbell made a statement concerning a report put forward by the First Minister (then designate) and the Deputy First Minister (then designate). The Deputy First Minister designate Seamus Mallon wanted to correct something said by Mr Campbell and asked if the speaker would give way. Mr Campbell allowed him to speak for ten seconds. Seamus Mallon made a very short statement (three sentences). Mr Campbell said that the statement was longer than ten seconds, which would show that one should never trust the SDLP. This example may show the level of distrust in the hard-line unionist section.

54   Peter ROBINSON. Speech to the DUP annual conference, 28 November 1998. CAIN Web Service, source documents.

55   See NIAOR, 1998–2001. For example Jim Wells in the meeting of the NIA on 18 January 1999.

56   A further representative example for the behaviour of the DUP in the NIA gives the following case. After the personal statement of Seamus Mallon to resign as Deputy First Minister, the Initial Presiding Officer wanted to give the word to Gerry Adams. Reverend Ian Paisley, however, was the first man standing after the speech. As Gerry Adams said before Seamus Mallon's statement that he would like to speak to the Assembly, the Initial Presiding Officer still wanted to let Gerry Adams speak first. Gerry Adams then said that he would give way to Paisley if he really liked to speak before him. Ian Paisley refused because he only wanted to speak 'as of right in this House' and not as of permission of Gerry Adams. NIAOR, 15 July 1999.

Those opposed to it [the Good Friday Agreement] have never had an alternative; don't have one now, and never will have one. And that's because (…) they prefer Northern Ireland the way it was. It was simpler. No-one had to make hard choices. No-one had to listen to the talk of betrayal of their own supporters. No-one had to speak to people they did not like. We all just stayed in little boxes and attacked the others. And Northern Ireland became a symbol for outdated religious conflict.[57]

In short, hard-line unionists are opposed to every facette of change. They fear that any movement could be a step away from the Union. Nigel Dodds, NIA member and chairman of the DUP, stated in an article published in the *Parliamentary Brief* in 1998: 'The Northern Ireland recognised in this document is a different one from that I knew prior to this Agreement. This is a Northern Ireland in transition to a united Ireland.'[58] Their position against the Belfast Agreement can also be viewed under this condition.[59] The hard-line unionists felt betrayed by all other parties in Northern Ireland.[60]

57   Tony BLAIR. Keynote speech at Stranmillis University College. Belfast, 15 June 1999. http://www2.nio.gov.uk/990615pm-nio.htm.

58   Nigel DODDS. "Accept and we are on the road to a united Ireland". *Parliamentary Brief* 5/6 (1998): 21.

59   'The Union binds Northern Ireland to the rest of the United Kingdom. This Agreement deliberately prizes it away and enforces a rolling scheme of all-Ireland harmonisation and integration, with only one ultimate goal in view: Irish unification. No other outcome is anticipated.' DUP. "The Big Lie." 12 May 1998.

60   David Ervine, member of the PUP and former loyalist prisoner, said that he too would welcome any decommissioning by paramilitary organisations, even if they were loyalist. He said that people were being betrayed by David Trimble and Tony Blair and everybody else. He thus concluded with the following words: 'Please go to a working-class loyalist area and tell them that they have been sold out, but that they should hand the guns in.' David ERVINE to the NIA. NIAOR, 18 January 1999.

2.3 The Quest for Irish Unity: The Nationalist and Republican Approaches

The goals of classic nationalism, namely Irish unity, were shaken by the events in Northern Ireland in the late 1960s and early 1970s. Northern Catholics were mobilised on civil rights rather than nationalist aims of a united Ireland. Reform of Northern Ireland became part of the British political agenda, and the British political system proved to be an unfavourable arena for national ends. Republicans tried to force the British government to create conditions under which classic nationalism would be possible. Constitutional nationalists instead responded by ideological change.[61]

Nationalists and republicans have the same goal: Irish unity. However, they differ from each other by the means they are ready to use to achieve that goal. Nationalists favour democratic, non-violent means. Their goal is to achieve Irish unity by mutual acceptance of both communities and their kin-states. Consequently, they do not want to force the British out of the territory. The central question is the recasting of relations between the Irish people, north and south. For the republican movement, on the other side, the end of British presence is vital. All means are allowed to achieve this aim, even violence and terrorism. However, the violent strategy proved to be less successful than the republicans hoped. For this reason, they tried to follow a twofold tactic: a political approach supported by terrorist attacks. The political approach has proved to be more effective. With the condition of a republican ceasefire, Sinn Féin could take part on the negotiations leading to the Good Friday Agreement.

2.3.1 'Agreement, Consent and Equality': The Nationalist Search for a Balance

The Social Democratic and Labour Party (SDLP) was one of the most important factors in the talks process leading to the Belfast Agreement. Its moderate thoughts resulted from the Civil Rights movement in the late 1960s. The figure of John Hume, the party

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61 Jennifer TODD. "Nationalism, republicanism and the Good Friday Agreement." In *After the Good Friday Agreement*, 49–70. 53.

leader for almost forty years, was particularly influential to the peace process. His ideological innovations were important for the change in liberal nationalism. More than any other single individual, he developed and fashioned a liberal nationalist discourse which at once provided a practical strategy to political dilemmas in Northern Ireland, provided long-term aims and visions within the nationalist tradition, and provided a language which made political compromise possible. The SDLP ideological approach to the conflict in Northern Ireland has been pluralist, egalitarian, dialogic and non-egoist. John Hume developed new strategies using the EU and US models, which allowed him to show the possibility for change in Northern Ireland. Furthermore, he was able to win international allies for his cause.[62]

Negotiations, according to the SDLP, have to 'be focused within the framework which embraces and addresses the key political, social, economic and cultural relationships between the communities within the North, between the communities North and South and, thirdly, on relationships between Ireland and Britain.'[63] The Agreement with the broad acceptance of this three-fold 'relationship' analysis therefore represented a great success and underlined what had very explicitly been the SDLP's approach from the late 1970s. The implementation of the Agreement is affecting ideological development. For the SDLP, the Agreement and the new institutions confirmed their liberal pluralist principles and their liberal nationalist aims. The Agreement offered a broadly acceptable institutional framework, which might lead to equality and consent in Northern Ireland.[64] The goal of the party is not limited to transforming the institutions of government. As the party of social democracy, they sought to transform the society itself.

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62   An interesting biography of John Hume's life and role as peacemaker is written by Paul ROUTLEDGE. *John Hume: A Biography*. London: Harper Collins Publishers, 1997. See also TODD. "Nationalism, republicanism and the Good Friday Agreement", 53–56.

63   SDLP. Submission to the multi-party talks: *Principles and Requirements*, 13 October 1997. CAIN Web Service, source documents.

64   'Whatever our difficulties, whatever the animosities (…) there is one immutable fact that we all have to confront: if we are to be serious about every political philosophy, we will have to work out a means of living together here in Northern Ireland on a basis of agreement, of consent, of equality, of justice.' Seamus MALLON to the NIA. NIAOR, 1 July 1998.

The Belfast Agreement seemed to be the opportunity for this transformation.[65] This is the reason why the SDLP is dedicated to the implementation process. Seamus Mallon, deputy leader of the SDLP until November 2001, defined the SDLP commitment to the Belfast Agreement and the implementation of all its aspects in a speech delivered to his party's annual conference in November 1998:

> The SDLP will use all its resources, all its skills, all its experience, all its moral force to protect and implement the Agreement. (…) Now it is our turn. We have to do better, we have to move from criticism to construction, from claiming rights to taking responsibility. The SDLP is ready.[66]

However, the implementation of the Agreement proved to be more difficult than first thought. The SDLP was concerned about the little progress made in the first months of the Agreement. In Seamus Mallon's view, as he stated at the party's annual conference 1999, the impasse was not of the SDLP's making. 'For we hold no guns. We keep no bombs. We impose no preconditions. We exclude nobody. And we are fiercely proud of that.'[67] Interestingly, he accuses both sides, not only one. One year before, he stated at the SDLP annual conference that the 'daily round of accusation and counter-accusation' had debilitated and distracted the entire political process. 'It is a classic reworking of the old confrontational politics – my party right or wrong.'[68]

The moderate nationalists tried to influence republican thinking by holding talks with the republican movement. The SDLP thus shaped the position of Sinn Féin. Mark Durkan, leader of the

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65 'In line with the long-established SDLP policy, the Agreement has provided for the development of cooperation and action in Ireland. (…) It means equality for all. (…) The SDLP wants a society where marginalisation and bigotry are simply no longer tolerated. The SDLP will not rest until this vision becomes reality.' Seamus MAL-LON. Speech to the SDLP annual conference, 5 November 1999. http://www.sdlp.ie/malanconf.htm.

66 Seamus MALLON. Speech to the SDLP annual conference, 13 November 1998. CAIN Web Service, source documents.

67 Seamus MALLON. Speech to the SDLP annual conference, 5 November 1999. http://www.sdlp.ie/malanconf.htm.

68 Seamus MALLON. Speech to the SDLP annual conference, 13 November 1998. CAIN Web Service, source documents.

SDLP since November 2001, said at his party's annual conference in November 2001:

> For decades it was democratic consent. SDLP led. Sinn Féin followed. For decades we called for an end to violence. SDLP led. Sinn Féin followed. For decades we called for the three sets of relationships [Strands One, Two and Three] that are now at the core of the Good Friday Agreement. SDLP led. Others followed. More recently it was decommissioning. SDLP called for it as requirement of the agreement. Sinn Féin followed. This year it is policing. SDLP have led. (…) Sinn Féin will follow! The best predictor of future Sinn Féin position is current SDLP policy.[69]

Although the SDLP and SF have more or less the same goal, namely a united Ireland, there exits also a contest between the two parties. At the elections for the Westminster parliament in June 2001, Sinn Féin for the first time reached a higher amount of votes than the SDLP. This is a worrying fact as this shows that the overall nationalist position is becoming more radical. The results are inflexibility and less negotiable points of view – a reality which may threaten the vulnerable balance of power reached with the Belfast Agreement.

The SDLP strategy has been consistent throughout the whole implementation process. An example for this is the resignation of Seamus Mallon from the position of Deputy First Minister designate in the summer of 1999. Disappointed by the delays and crises in the implementation process, he argued that he could no longer be the representative for the Agreement. He felt he could not fulfil his responsibility to bring cross-community consent and peace

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69   Speech by Mark DURKAN to the SDLP annual conference, 11 November 2001. http://www.sdlp.ie/PR%20durkan%20-%20leader%20acceptance%20speech.htm.

to Northern Ireland.[70] As most parties regretted his resignation, he was reappointed as Deputy First Minister in November 1999.[71]

In fall 2001, John Hume and Seamus Mallon resigned from their leadership positions in the SDLP, shortly after Seamus Mallon left his post as Deputy First Minister. These two personalities, 'the architect and the engineer' in the words of the new SDLP leader and Deputy First Minister Mark Durkan, had a great impact on the peace process in Northern Ireland. John Hume's time was essential in looking for consent leading to the Good Friday Agreement while it was Seamus Mallon who determined SDLP policy in the implementation process until the fall of 2001.

In summary, the SDLP has always tried to mediate between the two counterparts in order to reach consensus. The role of the SDLP can be described as the search for a balance, and as an attempt to show cross-community needs against the claims of each community on behalf of themselves. The SDLP has always worked for progress and worked out several constructive proposals to overcome the numerous impasses in the first four years of the implementation process.[72]

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70 'It belongs to the people. They voted for it. They own it. Consistent with my pledge, I am obliged to uphold it on their behalf.' Seamus MALLON Resignation statement. NIAOR, 15 July 1999.

71 The motion was introduced by Sean Neeson (APNI). A long debate followed concerning the intentions of Seamus Mallon (if he really resigned or if he only offered to do so). The relevant part in his speech of 15 July stated that he would offer his resignation with immediate effect. NIAOR, 29 November 1999.

72 An example: To break the impasse in spring 2000, the SDLP called for a clear implementation programme. This should clearly identify what the two governments would do, what the pro-agreement parties had to do and what all should do. They saw the duty of the governments to indicate how progress would be made on the full implementation of the reform of the police and the criminal justice system, the human rights and equality issue, and the normalisation of the security situation. The pro-agreement parties should affirm a commitment to involving themselves fully in the operation of all of the political institutions while the executive parties should prepare a common programme for government. Both governments and the parties should reaffirm their commitment to working constructively with the IICD to achieve progress on the decommissioning of paramilitary weapons. They should call upon all paramilitary organisations to re-establish contacts with the IICD so that the Commission would be able to fulfil its mandate. On the basis of this plan the two governments should announce a firm date on which the political institutions would be reinstated. SDLP. 'Eight-Points Plan' submitted to the British Prime Minister Tony Blair, 18 April 2000. CAIN Web Service, source documents.

2.3.2 Politics versus Violence: Republican Tactics

The Belfast Agreement led to a split of the republican movement in a greater pro-Agreement bloc and a smaller anti-Agreement camp. The latter position is held mainly by former IRA members who withdrew from the movement at the time of the 1994 ceasefire and constituted themselves into the Continuity Army Council (CAC). After the signing of the Agreement, the CAC continued to engage in terrorist activity and found itself joined by more recent dissidents such as the Continuity IRA and the Real IRA. Politically, two republican groups were in opposition to the Agreement: Republican Sinn Féin under Ruairi Ó Bradaigh and the 32-County Sovereignty Committee led by Bernadette Sands-McKevitt, a sister of the first hunger striker to die.[73] The political case of these republican groups was that the Agreement reinforced partition and the so-called unionist 'veto' on Irish self-determination.

The pro-Agreement camp is represented by Sinn Féin (SF) and the Irish Republican Army (IRA). Despite their advocating position, Sinn Féin's responses to the Agreement were cautious. The Agreement is viewed as an 'accommodation', not as a 'settlement'; the two referenda do not constitute an act of self-determination and do not render Northern Ireland legitimate.[74] However, in a speech to the Dáil (chamber of the Irish parliament) in

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73   The hunger strike originated in 1981 as the IRA's response to British policy of criminalisation, which included a phased withdrawal of special category status for political prisoners. It was led by the IRA commander in the Maze prison, Bobby Sands. He was to gain a great propaganda coup by having himself elected MP for Westminster constituency of Fermanagh-South Tyrone at a by-election shortly after the beginning of the hunger strike. After his death, which was accompanied by violence and rioting, the hunger strike proved to be highly successful in mobilising support among northern Catholics, southern politicians and Irish-Americans. But finally, 10 hunger strikes lost their lives while no significant political results could be reached.

74   'The agreement is not a peace settlement. Nor indeed does purport to be one. Rather, it is an important staging post of the peace process which can, like others before it in recent years, create the conditions for further movement in that direction. The agreement itself has not resolved the causes of conflict, but it has mapped out a political and institutional framework within which many of the causes of the conflict can be addressed.' Martin McGUINNESS. Article in the *Irish News*, 29 October 1998. See also the IRA response to the Good Friday Agreement, *Irish Republican News Service*, 30 April 1998 or the presidential address by Gerry ADAMS to Sinn Féin Ard Fheis, 18 April 1998 and to reconvened Sinn Féin Ard Fheis, 10 May 1998. CAIN Web Service, source documents.

Dublin, the Sinn Féin representative added to this that Sinn Féin believes that the 'new political scenario' could provide a basis for advancement.[75]

For republicans, the Agreement has two conflicting aspects. On the one hand, it upholds the unionist veto over the constitutional position of Northern Ireland, at least as long as unionists hold the electoral majority. But, on the other hand, it reduces the British territorial claim and it leads to unionists accepting the changes involving an all-Ireland dimension in everyday life.[76]

This reflects the two main republican goals: to end British presence in Northern Ireland and to bring about a united Ireland. The Good Friday Agreement created the possibility that the struggle to end British involvement in Irish affairs could be moving once more into another phase. The reason for this move could be the potential of the Good Friday Agreement to redefine the relationship between the islands of Ireland and Great Britain, thus concluding one phase of the struggle and opening up another one.[77] About Irish unity, the Sinn Féin chief negotiator and MP, Martin McGuinness, admitted at his party's annual conference two weeks after signing of the Agreement that a united Ireland would not be attainable in this phase.[78] However, Sinn Féin's subsequent decision – with IRA approval – to support a 'yes'-vote and to allow members to be elected to the new Northern Ireland assembly and to take their seats spoke for a change in position.[79] On the other hand, the affirmation of the Good Friday Agreement can be viewed as a tactical shift. Republicans expected to have an 'each-way bet': if the UUP and the British government delivered on the Agreement, all well and good; if they did not, then Sinn Féin would position itself to ensure that the unionists

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75 Address by Caoimhin Ó CAOLÁIN (Sinn Féin representative) to Dáil Eireann, 21 April 1998. *The Irish Times*, 22 April 1998.

76 Gerry ADAMS. Presidential Address to Sinn Féin Ard Fheis, 18 April 1998. CAIN Web Service, source documents.

77 Ibid.

78 *The Irish Times*, 27 April 1998. This stands in contrast to the nationalist position which states that Irish unity can only be reached by democratic, non-violent means and sufficient changes in the society of Northern Ireland.

79 See for example FARREN and MULVIHILL, *Paths to a Settlement in Northern Ireland*.

and the British got the blame for its non-implementation.[80] As the implementation process proved to be slow and crisis-ridden, Sinn Féin acted along the lines of their each way bet – the impasse was blamed on the British government and the unionist side. Gerry Adams stated in an address to a SF party conference taking place in the tense atmosphere of May 1999:

> The success of the unionist tactical approach to the Good Friday Agreement is that they have successfully impeded and frustrated progress on many issues but most particularly the institutional matters. (…) I know that there is a lot of justifiable anger and frustration (…) at the refusal of the British government and the unionists to implement all aspects of the Good Friday Agreement.[81]

The position of Sinn Féin wavered between hard rhetoric and reconciliation.[82] The republicans accused unionists of trying to renegotiate the Belfast Agreement. In return, the unionists blamed the republicans that they were not fully committed to democratic and peaceful means.

Gerry Adam's statement in a meeting of the Sinn Féin leadership on 24 November 1999 sounds more conciliatory. The meeting took place at a time when the first signs for the executive formation already could be observed:

> Our immediate goal is to forge a partnership with unionism that will see us labour together within the new institutions and govern in fairness and in honesty, with justice and equality. Unionists have nothing to fear from sharing power with republicans.[83]

The interesting point about this is the fact that Sinn Féin rhetoric altered along with the progress made to the advantage of the

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80 O'LEARY, "The Character of the 1998 Agreement: Results and Prospects", 76.
81 Gerry ADAMS. Presidential address to the Sinn Féin Ard Fheis, 9. May 1999. CAIN Web Service, source documents.
82 IRA. Statement. 21 July 1999. CAIN Web Service, source documents.
83 Gerry ADAMS. Address to a meeting of the SF Ard Comhairle, 24 November 1999. CAIN Web Service, source documents.

republican side. When the Executive was set up in November 1999, Sinn Féin showed its will to communicate and work together. At the time of the first suspension of the Executive in February 2000, no other party condemned the actions of the British more than Sinn Féin. In other words, the republicans underlined their commitment to democratic and peaceful means and their will to work together with the unionists. However, Sinn Féin has never been prepared to move on their essential points. This poses the question of what Sinn Féin really meant 'by labour together within the new institutions and govern in fairness and in honesty, with justice and equality', as is quoted above.

Another question which remains unanswered relates to the connection between Sinn Féin and the IRA. Unsurprisingly, Sinn Féin strongly denied that these two movements are one and the same. 'It has to be pointed out, and this is a simple statement of fact, that there is no such party as Sinn Féin/IRA. No such party signed up to the Good Friday Agreement,' said Mitchell McLaughlin, member of Sinn Féin, to the Northern Ireland Assembly.[84] However, the other parties, including the British and Irish governments, argued that Sinn Féin and the IRA are 'inextricably linked'.[85] The term 'Sinn Féin/IRA' was even accepted in the meetings of the Northern Ireland Assembly.[86]

The IRA committed itself to assist in the search for justice and peace. The call for decommissioning, however, was not accepted

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84   Mitchel McLAUGHLIN (SF) to the NIA. NIAOR, 15 December 1998. This statement led to reaction of an unknown member of the NIA asking if Mr McLaughlin believes in Santa Clause too. On another occasion, Gerry Adams stated that 'the IRA [and all other armed groups, including the British Army] has made it clear that it will not surrender its weapons. (…) Sinn Féin is not an armed group. We are not the IRA. We want to see all the guns taken out of Irish politics and we will continue to work for that. (…) [We are] armed only with our political ideas and our vision of the future.' Gerry ADAMS. Presidential address to reconvened Sinn Féin Ard Fheis, 10 May 1998. CAIN Web Service, source documents.

85   'No one should be naïve about the IRA and Sinn Féin. The two are inextricably linked. One cannot claim to be acting independent from the other.' Tony BLAIR. Article in the *News-Letter*, 15 September 1997.

86   Martin McGUINNESS asked the presiding officer of the NIA to rule on this matter because he thought that this term left all members of SF under an accusation and in danger. The matter was discussed in the NIA meeting of 16 February 1999. NIAOR, 16 February 1999.

at all.[87] In the view of the republican movement, the conflict in Northern Ireland is caused by British involvement in Irish affairs. The IRA called for the removal of the causes of conflict – a withdrawal of British troops of Northern Ireland. This led to a deadlock: as long as there was no decommissioning, the British could not withdraw and consequently, had to stay in.

The hardest of IRA hard-liners appeared unwilling to engage in any decommissioning, because they considered it to be an unnecessary act, and because they feared their arsenals could get into the hands of dissidents. For some of the hard-liners, the slow implementation of parts of the Agreement – police and judicial reform, equality measures, and demilitarisation – might provide a cause to return to war, though most seem committed to a permanent cease-fire. They wanted to retain their weapons 'just in case'. Interestingly, they expected others to trust them but they were not willing to trust anyone themselves.[88]

Soft-liners, on the other side, were willing to consider decommissioning, but had problems of gaining support form their colleagues. Soft-liners would only sanction a return to violence if governmental or loyalist forces were responsible for the first military breach. Fully politicised republicans believe that their movement has more to gain electorally through becoming a wholly constitutional opposition movement.

The IRA has never been militarily defeated, but it had to realise that its strategy was not very successful. The political objective of the IRA was to secure a British declaration of intent to withdraw from Northern Ireland. The objective of the British state, however, was to force the IRA to accept that it would not leave Northern Ireland until a majority in the North consented to such a move. The defeat of the IRA is thus located more on a strategic/political/ideological sphere rather than on the military/

87   IRA. Statement on Decommissioning. 30 April 1998. CAIN Web Service, source documents.
88   O'LEARY, "The Character of the 1998 Agreement: Results and Prospects", 76.

organisational or structural level. The IRA had to reduce its expectations of its own stated political objectives.[89]

In fact, Sinn Féin and the IRA have proved to be slow learners in the peace process. Their initial affirmation of the Agreement was not really a commitment to the implementation process. However, with the breakthrough in decommissioning in the fall of 2001, Sinn Féin has to be accepted as a party that is promoting progress. It took a long time and heavy political pressure and nerve to achieve this. Although the first decommissioning event was merely tactical, it can be viewed as a demonstration of the commitment to the Agreement. The second decommissioning event took place in April 2002. It was a tactical move too: the republicans hoped for a better turnout in the elections of the Republic of Ireland in spring 2002. The strategy proved to be successful. Sinn Féin could increase its share of votes from 2.6 per cent in 1997 to 6.5 per cent in 2002, which meant an increase from one to five seats in the Irish parliament. This outcome has been much higher than has been expected.[90]

2.4 International Influences

Besides the parties and governments directly involved in the peace process, external influences played a great role. There are basically three outside factors: European integration, the engagement of individuals or affiliated groups, and certain events influencing the peace process. First, an increasing integration of Great Britain and the Republic of Ireland in a Europe of regions could have its impact on the conflict in Northern Ireland. With both countries being members of the European Union (EU), their common border in Ireland has lost of importance. Second, the engagement of prominent individuals or affiliated groups such as the Irish-American lobby in the United States has played a great role in the negotiations. Secretary of State for Northern Ireland

89   See Anthony McINTRE. "Modern Irish Republicanism and the Belfast Agreement: Chickens Coming Home to Roost, or Turkeys Celebrating Christmas?" In *Aspects of the Belfast Agreement*, 202–222. 202–206.
90   *Neue Zürcher Zeitung*, 21 May 2002. Sinn Féin is the only party which is represented in Northern Ireland and the Republic of Ireland.

1997–1999, Dr Mo Mowlam, commented in a presentation to the Royal United Services Institute for Defence Studies (RUSI) on 11 November 1998: 'I've no doubt the support and encouragement of major world leaders has a real impact politically and, in many cases, financially too.'[91] In particular, Bill Clinton, US-President 1993-2001, and Senator George Mitchell bothered to find a solution for the Northern Ireland conflict. And thirdly, the terrorist attacks on the World Trade Center played – besides other factors – a crucial role concerning the breakthrough in the decommissioning issue in fall 2001. The IRA was suddenly compared to terrorists of a larger scale – a fact that led to decommissioning as a sign of goodwill from the republicans.

2.4.1 European Integration and the Peace Process

The European dimension was much larger in the process of reaching the Agreement than it is in the Agreement itself. The peace process's major advocate, John Hume, confirmed the impact of European integration on the negotiations in Northern Ireland in his Nobel Peace Prize acceptance speech in Oslo, 10 December 1998: 'In my own work for peace I was very strongly inspired by my European experience. … The European Union is the best example in the history of the world of conflict resolution.'[92] John Hume is a member of the European Parliament (MEP).

Seamus Mallon also stressed this point in a speech held at the SDLP annual conference in November 1998: 'Our peace process, our agreement, has been inspired by the massive, permanent and very mature peace process which is the European Union.'[93]

In their view, a 'Europe of Regions' would ensure that 'the Irish border, like other European borders, will be no more in reality than a county boundary.'[94] This position is also reflected

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91 Mo MOWLAM in a presentation to the RUSI (Royal United Services Institute for Defence Studies) on 11 November 1998. MOWLAM, "Implementing the Northern Ireland Peace Process", 12.

92 John HUME. Nobel Peace Price acceptance speech. Oslo, 10 December 1998.

93 Seamus MALLON. Speech to the SDLP annual conference, 13 November 1998. CAIN Web Service, source documents.

94 John Hume stated this already in 1989. Cit. in STEVENSON, "Peace in Northern Ireland: Why Now?" 43.

in the Framework Document of 1995 in which the two governments stated that 'any EU matter relevant to the competence of either administration could be raised for consideration in the North/South body. (…) The body will have an important role (…) in developing on a continuing basis an agreed approach for the whole island in respect of the challenges and opportunities of the European Union'.[95] However, in the Belfast Agreement there exist relatively few references to the European Union. In discussing the relations of the devolved institutions in Northern Ireland with other institutions, the Agreement provides for a coordination of national and EU matters.[96] Strand Two on the North-South Ministerial Council calls on the Council 'to consider the European Union dimension of relevant matters, including the implementation of EU policies and programmes and proposals in the EU framework'.[97] The annex to this section outlining possible areas of cooperation includes in its list relevant EU programs. In Strand Three, detailing the role of the British-Irish Council, 'approaches to EU issues' is listed among suitable issues for early discussion in the British-Irish Council.[98]

Such rare mentions of the European dimension in the Agreement reflect unionist objections. A redefining of Northern Ireland's constitutional status as a region of the European Union would mean a weakening of the province's position as part of the United Kingdom. This carried more weight than the argument that the sectarian divisions might be reduced and replaced by a European identity. The significant role that the European dimension played in the nationalist approach to the Agreement was thus not fully reflected in the final text. However, it must be mentioned that the structure of the Good Friday Agreement draws heavily on the same cross-border arrangements designed to make the EU a lasting success. The same rule is used for the purpose of allocating seats in the Executive as well as for the election for the Chairs

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95 Framework Document of 1995. http://cain.ulst.ac.uk/events/peace/docs/fd22295.htm.
96 Belfast Agreement. Strand One, para. 31.
97 Belfast Agreement. Strand Two, para. 17.
98 Belfast Agreement. Strand Three, para. 5.

and Deputy Chairs of Assembly Committees. The d'Hondt rule is also used in the European Parliament.[99]

An interesting point is the fact that both unionists and republicans used the main argument – namely that European integration would erode national borders and consequently, the border between the Republic and Northern Ireland would loose value – for their purposes. While nationalists saw the process of European integration as an example for the peace process in Northern Ireland, both unionists and republicans went one step further. For republicans, the EU weakens sovereignty claims throughout Europe – a fact which should lead to unionists finding a united Ireland less objectionable. Unionists, on the other side, argue that the dilution of nationhood through the integration process makes Irish unity a dead aim.[100]

In short, the EU was not a party involved directly in the negotiations to the Good Friday Agreement or in the implementation process. However, the dynamic of cross-border cooperation was partly linked to the progress of European integration. The new Europe presented economic and political incentives to move forward on the peace process. On the side of nationalists and republicans, the European dimension played a significant role. The progress of European integration is a factor facilitating the objective of a united Ireland. The hostile reaction of the unionists against any mention of European integration in the Agreement underscored their fear that any cross-border institution would be too powerful, and that they would mark a step towards a united Ireland.

In the future, it is possible that the role of European integration will increase. Already today, writes Rupert Taylor, British people characterise themselves not only as 'British', but also as 'European'. If the regionalisation of Europe becomes deeper, it is possible that a 'European' characterisation of the people in Northern Ireland would be achievable.[101] Nevertheless, this is a

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99 GUELKE, "International Dimensions of the Belfast Agreement", 258.
100 TAYLOR, "Consociation or Social Transformation", 45.
101 Ibid. 45. Nevertheless, this outcome would probably be different if British citizens would be asked to characterise themselves as 'British' *or* 'European'.

long-term possibility. At the current time, the abandonment of the communities' objectives – Irish unity versus the Union with Great Britain – would be unthinkable.

2.4.2 The Influence of the USA and the Irish-American Lobby

'America was the final crucial outsider,'[102] says John Lloyd, discussing the achievement of the Agreement. In fact, almost from the start of the Troubles in 1968, nationalists in Northern Ireland have sought support for their cause from the Irish diaspora in the United States. Financial and political support began in the early 1970s. The Irish National Caucus (INC), founded in 1974, became the main organisation lobbying for American intervention in the conflict. Their engagement, however, did not lead to considerable change in the official American position towards the conflict in Northern Ireland. It was a group of senior Irish-American politicians that had greater success in securing the interest of the State Department. They persuaded President Carter to issue a statement on Northern Ireland in 1977. While it did not challenge the fundamental basis of British policy in urging that there should be an involvement of the Republic of Ireland, the simple fact that the American government treated the conflict as a legitimate concern of American foreign policy had its influence on British and Irish policy.[103]

Nevertheless, it remains largely true that before the Clinton administration, American involvement in the conflict was largely reactive. Decisive in changing the basis of American engagement with the problem was a new organisation, 'Americans for a New Irish Agenda' (ANIA). It was sympathetic to the republican interpretation of the conflict. Its view reflected a shift in the Irish-American attitudes away from the assumption that Britain was the cause of conflict to a more subtle appreciation of the political forces in Ireland. This was coupled with the wish to contribute to an end to the conflict without prejudging the shape of a settlement. The ANIA worked out a set of proposals on Northern Ireland, which included that the US-President should appoint a

102   LLOYD, "Ireland's Uncertain Peace", 121.
103   GUELKE, "International Dimensions of the Belfast Agreement", 253–254.

peace envoy to the province, grant a visa for Gerry Adams and put diplomatic pressure on Britain over the issue. The visa was granted in 1994 which gave Gerry Adams the possibility to attend a one-day conference on Northern Ireland in New York. The IRA cease-fire in 1994 was widely seen as a vindication of Clinton's judgment on the visa. However, agreement between the British and American governments on the issue of Northern Ireland was difficult during that time, because the Americans appeared to be supportive of the republican movement by granting the visa to Gerry Adams. The British-American relations were further complicated by the implication that in the new post-Cold War era the United States no longer needed to give such a high priority to British wishes.[104]

The peace initiative of the Clinton administration made a real contribution to the resolution of the Northern Ireland conflict. The Clinton's foreign policy team could bring in what they had learned from earlier experiences with peace processes.[105] President Clinton's personal engagement and his visits in Northern Ireland between 1995 and 2000 had a great psychological influence on the peace process. For the first time, the conflict in Northern Ireland came to the knowledge of a wider audience. Moreover, the different positions were recognised. There was new hope. Clinton's impact in the last days and hours of the negotiations before Good Friday, 1998, should not be underestimated. He stayed involved until the last by talking to the participants on the phone to call on them to find a settlement. His visit in the September after the signing, during a time of crisis and despair, brought new élan to the implementation process. The combination of the Omagh bombing and Clinton's visit lead to verbal concessions from Sinn Féin that enabled progress on the shape of devolved government and the responsibilities of cross-border bodies. In the words of *The Irish Times*, Bill Clinton has been an umbrella over the peace process.[106]

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104 See MacGINTY, "American Influences on the Northern Ireland Peace Process", 31–50.
105 An example is the 1993 Oslo process for the resolution of the conflict between Israeli and Palestinians. EVANS, "The US Peace Initiative in Northern Ireland", 75.
106 *The Irish Times*, 14 September 1998.

The second American individual to have great impact on the talks and implementation process is Democratic US-Senator George Mitchell. He chaired the International Body on Decommissioning established in 1997. Thereafter, Mitchell became the key figure in America's engagement with the peace process, in many respects fulfilling the role of the earlier demanded peace envoy. He chaired the peace talks leading to the Belfast Agreement in 1997/1998. Mitchell's accommodationist approach to the political differences in Northern Ireland made him a very successful mediator. For his involvement in the talks process he won the Irish-American Peace Prize in July 1998. The failure of the initiatives of the British and Irish governments in the spring and summer of 1999 to solve the decommissioning-executive formation impasse forced a review of the implementation of the Agreement, which was again chaired by George Mitchell. In contrast to the period leading up to the Belfast Agreement, Mitchell received little assistance from the two governments in handling the difficult and lengthy review. He finished it after 11 weeks in November 1999. The deal achieved allowed the Executive to be set up and the other institutions to come into operation. However, when the IRA failed to deliver on a start on decommissioning by the end of January 2000, suspension of the Agreement followed, with Mitchell declining any involvement in a further review.[107]

Nevertheless, George Mitchell's view had a great impact on the implementation process. This may be one reason for the endurance of the Good Friday Agreement. With his engagement in the review he showed his own conviction to the possibility of peace in Northern Ireland.

American involvement in the Northern Ireland peace process has played a crucial role. Personal commitments of prominent individuals helped to overcome unbreakable impasses. The change from the Clinton to the Bush administration, as well as the terrorist attacks on 11 September 2001, profoundly altered American involvement in Northern Ireland. The current Bush administration does not seem to have a great interest in the situ-

107   GUELKE, "International Dimensions of the Belfast Agreement", 256–257.

ation in Northern Ireland. Its only concern has to be seen in the context of their campaign against terrorism.

2.4.3 11 September 2001: Introducing Progress

People in Northern Ireland know only too well what it means to have to endure terrorist violence. Unsurprisingly, the terrorist attacks on the World Trade Center (WTC) in New York and on the Pentagon in Washington on 11 September 2001 led to emotive statements. Many voices tried to underline the parallels between the terrorism experienced by the US and the one suffered in Northern Ireland. The *Irish News* stated: 'In moral terms, attacks on Canary Wharf in London and the World Trade Center differ only in terms of scale.'[108] In the debate of the Northern Ireland Assembly on 13 September, many members addressed this issue too. Reverend Ian Paisley, for example, said that the Western democracies should learn the lesson that there cannot be dialogue with terrorism. This is clearly an allusion to their point of view that members of Sinn Féin/IRA are terrorists and that they thus should be excluded from the Executive. He called for his party members to leave the House 'while the spokesperson of that organisation, which is allied with international terrorism, makes his remarks'.[109] Robert McCartney (UKUP) had to be interrupted by the Speaker because he accused Sinn Féin members of being of the same as the terrorists who committed the attacks in the States.[110] Other parties formulated the parallels less sharply. Eileen Bell (APNI) stated that her profound regret is that man's inhumanity to man achieved a new low with such terror. 'We have not really learned. The public was naturally horrified. However, that attitude is obviously still present in those groups that use terror and murders as the chief weapons in their struggle – even in Northern Ireland.'[111] And David Trimble said in his speech to the UUP annual confer-

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108 Editorial of the *Irish News*, 13 September 2001.
109 NIAOR, 13 September 2001.
110 Ibid. Robert McCARTNEY: 'Mr Adams held a position in the Belfast brigade of the IRA when it blew apart the bodies of 11 people on Bloody Friday. I treat his words of consolation with contempt.'
111 NIAOR, 13 September 2001.

ence in November 2001: 'Since September 11th, republicans have tried to argue that their campaign was somehow different [from that of the islamistic terrorists].'[112] And further: 'There is no moral distinction between terrorism in Northern Ireland and what happened on September 11th. The only difference is one of scale. The IRA is the prototype, the encouragement for all terrorists globally.'[113]

The pressure on the IRA to decommission a significant amount of its weapons grew in the aftermath of 11 September. The call for an action that would distance the IRA from the terrorists of 11 September became louder. Pressure was further increased by the fact that about one fourth of the victims of the terrorist attacks on the WTC was of Irish origin.[114] Consequently, the comprehension and support of IRA actions decreased in the Republic of Ireland. Furthermore, as a result of the revulsion of all types of terrorism after the terrorist attacks, Sinn Féin's US fund raising came under threat from both individual donors and the US government, before the attacks the IRA's richest and most dependable supporters.

The discovery of contacts between the IRA and the Colombian guerrilla, the FARC, in August 2001 in combination with the terrorist attacks on the WTC and the Pentagon in September left no possibility for the IRA to delay decommissioning. The first gesture was made on 19 September 2001 by signalling the readiness to enter into more detailed discussions with the IICD.[115] Nobody thought about a spontaneous shift to compromise. A first amount of weapons was delivered on 23 October 2001. This decommissioning event reflected the impact of the aforementioned three motives: the terrorist attacks on 11 September, the American unease about IRA/Sinn Féin funding, and the Colombian affair.

112 David TRIMBLE. Speech to the UUP annual conference, 17 November 2001. http://www.uup.org/current/displayfullspeech.asp?pressid=33.

113 Ibid.

114 See Pierre JOANNON. "Les attentats du 11 septembre at la fin du terrorisme en Irlande du Nord." *Défense nationale* 2 (Février 2002): 97–110.

115 IRA. Statement. 19 September 2001. CAIN Web Service, source documents.

These events led in fact to one positive result: a breakthrough in the implementation process of the Good Friday Agreement. The *Time* Magazine puts it in a nutshell:

> Whatever the aims of the men who steered passenger planes into the World Trade Center and the Pentagon, peace wasn't one of them. But the shockwaves didn't just bring war. They proved to have one unforeseen, positive effect as changing attitudes to terrorism helped push the faltering Northern Ireland peace process decisively forward.[116]

Either way, the fall of the Twin Towers changed the perception of terrorism around the world. International distinctions between freedom fighters and terrorists became thinner. For Northern Ireland, the events of September 11 in combination with the Colombian episode had an accelerating impact on the implementation process. Without this acceleration, the possibility that the implementation of the Good Friday Agreement would have failed was a real one. With the IRA confidence-building measure, a huge step forward could be made.

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116 *Time* Magazine, 5 November 2001. 66.

3 Implementing the Good Friday Agreement: The Core Questions

Just suppose it works. The whole future
of Northern Ireland is then different.
A new dispensation for Northern Ireland arrives.
There is a political settlement. There is the
decommissioning of paramilitary weapons.

     Tony BLAIR. Article in the Belfast Telegraph, 5 July 1999.

The examination of the parties' positions leads to the question about the crucial issues and subjects of the implementation process. The discussions about these issues reflect the origins and roots of the conflict. The implementation of the core issues was as difficult as the achievement of the Belfast Agreement.

The issues, which have proved to shape the implementation process, were recognised shortly after the signing of the Agreement. The unknown author of an article titled "Time for nationalist Ireland to declare that the war is over" published in *The Irish Times* on 21 May 1998, one day before the referendum was taken, stated that he had been surprised by the development that not the large constitutional changes, the principle of consent, or the cross-border bodies seemed to offend those who campaigned for a 'no'-vote. The issues of anger were in fact historical and identity matters, the release of prisoners, decommissioning, policing, and the prospect of sitting in government with former terrorists. These subjects are indeed highly emotive, but compared to the major changes brought into the relationships between the islands and within the island of Ireland relatively peripheral. He predicted that these matters would be at the heart of the discussion in Northern Ireland.[1]

The author of this article was right – these issues of anger proved to be the crucial points. They reflect the underlying

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1   *The Irish Times*, 21 May 1998.

conditions and relate directly to the long-term interests of both communities. They raise the question about the past and present legitimacy of Northern Ireland. Identity issues, decommissioning, policing and human rights matters, the problems about negotiations with former terrorists as well as the difficult dealing with the victims of violence and their offenders tap into personal feelings and memories. It is very difficult and delicate to address these issues.

The following chapter tries to dig deeper in the breeding ground of the conflict. It addresses the core questions of the conflict in Northern Ireland. It reflects the crucial issues that have been subject to often lengthy and highly emotive discussions. It examines the general conditions created by the Belfast Agreement to overcome the difficulties.

3.1 The Question of Identity

To many outsiders, the conflict in Northern Ireland appears to reflect a struggle between two groups identified by religious labels – Protestants and Catholics. While there is no doubt that the religious affiliation serves as boundary-marker in identifying the two protagonists, the identity cannot be reduced to religious terms. Religious behaviour and religious belief play little part in defining the substance of the conflict. This is underlined by the fact that no political party has a religious attribute in its name.

The conflict in Northern Ireland is of ethno-nationalist origin. Ethno-nationalism in Northern Ireland is formed by its multifaceted and complex nature. It is not only the clash between a British and Irish identity, Protestants versus Catholics, or unionists contra nationalists, but also the conflicting views concerning the legitimacy of the state and its boundaries. The conflict has thus four interdependent dimensions: an ethnic (British versus Irish), a political (Britain versus the Irish Republic), a national (unionist versus nationalist) and a religious (Protestant versus Catholic). The conflict can best be understood in terms of a dispute over two contested ethno-national identities, unionism versus nationalism and Britishness versus Irishness, and it is these two different

interpretations of identity which lie at the heart of the conflict.[2] Of course, this is not to suggest that the conflict is totally bipolar. Both within and between these two opposing traditions – British-unionism versus Irish-nationalism – there are also important differences. Not all Protestants perceive themselves as British or adopt a unionist label. And even among those who see themselves as British, a minority does not describe themselves as unionist. Similarly, neither do all Catholics identify themselves as nationalists and claim a territorial identity with the rest of Ireland.

The Belfast Agreement states that the terms 'Irish' and 'British' are not fixed and determined by either genetics or genealogy, but are open to individual choice. Both governments 'recognise the birthright of all people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose.'[3] In fact, collective identities are the creation of human choice – we are who we want to be. Most people perceive identities as unchangeable products of history.[4] In Northern Ireland, however, the people define 'themselves where they come from. They know who they are by who they are not.'[5]

The following explanations give an assessment of the identity of people living in Northern Ireland. There is no clear connection between ethnic and religious identity as is shown in Table 3.1.[6]

In 1998, almost eight out of 10 Protestants saw themselves as British. It is an interesting fact that this British identity seems to be a relatively recent phenomenon. Throughout the previous surveys, the number of Protestants who perceived themselves as British has never exceeded 70 per cent. And, although only a tiny minority favoured the label Irish, almost a third of Protes-

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2   See McGARRY and O'LEARY, *Explaining Northern Ireland*, Part II, 171–309.
3   Belfast Agreement. Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland, Article 1 (vi).
4   McSWEENEY, "Interests and Identity in the Construction of the Belfast Agreement", 304.
5   Nuala O'FAOLAIN. Article in *The Irish Times*, 18 May 1998.
6   The following explanations are based on *Northern Ireland Social Attitudes Survey*, 1989–1996 and the *Northern Ireland Election Survey*, 1998. http://cain.ulst.ac.uk/ othelem/research/nisas/nisas.htm. See also HAYES and McALLISTER, "Ethnationalism, public opinion and the Good Friday Agreement" for a more detailed examination of the dataset.

tants voted for another label, for example Northern Irish, Ulster, British-Irish etc.

Table 3.1   Religion and Ethnic Identity, 1989–1998 (Percentage) [7]

Ethnic Identity						
	1989	1991	1993	1995	1996	1998
Protestants						
British	69	66	69	67	60	78
Other	28	32	29	29	34	21
Irish	3	2	1	5	6	2
Catholics						
British	10	10	12	11	10	11
Other	30	28	27	26	32	25
Irish	60	62	61	63	58	65

Among Catholics, intra-community differences in identity are even more marked. In 1998, almost two-thirds of Catholics identified themselves as Irish, compared to 25 percent as other and 11 per cent as British. These divisions have been relatively stable through time. Important to see is the fact that one in 10 Catholics across all of the survey years is willing to cross traditionally expected allegiances and claim a British identity. Thus, as far as the Catholic adult population is concerned, there is some empirical evidence to suggest that religious affiliation and ethnic identity are by no means congruent.

A similar result is found when intra-religious differences in national identity are considered. While a large majority of Protestants claim a unionist identity (more than 70 percent), there is also a significant minority, approximately one-quarter across the survey years, who reject both unionist and nationalist label and adopt an intermediate position. Catholics are even more divided in relation to this issue. Prior to 1998, approximately half of the Catholic population rejected a nationalist label in favour of an intermediate position. While the proportion of those who perceived themselves as nationalists increased dramatically to 66 percent in 1998, one third of Catholics still do not claim a nationalist identity. Perhaps

7   Sources: *Northern Ireland Social Attitudes Survey*, 1989–1996; *Northern Ireland Election Survey*, 1998.

the most remarkable finding, however, is the unwillingness – less than one percent across all the survey years – of either Protestant or Catholic population to cross traditionally established allegiances and claim either nationalist or unionist identity.

Table 3.2   *Religion and National Identity, 1989–1998 (Percentage)*[8]

National Identity						
	1989	1991	1993	1995	1996	1998
Protestants						
Unionist	71	73	76	75	73	76
Neither	28	27	24	25	26	23
Nationalist	0.2	0.2	0.1	0.1	1	1
Catholics						
Unionist	1	1	1	1	0.3	1
Neither	59	48	59	49	52	33
Nationalist	40	51	40	51	47	66

Furthermore, the relationship between ethnic and national identity is also far from clear.

Table 3.3   *The Relationship Between Ethnic and National Identity, 1989–1998 (Percentage)*[9]

	1989	1991	1993	1995	1996	1998
British Identity						
Unionist	61	64	67	65	62	68
Non-unionist	40	36	33	35	38	32
Irish Identity						
Nationalist	46	57	49	57	55	75
Non-nationalist	54	43	51	43	45	25

Before partition, Ulster unionists thought of themselves as both Irish and British (like the Scots or Welsh) and saw no contradiction in this. For unionists, it was the natural geographical unit of the British Isles, not Ireland, which constituted their political nation. They also denied that Irish Catholics formed a separate

8   Ibid.
9   Ibid.

group within the United Kingdom. Irish nationalists, on the other hand, did not posses a British identity. They saw Protestant unionists not as a separate British nation within the island of Ireland, but as a religious minority within the Irish nation.[10] The Anglo-Irish Agreement of 1985, represents a break with the aforementioned relationship of being unionist and feeling British. This Agreement meant a shift in British policy towards Northern Ireland as well as towards the Republic of Ireland. This agreement shook the trust of Unionists in the British policy and influenced also their feeling of Britishness.[11] As can be seen from the tables, the feeling of Britishness increased again when the talks process was established in the 1990s. Table 3.3 states that in 1998 just under one-third of those who regarded themselves as British claimed to be non-unionist. Furthermore, this lack of adherence to a unionist identity within the British identifying population has remained relatively stable through time.

This is not the case when the Irish-nationalist population is considered. Contrary to earlier years when half of the people who saw themselves as Irish were also likely to claim the nationalist label, in 1998 a dramatic shift in opinion occurred. In 1998, not only three quarters of Irish identifiers also hold a nationalist position, but this widespread support reflects a 20 percentage point increase in two years. In fact, the increase is so dramatic that ethnic and political identity within this group is now greater than that within its British counterpart. The most likely explanation for this sudden change in national identity among Irish identifiers is the Good Friday Agreement itself. During the peace process, the respectability of the 'nationalist' label among the Catholic community as a whole has increased. Contrary to previous connotations, the use of this term is no longer associated with republican sympathisers, for two reasons: First, the terms 'unionist' and 'nationalist' have been adopted by the British and Irish governments to define the two communities in Northern Ireland. Similarly, the SDLP began to refer to their own supporters as

10   HENNESSEY, *The Northern Ireland Peace Process*, 2.
11   See MORROW, "Nothing to fear but…? Unionists and the Northern Ireland Peace Process".

nationalists.[12] Second, the Belfast Agreement explicitly endorsed the use of this term as a legitimate way to identify the aspirations and goals of the Catholic community, consistently using terms 'unionist' and 'nationalist' to identify the two communities.[13]

Finally, when the relationship between ethnic, national, and state identity is considered, further anomalies emerge.

Table 3.4   *The Relationship Between Ethnic, National and State Identity, 1989–1998 (Percentage)*[14]

Union with Britain						
	1989	1991	1993	1995	1996	1998
British	95	96	95	93	91	93
Unionist	97	98	95	94	95	94
British-Unionist	99	98	97	96	98	96
Irish	25	25	25	25	31	16
Nationalist	19	22	16	16	18	21
Irish-Nationalist	11	14	13	18	15	12
United Ireland						
	1989	1991	1993	1995	1996	1998
British	4	4	3	6	4	4
Unionist	2	2	2	4	4	3
British-Unionist	1	2	2	2	2	2
Irish	70	71	71	72	61	70
Nationalist	78	74	82	81	69	67
Irish-Nationalist	85	83	84	86	75	76

In contrast to the British, unionist, or the British-unionist group who are overwhelming – over 90 per cent in all cases – in their wish to preserve the union with Britain, territorial preferences within the Irish, nationalist, or Irish-nationalist community are not definitive. Although a significant majority wants to see Ireland reunited, there is still a notable minority who wants to keep Northern Ireland's present status. These results will influence the estimations for the prospect of Irish unification. They clearly

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12   Prior to the mid-eighties, SDLP representatives would always refer to the Catholic community as the 'minority community'. See Gerard MURRAY. *John Hume and the SDLP: Impact and Survival in Northern Ireland*. Dublin: Irish Academic Press, 1998.

13   HAYES and McALLISTER, "Ethnonationalism, public opinion and the Good Friday Agreement", 39/40.

14   Sources: Northern Ireland Social Attitudes Survey, 1989, 1991, 1993–1996; Northern Ireland Election Survey, 1998. In ibid., 40.

show that a demographic majority is not necessarily an electoral majority.

'Britishness' and 'Irishness' need a closer examination not only in terms of 'identity of' but also concerning 'identity with' individuals and groups. Important is the extent to which cultural groups have related to and thus, identified with institutional and legal structures, state bodies and, when it existed, the Northern Irish government itself. This aspect gives insight into the civic and social behaviour of cultural groups, writes Dominic Murray.[15] In Northern Ireland, political structures and institutions were equated by nationalists with a unionist establishment and as such were to be distrusted or at least, treated with caution. 'Irishness', on the other side, defines mostly over territorial aspects. Gerry Adams stated at a conference of Sinn Féin in April 1998: 'We are Irish people living in our own country.'[16]

Within the unionist community, however, a general attachment to the state structures exists – an assault on any of them is in fact perceived as an attack on the community. While instinctively and culturally Unionist, Britishness means identification with the mainstream of British cultural and political life through the institutions of direct or majority rule and the integrated aspects of UK economy. A unionist statement undermines this view:

> [The] feeling of Britishness is not a device or artifice which has been imposed on an unsuspecting people by successive British governments. Britishness is at the heart of Unionist philosophy, the feeling of belonging; the feeling of sharing with our fellow citizens in Great Britain in great national events; of being part of something larger than simply the six counties in the north-eastern corner of our island.[17]

One issue concerning 'Britishness' and 'Irishness' is the use of language. Language plays, besides other cultural, religious, political

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15 See Dominic MURRAY. *Protestant Perceptions of the Peace Process in Northern Ireland*.
16 Gerry ADAMS. Presidential address to Sinn Féin Ard Fheis, 18 April 1998. CAIN Web Service, source documents.
17 UUP. Submission to Strand Two of the multi-party talks: *Principles and Requirements*, 7 October 1997. CAIN Web service, source documents.

and economic factors, a great role in identity-building. The Belfast Agreement states that all participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity. Furthermore, it provides for many proposals to facilitate a simpler dealing with the language issue.[18] However, the language issue caused a problem in the Northern Ireland Assembly because republicans claimed for their right to speak Irish during the meetings.[19] As a consequence, some unionists demanded to speak Ulster-Scots, a dialect used by traditional Protestants. The problem arose because not all Assembly members could understand the Gaelic language and a translation into English was required. This led to a lengthy discussion about a legitimate procedure. The time to speak for each member is limited to a certain duration. The question now was whether someone speaking Irish or Ulster-Scots should have the same time limit as someone speaking English or whether she or he should be allowed additional time to translate his/her statement. Some called for a simultaneous translation.[20] The handling of this issue in the Northern Ireland Assembly seems irrational to the outside observer, especially the call for simultaneous translation. This shows the importance of the language issue.

Another very sensitive matter concerning identity is about flags and symbols. The Belfast Agreement states on this issue that 'symbols and emblems are used in a manner which promotes

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18   Belfast Agreement. Rights, Safeguards and Equality of Opportunity; Economic, Social and Cultural Issues, para. 3/4.

19   The problem came up already in the first meeting of the Assembly on 1 July 1998. NIAOR, 1 July 1998.

20   See for example the meetings of the NIA on 14 September or 26 October 1998. NIAOR, 14 September and 26 October 1998. In the sitting of 26 October, more than one hour was spent on the issue of language and simultaneous translation. The language issue was dealt with in the sitting of 9 March 1999. A proposal by Cedric Wilson, member of the NIUP, wanted to create a standing order saying that 'the language of this Assembly shall be English.' The proposal was rejected by all nationalist members of the Assembly and 50 per cent of the unionist members and thus got an overall 'no'. NIAOR, 9 March 1999. The issue came up in later NIA meetings again, although more hidden than before. Reverend Ian Paisley, for example, called Ms Bairbre de Brun Barbara Brown, which is an English translation of her Irish name. NIAOR, 31 January 2000.

mutual respect rather than division.'[21] The wording is very ambiguous. Unionists still see the Union flag as the national flag, an opinion that is difficult to argue against because Northern Ireland is still part of the United Kingdom. The nationalists, however, see the Union flag as a tool to promote provocation and intimidation among nationalists. In undivided societies, flags and symbols are a source of unity and inspiration. In Northern Ireland, however, symbols and emblems are seen as a source of provocation, aggravation and division.[22] A further symbol is the national anthem. At one occasion, David Trimble and Seamus Mallon were guests at the annual ball of an Irish-American association, the Ireland Chamber of Congress, in the USA. David Trimble remained in his hotel suite during the opening ceremonies because the British national anthem, God Save The Queen, was not played. Traditionally, the only anthems played at the opening of the event are the Irish and American national anthems. David Trimble expressed deep unease at being seen to stand in the ballroom for the Irish national anthem when God Save The Queen was not played.[23]

One question is left open: why is there no sign for a Northern Irish identity, particularly after the signing of the Agreement? With the peace process, it was hoped, the segregation could be overcome and lead to an easing of communal relationships. John Hume was convinced that if public representatives and political leaders can work together in a true spirit of partnership it would be possible to gradually transform the environment across Northern Ireland and in the whole island. 'The barriers which matter – those between people – will erode.'[24]

21 Belfast Agreement. Rights, Safeguard and Equality of Opportunity; Economic, Social and Cultural Issues, para. 5.
22 The Minister of Health Bairbre de Brun (SF) suspended the flying of the British national flag over the Department of Health buildings. This led to a lengthy discussion in the Assembly whether this should be condemned or welcomed. The unionist community, especially the DUP, strongly rejected the behaviour of Ms de Brun. SF and other nationalists welcomed this action. NIAOR, 17 January 2000.
    Another example for the strong meaning of symbols is the two and a half hour debate in the NIA about the question if lilies should be displayed on Easter in the in the parliament buildings. The lily is commonly seen as the IRA symbol to memorise dead IRA members. NIAOR, 10 April 2001.
23 *The Irish Times*, 9 October 1998.
24 ohn HUME. Speech to the SDLP annual conference, 6 November 1999. http://www.sdlp.ie/humeconf.htm.

The findings, however, disappoint the hopes of politicians and commentators alike. A study by the University of Ulster in Coleraine published in 2001, involving 4800 persons living in strictly homogenous quarters in Belfast, confirmed that the aggravation between the opinions and behaviour of Protestants and Catholics has become more severe. Official statistics underline the studies results. The most depressing finding is the fact that the grievances are particularly high amongst the young generation, which has grown up with the Troubles.[25] Both sides see themselves as victims. They do not perceive that the other side suffers too – sometimes even from mutual violence. Moreover, the separation exists also in employment.[26] In 1991, 63 per cent of the population in Belfast lived in areas where 90 per cent of people were of their own confession. This percentage grew over the last ten years to 66 per cent.[27]

These results are confirmed by the findings of the *Northern Ireland Life and Times Survey*, published in December 2001. In 1999, 2,200 adults were asked whether the relations between Protestant and Catholics were better, worse or the same as they had been five years ago.

Table 3.5   *The Relations between Protestants and Catholics, 1989–1999 (Percentage)*[28]

	1989			1996			1999		
	All	**C**	**P**	**All**	**C**	**P**	**All**	**C**	**P**
Better	21	23	20	46	47	44	50	60	42
Worse	28	31	26	11	10	11	7	4	10
Same	47	44	50	42	41	43	41	33	46
Other	7	4	4	2	1	2	3	2	2

C = Catholic   P = Protestant

25   68 per cent of people of age 18–25 said that they never talked to a person with other confession besides everyday business. 62 per cent of all persons have been victims of verbal or physical violence since 1994. About 60 per cent said that the relationships between the two communities have become worse since 1994. 22 per cent frequent shops of the other side, and 72 per cent do not use clinics of the other community. Many people put up with longer distances if they can avoid the contact with the other side. *Neue Zürcher Zeitung*, 5/6 January 2002.

26   An overview of 40,000 employments in Belfast showed that there are only 5 per cent Catholics working in a Protestant enterprises; and vice versa only 8 per cent Protestants in Catholic enterprises. Ibid.

27   Ibid.

Between 1989 and 1996, the percentage of respondents who believed that relations had improved rose from 21 per cent to 46 per cent. The share of Protestants who believed in an improvement of relations rose from 20 per cent to 44 per cent whereas the Catholic share rose from 23 per cent 47 per cent in the same period. This is in a heavy contrast with the picture that emerges in the period 1996–1999 where there was only a 4 over all percentage point increase to 50 per cent. Particularly worrying is the growing difference in attitude between Protestants and Catholics after 1996. For Catholics from 1996–1999 the positive trend continued with a further 13 per cent. Conversely, the Protestant response to the same question indicated a decline of 2 per cent.

Table 3.6   *Estimation of the Relations between Protestants and Catholics in Five Years Time, 1989–1999 (Percentage)*[29]

	1989			1996			1999		
	All	**C**	**P**	**All**	**C**	**P**	**All**	**C**	**P**
Better	25	30	22	43	48	39	56	67	46
Worse	16	16	16	8	4	10	4	2	7
Same	54	52	56	42	43	41	32	25	39
Other	5	4	6	8	5	10	8	6	9

C = Catholic   P = Protestant

Similarly, when asked whether relations would be better, worse or the same in five years time the total number of those who believed that they would be better increased from 25 per cent to 56 per cent in the period 1989–1999. Again, however, Catholics have been far more favourable in their assessments. Compared to 1996, the 1999 data showed that 19 per cent more Catholics and only 7 per cent more Protestants believed that relations would improve.

The growing differences between the Catholic and Protestant responses show an increase in the Catholic community's feeling of confidence in the protection of their rights and identity. This reflects their benefit of the Belfast Agreement. On the other side,

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28   *Northern Ireland Life and Times Survey*. "Integrate or Segregate? Ten Years of Social Attitudes to Community Relations. Research Update 9, December 2001. http://www.ark.ac.uk/nilt.

29   Ibid.

the Protestant community feels increasingly marginalised by wider political developments. These optimist and pessimist views occurred again when the participants had been asked if they would prefer to live in a mixed religion neighbourhood. In 1989, 67 per cent of Protestant answered affirmative to this question. The figure rose to 80 per cent in 1996, but fell to 68 per cent in 1999. In each year, more Catholics than Protestants said that they would prefer to live in mixed religion neighbourhoods. However, the figure fell from a high of 85 per cent in 1996 to 79 per cent in 1999.[30] These data suggests that segregation is continuing. It seems that after the Good Friday Agreement, the situation turned even worse. The Protestant community in particular is uncertain about its future role in Northern Ireland. The fears that their influence could be marginalised have increased: the attacks by Protestant adults on Catholic schoolchildren in northern Belfast in 2001 year are only one example of the Protestant inability to react to changes. Furthermore, the higher birth rates in Catholic areas and the facts that Catholic families move into former Protestant quarters seem to underline unionist worries. Statistics show a clear Catholic majority in the school-age population. Of children in Northern Ireland's schools last year, 173,000 were Catholic, 146,000 Protestant and 22,000 other.[31]

Identity matters lie at the heart of the conflict. They directly reflect the underlying conditions, namely distrust and segregation. Identity issues are deep-rooted and difficult to overcome. Only if the feeling of identity can be moved in a long-term, thorough process, the conflict is ready to be solved. Northern Ireland is far from that point at the time. Violence and rioting are still common incidents in Northern Ireland. The society remains deeply divided, despite the peace process. It will take further efforts to overcome this situation. Promoting the Good Friday Agreement will prove to be the right way.

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30   Ibid.
31   *Independent*, 11 February 2002.

3.2 Decommissioning of Paramilitary Weapons, Police Reform and Prisoner Release

Three issues addressed in the Belfast Agreement led to strong controversies: decommissioning, police reform and prisoner release. The discussion about these subjects often prevented a fast and effective progress and allowed only small steps towards success. In some cases, the actions undertaken on these issues were steps backwards. All three of them are highly complex and emotive and stand for the underlying aspects, which are addressed only superficially in the text of the Belfast Agreement. The Agreement left decommissioning and policing to special commissions exactly because of their complexity and divisiveness. The two governments dealt with the issue of prisoner release because they could plead a more distanced position than anyone in Northern Ireland. No one directly involved in the conflict could have found a reasonable and just solution to these issues. The past has laid a too great shadow on them.

This chapter focuses on the implementation of the decommissioning, policing and prisoner release issues. It illustrates the main arguments used by the parties. It does not, however, provide for a chronological description of the facts and events.[32]

3.2.1 The Stony Road to Paramilitary Disarmament

The decommissioning issue is one of the core elements of the implementation process. No other issue led to more emotive reactions, hard rhetoric and mutual accusation. And no other subject was more crucial for the success or failure of the Agreement. One question that arises immediately is how the dispute around decommissioning acquired such meaning for the implementation – to the extent that it threatens what is generally viewed as the most prospective opportunity for the future of Northern Ireland. A short description of the background of the decommissioning

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32   For a chronology of events 1998–2002 see Annex B.

issue may help to explain why it has become so crucial to the implementation process. [33]

In 1987, French customs officials discovered a huge amount of high technological weaponry such as missiles and explosives on a freighter, which had been en route from Libya to Ireland. Soon it became clear that the weapons were destined for the use by the IRA in their continuing war against British security forces in Northern Ireland. After a first euphoria about the important success against the IRA, the extent of IRA armament became obvious – an alarming fact that led to preparations against a massive increase in IRA violence. However, the escalation never came. In the subsequent months and years it became clear that the IRA could not use its huge armoury. The technological standard of the Libyan weaponry required extensive training, practice and personnel – all of which the IRA did not possess. [34]

At the same time, the loyalist paramilitaries were rearming with more basic equipment such as handguns and automatic rifles which they employed with increasing effect. By the 1990s, the loyalist paramilitaries began to surpass the IRA military campaign. [35] The IRA, faced with the strategic error concerning the Libyan weaponry and the growing strength of loyalist paramilitaries, looked for alternative options. This led to the aforementioned recognition by the republicans that it would not be possible to achieve their goals militarily. Sensing that the republicans might be looking for a way out, John Hume started a dialogue with Gerry Adams. This initiated the process, which resulted in the signing of the Good Friday Agreement.

As seen before, the decommissioning issue was directly addressed in the Agreement. The intention was to reassure unionists that they would not be asked to sit in government with representatives of parties who maintained private armies outside the

33 For an overview of IRA history see J. Browyer BELL. *The IRA 1968–2000. Analysis of a Secret Army*. London and Portland: Frank Cass Publishers, 2000. For more detailed information about loyalist history see for example BRUCE, *The Edge of the Union*.

34 Kirsten E SCHULZE and M.L.R. SMITH. "Decommissioning and Paramilitary Strategy in Northern Ireland: A Problem Compared." *The Journal of Strategic Studies* 23/4 (December 2000): 77–106. 80.

35 In 1994, when the IRA declared its ceasefire, 23 deaths stood for the Irish republican groups and 33 for the loyalist paramilitaries. Ibid. 81.

Assembly. However, Sinn Féin insisted that it has an unqualified entitlement under the Belfast Agreement to take its place within such an executive, since the Agreement did not require decommissioning to be completed before May 2000. It is clear that the letter of the Agreement supported Sinn Féin's case. Making reference to the legal text alone could thus not solve this problem. Actions and confidence-building measures had to be initiated before it could be resolved.

For the Unionist Assembly team, 'a peace process without decommissioning isn't worth a penny candle.'[36] In their view, decommissioning should have been started shortly after the signing of the Agreement. David Trimble said in his Nobel Peace Price acceptance speech that the peace in Northern Ireland is a peace of sorts and that it is still something of an armed peace.[37] The unionist goal was thus to come from an armed peace to an unarmed peace, and for this aim they were ready to cross many hurdles.

The Belfast Agreement states that 'both Governments will take all the necessary steps to facilitate the decommissioning process to include bringing the relevant schemes into force by the end of June [1998].'[38] The UUP argued, citing this paragraph, that decommissioning should have begun immediately. They also based their argumentation on the letter from Tony Blair to David Trimble on 10 April 1998. The Independent International Commission on Decommissioning (IICD), chaired by Canadian General John de Chastelain, was to assist the participants to achieve 'the total disarmament of all paramilitary organisations'.[39] The parties that (informally) represented paramilitary organisations in the negotiations were required to 'use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.'[40] In the view of the UUP, there is

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36 UUP Assembly team. Statement, 1 February 2000. CAIN Web Service, source documents.
37 David TRIMBLE. Nobel Peace Price acceptance speech. Oslo, 10 December 1998.
38 Belfast Agreement. Decommissioning, para. 6.
39 Belfast Agreement. Decommissioning, para. 3.
40 Ibid.

no ambiguity in relation to this part of the Agreement. They did not want to see any half-measures here.[41] The arms had to be gone, without any discussion. If 'Sinn Féin/IRA' refused to disarm, it could only indicate that they left their 'commitment to exclusively democratic and peaceful means'. This could only mean that 'Sinn Féin/IRA' tried to keep a backdoor open: if the political initiatives would fail, they could always return to their violent campaign.

However, a closer look to the Belfast Agreement shows a slightly different picture. The passages clarify the termination point for decommissioning, not the moment of the beginning, and they make sure that decommissioning is linked to the implementation of the overall settlement, including the establishment of governance structures and the police and judicial reform. This ambiguity of the text setting no starting date is a concession on the republican side. It reflects one weakness of the Agreement: the fact that the paramilitaries never signed up themselves to the Agreement. It relies on the affiliated parties to get the paramilitaries ready to accept the need for decommissioning. The paramilitaries are not legally bound by the Agreement to deliver any arms, though their political obligations are obvious. The Belfast Agreement does not directly require IRA decommissioning. This ambiguity had to be cleared by the IICD which stated in the summer of 1999 that the process of decommissioning would be accepted as 'started' when a paramilitary group '(a) gives an unambiguous commitment that decommissioning will be completed by 22 May 2000, and (b) commences detailed discussions of actual modalities (amounts, types, location, timing) with the Commission through an authorised representative.'[42]

The IRA arms importation of July 1999, which was discovered by the FBI, strengthened the view of the UUP about the undemocratic means of 'Sinn Féin/IRA'. The weapons import, argued the UUP, 'contradicts any Sinn Féin/IRA commitment to the total disarmament of all paramilitary organisations.'[43] The fact

41   UUP. 'Implementing the Agreement', 8 October 1999. CAIN Web Service, source documents.
42   IICD. Report, 2 July 1999. CAIN Web Service, source documents.
43   UUP. 'Implementing the Agreement', 8 October 1999. CAIN Web Service, source documents.

that the IICD received no response to their questions about the willingness to cooperate from either IRA or the UDA[44] seemed to further confirm the UUP position. This could mean only two things: either Sinn Féin has not used its influence to persuade the IRA to deliver its weapons or it has no influence on the IRA. Sinn Féin has always denied that they possess a great influence on the IRA position.[45] The UUP, however, argued that 'Sinn Féin and the IRA are two sides of the same coin'.[46] With this argumentation, the conclusion the UUP had to draw out of the fact that there was no decommissioning until that point: Sinn Féin has influence over the IRA, but refuses to exercise it. Sinn Féin was consequently seen as not committed to the principles agreed in the Belfast Agreement.[47] Many hard-line unionists attempted to exclude Sinn Féin from government for this reason.[48] The clear IRA statement that it would not decommission any of its arms[49] in combination with the uncertain willingness of Sinn Féin to use its influence to persuade the paramilitary group led to a reaction of the loyalist groups saying they would not deliver any arms until they were

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44   Report of the IICD, 2 July 1999. Question (3)(a): 'Is the paramilitary group willing to give the Commission a firm basis for expecting that decommissioning will take place within the timescale set forth in the Good Friday Agreement?' Question (3)(b): 'While we believe we have general agreement on schemes to be used for decommissioning, when can we expect to receive – or else conduct negotiations to define – confirmation of the practical modalities (e.g. types of weapons, and in what order, location of decommissioning events, general time parameters)?'

45   'We have made it clear that Sinn Féin is not the IRA, and we have made it clear that we cannot and we will not enter into any commitments on behalf of the IRA.' Gerry ADAMS. Article in the *Irish News*, 14 July 1999.

46   In their 'Implementing the Agreement' document of 8 October 1999, the UUP quotes several politicians who support its view that Sinn Féin and IRA are deeply interlinked. With this, they try to apply their view to a broader basis. They cite among others the British Prime Minister Tony Blair, the Irish Ex-Taoiseach John Bruton ('A vote for Sinn Féin is a vote for the IRA and a vote for the IRA's campaign of killing and murder', April 1997), and John Hume.

47   See for example David TRIMBLE. Speech to the annual general meeting of the Ulster Unionist Council, 20 March 1999. http://www.uup.org/current/displayfullspeech.asp?pressid=23.

48   'The republican movement has failed to honour its obligation [on decommissioning]. It has failed to show that it will use only democratic non-violent means. Therefore, consistently with the terms of the Agreement they ought to be excluded from office until they do.' David TRIMBLE. Address to the UUP annual conference, 24 October 1998. CAIN Web Service, source documents.

49   See the IRA. Statement on decommissioning, 30 April 1998. CAIN Web Service, source documents. 'Let us make us clear that there will be no decommissioning by the IRA.'

clear about the IRA's intentions. The implementation process reached a dead end.

In the unionist view, the acceptance of the police reform and the early release of prisoners represented commitments for which they expected to be compensated. Decommissioning was seen as the reciprocal gesture by the republicans, as it is stated in the UUP proposal of October 1999, concerning the implementation of the Belfast Agreement:

> This is why the Agreement provides for decommissioning, prisoner releases, security normalisation and equality provisions to work in parallel. By refusing to acknowledge this, the Republican Movement has been guilty of more than simply contravening the Belfast Agreement. Their entire 'commitment' to peace and democracy can now be seen as little more than a tactic, a means of squeezing as much as possible out of the Governments while still reserving the right to go back to the 'armed struggle'. (…) Republicans must demonstrate a genuine commitment to peace and the only way they can do this is by decommissioning.[50]

Sinn Féin, on the other side, could not understand why decommissioning should be so important. 'As the IRA cessation enters its third year many republicans and nationalists are angry at why the UUP makes such a fuss over guns which are silenced',[51] wrote Gerry Adams in an article. In his view, decommissioning was not even a security issue.[52] The UUP slogan, 'no guns, no government' was seen as a clear contradiction of the Agreement.[53] Sinn Féin stated that decommissioning had never been part of the cessations and none of the armed groups were committed to decommissioning. Decommissioning was not a pre-condition in the Good Friday Agreement. In SF's view, no political party could be held responsible for the failure or refusal of any armed group

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50   UUP. 'Implementing the Agreement', 8 October 1999. CAIN Web Service, source documents.
51   Gerry ADAMS. Article in the *Irish News*, 14 July 1999.
52   Gerry ADAMS. Article in the *Irish Voice*, 7 March 2000.
53   Gerry ADAMS. Address to the second annual congress of Ógra Shinn Féin, 2 October 1999. CAIN Web Service, source documents.

to decommission. Furthermore, the decommissioning issue had deliberately abused and bogged the process down since the Good Friday Agreement.[54]

The question about the relation of decommissioning and executive formation led to an aggravation of the dispute. Seamus Mallon, again in balancing position, described the situation in a speech to his party's annual conference in November 1998:

> To listen to some unionist spokesman you would believe that there was a paragraph in the Agreement which required decommissioning before Sinn Féin acceded to the executive. There isn't. To listen to some Sinn Féin spokesmen you would believe there was no paragraph on decommissioning at all. There is.[55]

The question has never been whether there should be an Executive or not. The question was about the right time to establish it. In the view of the UUP, the Belfast Agreement connects decommissioning directly to the creation of the Executive. Paragraph 1 of the decommissioning section of the Belfast Agreement states that the 'provisions of paragraph 25 of Strand 1 above' should be recalled. Paragraph 25 outlines the sanctions to be applied to those executive members who fail to 'meet his or her responsibilities including, inter alia, those set out in the Pledge of Office. Those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office under these provisions.'[56] In the ears of the UUP, this sounded like: 'One cannot refuse to decommission and still claim to be committed to democratic and non-violent means.'[57] Unionists refused to sit in the Executive with republicans before there had been any decommissioning by the IRA. Sinn Féin, on the other side, argued that there would be no IRA decommissioning until the Executive is established. The IRA needed a proof of the

54   Gerry Adams. Article in the *Irish Voice*, 7 March 2000.
55   Seamus MALLON. Speech to the SDLP annual conference, 13 November 1998. CAIN Web Service, source documents.
56   Belfast Agreement. Strand One, para. 25.
57   UUP. 'Implementing the Agreement', 8 October 1999. CAIN Web Service, source documents.

good intent of the unionists. The Good Friday Agreement makes it clear that decommissioning must happen. It is an obligation, but not a precondition of the Executive being formed.

The British and Irish governments tried to overcome the decommissioning-executive formation impasse with the establishment of the 'failsafe' clause in July 1999. Should the parties not meet the provisions concerning the overall implementation of the Agreement, the two governments would automatically and with immediate effect suspend the operation of the institutions set up by the Agreement.[58] In other words, if the unionists would agree to establish the Executive, Sinn Féin would be forced to put pressure on the IRA. Tony Blair wrote in article published in *The Sunday Times* on 4 July 1999 about the 'failsafe' clause:

> Should decommissioning not happen in the way the independent commission sets out, we just go back where we are now. So we are no worse off than today. (…) But there would be this clear difference. We would then know that the default was Sinn Féin's and it would be open to other parties to agree to move forward without Sinn Féin.[59]

Unsurprisingly, unionists rejected 'The Way Forward' document.[60] They thought that the failsafe mechanism was not only unfair, but also useless. Decommissioning must involve all paramilitaries, but none of them was foreseen to participate in the Executive. No paramilitary group would have been affected by the sanction of Executive suspension. For unionists, a halt to prisoner releases would have represented the only sanction that could be applied to such groups.[61]

In the fall of 1999, the hard positions on decommissioning seemed to weaken. The hard wording was reduced on the unionist side. They recognised 'that it is legitimate for nationalists to pursue their political objective of a united Ireland by consent through

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58 'The Way Forward': Joint statement by the British and Irish governments, 2 July 1999.
59 Tony BLAIR. Article in *The Sunday Times*, 4 July 1999. http://cain.ulst.ac.uk/events/peace/docs/bi2799.htm.
60 In the unionist view, the suspension of an administration would not mean the same as never forming it. David TRIMBLE. Article in the *Belfast Telegraph*, 6 July 1999.
61 David TRIMBLE. Article in *The Irish Times*, 15 July 1999.

exclusively peaceful and democratic methods'[62] and talked about the 'immense pressure on the republican movement'[63]. A declining in absoluteness could also be observed on the republican side. Gerry Adams stated that the UUP demand for decommissioning was outside the terms of the Agreement, but Sinn Féin would not be dogmatic on this point if there would be some way of meeting the UUP demand.[64] This meant a veritable shift in the position of Sinn Féin. The republicans did not only recognise the demand of the UUP as a more or less legitimate claim, but they also gave their approval to promote progress on the decommissioning issue. The British government noted the relaxed relationship between the parties in Northern Ireland in November 1999, shortly before the formation of the Executive. Peter Mandelson stated at the Ireland Fund of Great Britain lunch in November 1999:

> It is something I never thought I'd see: political progress that the politicians haven't shouted and grandstanded to the media about. And yet a simple fact is startling: in the last few weeks nationalists, republicans and unionists have been talking to each other about the future of Northern Ireland, face to face, in an atmosphere of give and take, of trust and cooperation.[65]

This atmosphere seemed to show that the negotiations could be transferred on a higher level: on the level of an inclusive, locally-elected Executive. The devolution of power to the institutions in Northern Ireland on 2 December 1999 was a historic act. For David Trimble, entering the government in a situation with no decommissioning was a difficult and courageous move. He had always insisted on the principle 'guns before government'. Many in his party balked from this step.

Nevertheless, the 'stalemate' between Sinn Féin and the UUP proved to be on shaky ground. The next decommissioning impasse

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62   David TRIMBLE. Keynote statement, 16 November 1999. CAIN Web Service, source documents.
63   See for example David TRIMBLE. Statement: 'The Best Way Forward', 8 October 1999. CAIN Web Service, source documents.
64   Gerry ADAMS. Statement on his party's commitment to the Agreement, 18 October 1999. CAIN Web Service, source documents.
65   Peter MANDELSON. Speech at the Ireland Fund of Great Britain lunch. Belfast, 9 November 1999. http://www.nio.gov.uk/press/1999/nov/991109c-nio.htm.

was sure to come. In fact, Sinn Féin started again to bring about excuses instead of real action on decommissioning. The suspension of the institutions in February 2000 was the consequence of the further delay. The unionists were deeply disappointed. The UUP Assembly team stated on 1 February 2000:

> The Republican Movement said 'government then guns'. We gave them the chance to prove their intentions. They have repudiated that opportunity. They have thrown that opportunity back in the faces of all the people of Northern Ireland, their own supporters included.[66]

The British government strongly criticised the republicans too. The Secretary of State for Northern Ireland, Peter Mandelson, said to the House of Commons on 3 February 2000 that the republican position was totally unacceptable. 'Notably in the case of the IRA, it has to be clear that decommissioning is going to happen.'[67] The Irish government asked for quick reactions. 'History has taught us the danger of vacuums in Northern Ireland. Time is not on our side,' wrote the Taoiseach Bertie Ahern in *The Irish Times* on 14 February.[68] The reaction of the IRA to the suspension of the institutions was even worse: it announced that it decided to end its engagement with the IICD. The IRA also withdrew all propositions put forward to the IICD by their representative since November 1999.[69] The decommissioning process was back to zero once again.

This up and down on the decommissioning issue has been typical for the first four years of the implementation process. Unionist confidence declined over time, which is mirrored by the lowest point reached: the resignation of David Trimble as First Minister on 1 July 2001 – an act of protest against any further delay.[70] The

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66 UUP Assembly team. Statement, 1 February 2000. CAIN Web Service, source documents.
67 Peter MANDELSON. Statement to the House of Commons. London, 3 February 2000. CAIN Web Service, source documents.
68 Bertie AHERN. Article in *The Irish Times*, 14 February 2000.
69 IRA. Statement, 15 February 2000. CAIN Web Service, source documents.
70 David Trimble signed the letter for his resignation as from 1 July 2001 already on 8 May. With this step he wanted to put pressure on the Republicans to keep their promises made on 6 May 2000. NIAOR, 8 May 2001.

peak of the negotiations on decommissioning was reached with the announcement by the IICD of the first decommissioning event of the IRA on 23 October 2001.[71]

The question that arises is what factors finally influenced the agreement of the IRA to deliver its weapons. To answer this question, Kirsten Schulze and M.L.R. Smith have worked out seven criteria, which need to be in place before the decommissioning of paramilitary arms could start.[72] First, political reform towards an inclusive democracy or some form of power sharing is essential for armed movements to be transformed into constitutional political actors. Second, mutual and simultaneous confidence-building measures are needed to overcome the problem of distrust. The early release of prisoners can be viewed in this light. Third, disarmament should be included in an overall political agreement in order to be implemented successfully. Fourth, decommissioning should be dependent on the individual conflict. If an unstructured system of disarmament serves the situation better, then this should be used instead of a rather structured and verified scheme. Fifth, neutral third parties to whom arms can be handed over play a crucial role in addressing the perception that any delivery of arms is a form of surrender. The involvement of third parties serves to depoliticise decommissioning. Sixth, reintegration schemes are important to the rehabilitation of ex-combatants. Only through full social, economic and political reintegration can the motivation to resort violence for political ends be removed. And finally, a firm commitment to non-violence must exist.

It is interesting to see that the Belfast Agreement includes most of these criteria. The paramilitaries have a possibility to express themselves through political parties and can thus find a pathway into constitutional politics. Prisoner releases, the Equality and Human Rights Commissions, the Patten proposals on

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71 'We have now witnessed an event – which we regard as significant – in which the IRA has put a quantity of arms completely beyond use. The material in question includes arms, ammunition and explosives.' IICD. Statement, 23 October 2001. CAIN Web Service, source documents.

72 SCHULZE and SMITH, "Decommissioning and Paramilitary Strategy in Northern Ireland", 89–91.

police reform[73], along with the cross-border institutions and the amendment of the Irish constitution reflected the intention to reshape the political environment. The neutral third party is the IICD, which oversees the disposal of paramilitary arms. But as the criteria is met, why has it proved so difficult to reach the point of actual decommissioning? The Agreement encompasses nearly all of the lessons described, except probably most vital one of all: the seventh lesson, the commitment to non-violence on the part of the paramilitaries themselves.

To understand why the main paramilitaries refused to begin decommissioning is not just to talk about the stock of weapons and the procedure of the handing over. The answer lays a set of several reasons such as the historical and strategic background. They relate to the motives of the paramilitaries to participate in the peace process. [74]

The fundamental reluctance of the paramilitaries to begin decommissioning has resided in the belief that any handing over of weapons would equal surrender. In the view of the IRA, the demand for decommissioning came from 'those who seek a military victory', namely the British government and the UUP.[75] The decommissioning issue has received such symbolic importance for the IRA that any hand over of arms before the achievement of a united Ireland is seen as a violation of the core of their identity. Giving up a single bullet would mean to loose the rationale of its identity and the goals for which the group has fought for many years. Furthermore, the shift to peace has enormous implications for any paramilitary organisation. In many cases, paramilitary members are recruited from a low social class with a high rate of unemployment. In such areas, violence has become institutionalised because social networks are connected to the armed groups. Many people earn their income from blackmail, racketeering and illegal missions. The handing over of paramilitary weapons is thus

73 See next chapter. The Independent Commission on Policing was chaired by Chris Patten, former Governor of Hong Kong. The report of the Commission is commonly known as Patten report. It was published in September 1999.

74 A good overview is given by Colin McINNES. "The Decommissioning of Terrorist Weapons and the Peace Process in Northern Ireland." *Contemporary Security Policy* 18/3 (December 1997): 83–103.

75 Statement by the IRA, 15 February 2000.

seen not only as surrender, but also as a threat to their social status and economic well-being.[76]

Loyalist violence is seen as a reaction to militant republicanism. Loyalist paramilitaries see themselves as the protectors and defenders of the Protestant population against the unification with the Republic of Ireland. The real threat in their view is thus Irish republicanism. As the loyalists feel that they are fighting a defensive war against republican paramilitaries, it is their claim that any loyalist decommissioning must be preceded by the disarmament of republican arms.[77] Decommissioning without a clear precedent handing over by the IRA would therefore mean nothing less than surrender to the loyalist paramilitary groups.

These ideological and historical reasons for the problematic start of decommissioning also influence the tactical behaviour of the paramilitary groups. They affect the view of the role violence had to achieve their goals. Some groups see the utility in keeping their armoury for the case the dialogue fails. They could return to their violent campaign to achieve their goals. The paramilitaries still are aware of how violence could be used as a tool for exerting pressure for a tactical advantage in the peace process itself. Murders and punishment beatings, in clear violation of the Good Friday Agreement, demonstrate beyond a doubt that the paramilitary organisations remain convinced of the efficiency of tactical violence. Whenever concessions were required or if events did not move in the way the hardliners whished, their political associates stated that they have no control over the paramilitary group.[78] If the concessions were not met, the paramilitary groups threatened to handle the issue themselves in order to fill the political vacuum. The only possibility to persuade the paramilitaries to commit

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76 SCHULZE and SMITH, "Decommissioning and Paramilitary Strategy in Northern Ireland. 83.
77 See the IICD report of 31 January 2000. It stated that while the UVF and UFF are prepared to consider moving on decommissioning, they would not do so until it would be clear that the IRA would also decommission.
78 See various statements by SF president Gerry ADAMS, for example his address to reconvened Sinn Féin Ard Fheis, 10 May 1998. 'Sinn Féin is not an armed group. Sinn Féin is not the IRA.' In an address to the SF Ard Fheis on 9 May 1999 he stated that 'Sinn Féin cannot deliver the demand for IRA weapons no matter how this is presented.' CAIN Web Service, source documents.

themselves to non-violence is to grant the claimed concessions. Consequently, as long as the paramilitaries could produce any effect with the threat of violence, they would not decommission. The danger is that there is no incentive for the paramilitaries to decommission within a concession-based conflict resolution mechanism.[79]

The final agreement of the IRA to deliver a small amount of arms in fall 2001 was a reaction to immense political pressure on the republican movement. The peace process was in its deepest, most threatening crisis. Without this gesture, it is possible that the Good Friday Agreement would have failed. The IRA delivered a second significant amount of its weapons on 7 April 2002, a further gesture to the stabilisation of the peace process.

In short, the positions on decommissioning of the two antagonists are easy to describe. Unionists stated that there must be certainty about decommissioning before they would participate in the institutions. Republicans argued that certainty about decommissioning could only be achieved when the political institutions had been functioning for some time. The good thing about these statements was that neither side said that power would never be shared, and neither side said that the arms would never be put permanently beyond use. The trouble was, however, that the two positions are mutually exclusive. During almost four years, the situation was neither 'guns and government' nor 'no guns and government', but 'no guns and no government'. The stalemate between devolution and decommissioning led to political instability, thus threatening the peace that everyone wanted to achieve. It is doubtful if anyone in the negotiations leading to the Belfast Agreement expected that the paramilitaries would go to the police and handover their weapons. But what was not anticipated was that the IRA, as the largest and most threatening paramilitary group, would refuse to acknowledge more than three and a half

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79 Comparative studies of ethnonationalist conflicts showed that such a concession-based conflict resolution mechanism worked in diverse occasions. See the studies done by Kirsten Schulze and M.L.R. Smith on the conflicts in Lebanon, Mozambique and El Salvador. SCHULZE and SMITH, "Decommissioning and Paramilitary Strategy in Northern Ireland", 84–89.

years any necessity of reducing the stockpile of weaponry in its hands.

The breakthrough on decommissioning in the fall of 2001 led to new hope that a peaceful Northern Ireland is more than a vision. It was followed by a period of greater stability. However, it has to be kept in mind that decommissioning is not the real aim of the implementation process. Attacks with pipe bombs, Molotov cocktails and even stones remind one that taking away arms may not remove the will to kill. There is still a long way to go.

3.2.2 Policing and Politics: The Reform of the Police Service in Northern Ireland

Policing in Northern Ireland has proved a further difficult and painful issue. Policing is a fundamental attribute of statehood – given the situation that Northern Ireland is a political entity whose very existence and legitimacy is challenged, then it follows that the attributes of the entity will also be challenged. The fact that the Royal Ulster Constabulary (RUC) had to deal with paramilitary challenges of a scale and nature unknown elsewhere in western Europe means that they have remained militaristic and remote from the public. The result was a distortion of both the RUC's approach to policing and the nationalist community's attitude to policing. In addition, there have been persistent concerns about the standard of police performance, especially in the security field.

By 1969, the relationship between the police and the community was widely viewed with dissatisfaction. The situation worsened with the beginning of the Troubles. Since then, about 300 RUC officers have been killed, and several thousands injured. Many prisoners and members of the nationalist and republican communities have suffered harassment, discrimination, abuse, assaults and ill-treatment at the hands of the RUC.[80]

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80 For a more detailed history of policing in Northern Ireland see for example:
    John McGARRY and Brendan O'LEARY. *Policing in Northern Ireland: Proposals for a New Start*. Belfast: Blackstaff Press, 1999.
    RUC. *The RUC – A History in Brief*. Belfast: RUC, 1988.
    John D. BREWER. *Inside the RUC*. Oxford: Clarendon, 1991.

For nationalists, the reform of the police was inevitable. The level of Catholic recruitment fell to 8 per cent in 1998 due to the widespread nationalist ambivalence towards the police – a Catholic police officer was something reluctantly seen within the Catholic community. Furthermore, Catholic officers of the RUC have been statistically the most likely victims of paramilitary, both on and off duty.[81] SF president Gerry Adams stated in a presidential address to his party in May 1999: 'For nationalists policing is a touchstone issue. A new police service must be established. The RUC must go.'[82]

It is not that nationalists are opposed to policing per se – the basic problem is alienation. Opinion surveys found a high level of public satisfaction with police performance concerning everyday contacts within the previous two years – 77 per cent Catholic and 69 per cent Protestant – but a much more divided view in regard to overall satisfaction – 43 per cent Catholic and 81 per cent Protestant.[83] The main problem was therefore to depoliticise policing itself.

For unionists, however, the situation looked completely different. Since 1920, the RUC has been a core element in the unionist community and there has been a strong sense of identification between the police and the unionist people. The RUC has been 'their' force, a force under fire from terrorism. It has done its best to protect the lives and property of the people of Northern Ireland. In the unionist community, the RUC has been widely viewed as courageous, professional and impartial service, in short the 'best police force in the world'.[84] However, the need for change was

Andrew HAMILTON, Linda MOORE and Tim TRIMBLE. *Policing a Divided Society: Issues and Perceptions in Northern Ireland*. Coleraine: University of Ulster, 1995.
The Crowned Harp: Policing Northern Ireland. ed. Graham Ellison and Jim Smyth. London: Pluto Press, 2000.
81 See McGARRY and O'LEARY, *Policing in Northern Ireland*.
82 Gerry ADAMS. Presidential address to the Sinn Féin Ard Fheis, 9 May 1999. CAIN Web Service, source documents.
83 'A New Beginning: Policing in Northern Ireland.' Report of the Independent Commission on Policing for Northern Ireland (Patten report), September 1999. 3.14–3.15. http://www.belfast.org.uk/report.htm.
84 Linda MOORE and Mary O'RAWE. "International Lessons for the Transformation of Policing in Northern Ireland." *The International Journal of Human Rights* 2/4 (Winter 1998): 66–86. 78.

obvious, even for unionists. They knew that a police reform had to happen anyway. They had to accept the fact. It did not matter if their party judged it right or wrong.[85] Nevertheless, the unionists were strongly opposed to any deviation from symbols and old structures. They argued that the religious imbalance in the RUC was not a result of Protestant discrimination, but a consequence of the aforementioned intimidation of Catholic officers.[86]

With the Belfast Agreement, the moment for change came. Policing would from then on be tied directly to the demands and needs of the communities of Northern Ireland rather than to those of the political elites and sovereigns. This could be achieved by an overt attachment to, and furtherance of, those policing goals and values, which are shared across communities. Shared goals include effectiveness and efficiency, representativeness, impartiality, and respect for human rights and dignity.[87] Constructing a representative police should bring a number of benefits for both nationalists and unionists, argue McGarry and O'Leary.[88] It should increase nationalist confidence that the police service represents both communities. The new police service should erode the partisan unionist culture in the current police force in a more effective way than it could have ever been done by the RUC. A fair police service could even strengthen the Union. The long-term future of the Union would be better secured if it could be demonstrated to nationalists that the police service works in a manner that is fair and just. Unionists should also appreciate that a representative police force would be more effective as it would have a more effective communication with the nationalist community than the RUC has ever enjoyed.

However, the parties soon recognised that the policing issue proved to be beyond consensus. They thus decided establish an

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85   *The Irish Times*, 6 May 1998.
86   See for example the comments about the Patten report made by Tom Benson, UUP member and police officer in the RUC for 30 years, in the NIA meeting on 24 January 2000. He told a story in which a Roman Catholic RUC member could not visit his parents anymore because they lived in a nationalist area. NIAOR, 24 January 2000.
87   Clive WALKER. "The Patten report and Post-Sovereignty Policing in Northern Ireland." In *Aspects of the Belfast Agreement*, 142–165. 146.
88   McGARRY and O'LEARY, *Policing in Northern Ireland*. Chapter: "Who should be in the Police?"

independent commission to make recommendations for policing arrangements. The commission should bring forward proposals for future policing structures and arrangements, including composition, recruitment, training, culture, ethos and symbols.[89] Chris Patten, the former Conservative Cabinet minister and Governor of Hong Kong, was appointed as commission chair in June 1998. The report, commonly known as Patten report, was published in September 1999.

The Patten report recognises the fundamental difficulties in regard to policing in Northern Ireland, namely its political associations and identity.[90] It stated that 'for policing to change it is vital that the whole community is taking a new approach – not just the police themselves.'[91]

175 recommendations for a 'normal' police service were put forward. A 'normal' police service should provide for the people: to feel safe from crime, to combat drugs and to feel safe from violence and those who use it.[92]

The publishing of the Patten report was a huge step forward. It was highly welcomed by the two governments.[93] The SDLP accepted and supported the recommendations made by the Patten report.[94] However, there were some troubling internal and external factors, which obstructed a fast implementation of the report. First, the Patten report was published in the unexpected, unpromising circumstances of no devolved government and no decommissioning. The peace process was in one of its major crisis.

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89   Belfast Agreement. Policing: para. 3 and Annex A.
90   'Policing has been contentious, victim and participant in past tragedies, precisely because the polity itself has been contentious. (…) [The] identification of police and state is contrary to policing practice in the rests of the United Kingdom. It has left the police in an unenviable position, lamented by many police officers. (…) Policing therefore goes right to the heart of sense of security and identity of both communities and, because of the differences between them, this seriously hampers the effectiveness of the police service in Northern Ireland.' Patten report, 1.3.
91   Chris Patten cit. by Mo MOWLAM. Statement in response to the Patten report, 9 September 1999. http://www.nio.gov.uk/press/1999/sep/990909a-nio.htm.
92   Patten report, 107–122.
93   Mo MOWLAM. Statement, 9 September 1999. http://www.nio.gov.uk/press/1999/sep/990909a-nio.htm. Statement of the Irish Government on the Patten report, 9 September 1999. CAIN Web Service, source documents.
94   SDLP. Statement in response to the Patten report, 9 September 1999. CAIN Web Service, source documents.

The UUP, which thought of the police reform as a concession to nationalism, was not ready to accept the Patten proposals. Second, many parties criticised that it did not involve at any stage a majority of residents of Northern Ireland, but was 'delivered from the great and the good',[95] most of them outsiders. They felt that their own needs had been ignored. Third, the vagueness of the Patten report led to uncertainties. Major issues were left to the interpretation of the politicians – a fact that soon led to speculations and distortions. Policing in Northern Ireland has often suffered, with disastrous consequences, from being a political issue. It was also being associated with the conflict itself. There has been disagreement about the politics of policing, but less about policing itself. Furthermore, the Patten report itself became a political issue. This was strongly criticised by Chris Patten, in a statement following the publishing of the Patten report:

> Our proposals aim to give Northern Ireland political arrangements which are second to none in the world by any measures – effectiveness, efficiency, impartiality, accountability, representativeness and for human rights. These have been benchmarks against which we have tested our proposals. They are policing benchmarks, not political benchmarks. This is a report about policing, not a political document.[96]

The Patten report led to statements like 'the spirit of Patten' or 'what Patten intended'. Patten himself said that some comments made about the report led him to wonder if the speakers or writers had actually read it. In an article in the *Belfast Telegraph* on 28 November 2000, he wrote:

> I have lost count of the number of times it has been said that the Patten report was a political compromise or a political balancing act. That is the opposite of the truth, as anyone who has read just the first chapter would know. The whole point about the report is that it is not political. It is the work of an

95 WALKER, "The Patten report and Post-Sovereignty Policing in Northern Ireland", 161.
96 Chris PATTEN. Statement on the publication of the Patten report, 9 September 1999. CAIN Web Service, source documents.

independent and international group of people from very different backgrounds, entrusted with a task by politicians who agreed to the Good Friday Agreement precisely because the issue of policing could not be solved by politicians.[97]

He thus followed the debate with dismay and was disappointed that the topic was not so much on the implementation process itself, but on politically charged issues like the discussion about symbols, names and flags. In his view, 'the spirit of Patten' should be that everyone should put the politics of policing behind them and get on with building the new beginning for depoliticised policing.[98]

Moreover, there were also uncertainties as to the extent of implementation. It was likely that the major fundamentals of reform would be implemented with the focus on issues like values of equality and individual rights. Ethical policing with an emphasis on human rights was accepted as well as the modifications on the structural level, such as the reduction in personnel numbers but with increased Catholic recruitment, the establishment of a Policing Board, the reorganisation of police service delivery based on district council boundaries and with greater empowerment of divisional commanders, reforms in technology, and an oversight commissioner.[99] However, these reforms have not been adopted exactly as the Patten report envisaged. Furthermore, the new oath of office, to give one example, would only apply to new recruits. The dispute over change of names and emblems did not allow an agreement over a fast implementation process.[100] The UUP saw the only need for change in more Catholics serving the community in the police. They sharply rejected any change of name and symbols.[101] The DUP reacted even sharper. Reverend Ian Paisley, leader of the DUP, said in response to the Patten report:

97 Chris PATTEN. Article on the Policing Bill and the Patten report in the *Belfast Telegraph*, 28 November 2000.
98 Ibid.
99 WALKER, "The Patten report and Post-Sovereignty Policing in Northern Ireland", 159–161.
100 The name should be changed to 'Police Service of Northern Ireland' (PSNI) and the symbols should not reflect those of the British and Irish states.
101 UUP. Statement in response to the Patten report, 9 September 1999. CAIN Web Service, source documents.

The Patten Commission is, as we said it would be, the death-knell of the RUC. (…) Having wiped out (…) the RUC without IRA defeat of the same, is now to be offered as a final sacrificial lamb, to appease the Roman Catholic Republican murderers and their nationalist fellow travellers. (…) Patten's program is that Protestants have to be ethnically cleansed.[102]

Sinn Féin demanded more fundamental changes. It claimed that nationalists and republicans need to be convinced that the Patten report is indeed 'a new beginning'. For them, change should include both symbols and substance.[103] The publishing of the Northern Ireland Police Bill in May 2000 led again to discussions because the British government changed some of the key clauses.[104] Both the SDLP and Sinn Féin rejected it.[105]

In June 2000, a total of 86.1 per cent of young Catholics wanted to see some element of reform to the RUC. Only 0.7 per cent wanted it to remain unchanged while 66.2 per cent wanted to see it disbanded and replaced by a new force. 46.9 of Protestant young people believed that there should be no changes to the RUC at all, while 31.8 per cent were in favour of some element of reform. Regarding the proposals to change the name of the RUC to the 'Northern Ireland Police Service', 71.9 per cent of Catholics agreed with the proposal, compared to 12 per cent of Protestants. Further believed 87.9 per cent of Catholics that the police should not be associated with the symbols and emblems of any religious or political group in Northern Ireland, compared to 33.5 per cent of Protestants.[106]

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102 Reverend Ian PAISLEY. Statement in response to the Patten report, 9 September 1999. CAIN Web Service, source documents.

103 Sinn Féin. Statement in response to the Patten report, 9 September 1999. CAIN Web Service, source documents.

104 Police (Northern Ireland) Bill, May 2000. http://cain.ulst.ac.uk/issues/police/policeact/bill2000s4.htm

105 Seamus MALLON. Statement, 16 May 2000; Gerry ADAMS. Statement, 16 May 2000. CAIN Web Service, source documents.

106 The data derived from a quantitative self-report questionnaire distributed to a representative sample of 1000 Protestant and Catholic young people, the main proportion living in Belfast. Graham ELLISON, "Youth, Policing and Victimisation in Northern Ireland – Reforming the Royal Ulster Constabulary." CAIN Web Service: http://cain.ulst.ac.uk/issues/police/ellison00.htm.

In general, the Patten report presented a new approach to policing in Northern Ireland. In some respects, however, it did not produce any responses. Few pronouncements have been made in relation to several important recommendations, including the timetable and the choreography of implementation. The implementation of the Patten report proved to be challenging. The dilution of the report by the Northern Ireland Police Bill did not help to bring progress to the implementation. It only angered nationalists and republicans. Only on 1 August 2001, the two governments could issue an updated implementation plan, almost two years after the publishing of the Patten report.

The new police service, called Police Service of Northern Ireland (PSNI), came into being with a change of name of the RUC on 4 November 2001. The powers of the new Northern Ireland Policing Board took effect. The first batch of the 308 recruits to the PSNI, 50 per cent Protestant and 50 per cent Catholic, began their training. They have been put under the new oath on 5 April 2002. Dennis Bradley, deputy chairman of the policing commission, said about this day: 'If we manage this new beginning, we can change the heart of one of the oldest conflicts in Europe.'[107]

3.2.3 Drawing a Line Between the Past and the Present: The Early Release of Prisoners

The third core issue examined is the matter of the early release mechanism for prisoners. The Belfast Agreement states that 'both Governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners.'[108] It further states that this mechanism was not to be applied on 'prisoners affiliated to organisations which have not established or maintaining a complete and unequivocal ceasefire.'[109]

The text does not require a direct involvement of the parties in Northern Ireland. However, the reaction to this issue is no less emotive compared to decommissioning or policing. Blair said in

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107 *NZZ am Sonntag*, 7 April 2002.
108 Belfast Agreement. Prisoners, para. 1.
109 Ibid, para. 2.

an address to the Irish parliament in November 1998 concerning the utility of the incorporation of the prisoner issue:

> I get many letters from the victims of violence asking why we are freeing terrorist prisoners. It is a though question, but my answer is clear: the Agreement would never have come about if we had not tackled the issue of prisoners.[110]

Many other arguments supported the inclusion of the early release scheme. At the end of most wars captured combatants are released. Prisoner release is one of the most powerful confidence-building measures. The release of prisoners allows people to psychologically draw a line between the past and the present, a line potentially representing the fact that the war is over. In addition, it was hoped that the fact that former prisoners and internees, like Billy Hutchinson and David Ervine (both PUP) or Gerry Adams (SF), have played a remarkable role in the negotiations and implementation process would lead to other prisoners having a positive impact on the peace process too. Furthermore, the release of prisoners and the threat of them returning to prison have been powerful arguments, particularly against any IRA decision to return to violence.

However, for many people, especially those who lost their relatives and friends by the sectarian violence, the early release of prisoners has been the most difficult part of the Belfast Agreement. The establishment of new groups by victims of terrorism began at that time. FAIR (Families Acting for Innocent Relatives) and HURT (Homes United by Republican Terror, later changed to 'Homes United by Recurring Terror') are two examples of groups formed from mid-1998 onwards. Their energies in the initial phase of their operation were concentrated on lobbying, meeting politicians and opposing the early release of prisoners. The difficulties posed by the early prisoner releases were recognised by the governments. They timed announcements of such releases alongside announcements designed to help victims.[111]

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110   Tony BLAIR. Address to the Joint Houses of the Oireachtas, 26 November 1998. http://www2.nio.gov.uk/981126g-nio.htm.
111   MORRISSEY and SMYTH, *Northern Ireland After the Good Friday Agreement: Victims, Grievance and Blame*, 9.

It is interesting that although the prisoner issue is of high emotionality, it was the only one implemented under the terms of the timetable defined in the Belfast Agreement. The first releases began in the summer of 1998, and the prisons were empty on 28 July 2000. This speaks for the insight of the people of Northern Ireland that confidence-building measures such as the early release of prisoners lie at the heart of the implementation process. The same is true for the decommissioning issue. Besides the direct threat by the IRA armoury, the handing over of arms would mirror a commitment to peace and the Good Friday Agreement itself. The release of prisoners has thus proved to be of high significance for the peace process.

3.3 Negotiations with (Former) Terrorists?

One issue that has come up during the implementation process is the subject of negotiating with terrorists. Terrorism is a means to achieve a public end. Terrorism can be described as the use of violence which ignores conventional distinctions between guilt and innocence and/or between combatants and non-combatants. The 'target' is not persons directly assaulted, but the public as a whole, which creates an asymmetrical structure of the conflict.[112] Jonathan Stevenson has elaborated a definition of terrorism for the case of Northern Ireland. In his view, terrorism can generally be defined as the use of violence, without overt state support or sanction, to force a target (directly or indirectly) to comply with a political objective. Terrorists can fall into two general categories. First, there are terrorists who have the support of a majority of the groups they claim to represent. It is their method, and not their mandate, that is in question. The Palestine Liberation Organization (PLO) and the African National Congress (ANC), for example, fell into this category. Second, there are terrorists who do not even have the backing of the majority of the people for whom they say they act. The IRA falls clearly in this second category, as do Spain's Basque separatists.[113]

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112 Definition of Terrorism. *Encyclopaedia of Violence, Peace and Conflict*. Volume 3, Po–Z. London and San Diego: Academic Press, 1999. 500.
113 STEVENSON, "Northern Ireland: Treating Terrorists as Statesmen", 129–131.

The problem of leaders of terrorist movements becoming virtual statesmen has also threatened the peace process in Northern Ireland. With Martin McGuinness' confession in May 2001 concerning his past as member of the IRA, an open secret has become a fact: sitting in government and negotiations with former terrorists. The fact that the UUP agreed to the exclusivist approach of the Irish and British governments was one of the fundamental steps towards the Good Friday Agreement. David Trimble made it clear that in his view people with a certain past would be able to change and could have a different future. The important point is, he said, that people with a terrible past should demonstrate that they have changed.[114] Also US President Clinton was aware of these difficulties. By granting the visa to Gerry Adams he hoped to turn a former terrorist into a non-violent politician.[115]

The Good Friday Agreement is a landmark settlement. It is the first inclusivist approach to the conflict in Northern Ireland. With the inclusion of Sinn Féin in the negotiations process and later in the government, a wider spectrum of opinions had been considered. However, negotiating an agreement with former terrorists has proved to be one thing, sitting in the Executive another. As seen before, the issue of executive formation was one of the most difficult. Especially the DUP, members of the smaller unionist parties and some members of the UUP opposed the inclusion of Sinn Féin. Had a government of the moderate middle been agreed on Good Friday 1998, the unionist parties could easily have delivered substantial majority support. The crisis of 1999 seemed to underscore the view of the hard-line parties. The UUP was ready to sit in government with Sinn Féin, the party directly attached to the terrorist IRA, without prior decommissioning of IRA weapons.

The two parties that made the greatest concessions at Belfast in 1998 were Sinn Féin and especially the UUP. The UUP, threatened by the hard-line unionists, had to be very careful about making concessions. This is reflected by their behaviour about sitting

114 David TRIMBLE to the NIA. NIAOR, 1 July 1998.
115 Clinton did the same with Yasir Arafat and Nelson Mandela. Both regions enjoyed greater political stability in the aftermath.

in government with Sinn Féin. At the first meeting of the Northern Ireland Assembly on 1 July 1998, the UUP made it clear that they would not sit in Government with 'unreconstructed terrorists'.[116] The UUP has always wanted a clear statement from all parties that they would not, at that time or in the future, use violence to achieve their goals. The commitment to an unrestricted democratic process was crucial to this strategy. After the publishing of 'The Way Forward' document, Trimble stated in an article published in *The Irish Times* on 15 July 1999:

> The British government's failsafe mechanism is flawed and unfair. Unfair because if Sinn Féin fails to deliver its obligations, everyone in the Executive and the Assembly will be ejected from office – the innocent to be punished along with the guilty, and democrats to be treated as though they were indistinguishable from terrorists.[117]

Shortly after the IRA statement of 6 May 2000 stating that the IRA is committed to solve the arms issue and to initiate a process to put the arms beyond use[118], the UUP position appeared totally different. David Trimble wrote in an article published in *The Sunday Times*: 'We have embarked on the task of converting former terrorists into future politicians and we cannot turn back now.'[119]

However, as Sinn Féin did not move on its position on decommissioning, David Trimble in October 2001 initiated a motion in the Northern Ireland Assembly to exclude Sinn Féin from government. The DUP tried unsuccessfully to push this step before. This time it came from the UUP, a sign that things were getting narrow. David Trimble attached another condition to the motion: if it would not be agreed on the required cross-community basis, the UUP ministers were to resign from the Executive. He argued that the Unionists had been patient long enough, but had not seen any evidence. DUP leader Reverend Ian Paisley topped him in saying that this would be the day the House must declare what side it is on. 'Unionists will be declaring that they are not on the side

116   UUP manifesto cit. by David TRIMBLE. Statement to the NIA. NIAOR, 1 July 1998.
117   David TRIMBLE. Article in *The Irish Times*, 15 July 1999.
118   IRA. Statement, 6 May 2000. CAIN Web Service, source documents.
119   David TRIMBLE. Article in *The Sunday Times*, 21 May 2000.

of terror.' The motion failed after a lengthy debate.[120] The UUP ministers resigned. The situation could only be saved by the first decommissioning event of the IRA.

Sinn Féin's expulsion from the power-sharing Executive would more likely have resulted in catastrophe than in improved stability. The remarkable moderation of republicanism since the 1980s is closely linked to the Sinn Féin leadership's argument that gains can be secured better through constitutional politics than through violence. Expulsion from the Executive would have undermined the party's constitutionalists and would have led to a re-radicalised Sinn Féin or the support of dissident republican groups.

There was only one occasion when republican terrorism was condemned by all sides: the Omagh bombing in August 1998, when 29 people were killed and more than 200 were injured. Few would have thought it likely either that the worst single atrocity of Northern Ireland's 30 years of Troubles would follow so closely upon the endorsement of the Agreement by the great majority of people in both parts of Ireland. John Hume said that those people were not just murderers, but fascists seeking to overthrow the wishes of the people through terror. 'And, as with all fascists, they used violence to give themselves an influence and power, which they were unable to secure at the ballot box. Violent incidents happened and will happen again. The object of their violence is to make democratic politics unworkable.'[121]

The 'Real' IRA issued their first statement on August 18, three days after the incident. They apologised for the deaths the bombing had caused.[122] All parties in Northern Ireland, the Republic and Britain condemned the statement. The Irish Government stated in response to the Omagh bomb on 19 August 1998:

> The Government is in no doubt that the Omagh bombing was intended as a direct attack on the Good Friday Agreement and on the principles of democracy itself. (…) The Government is determined to do everything in our power, working

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120 NIAOR, 8 October 2001.
121 John Hume cit. in *The Irish Times*, 17 August 1998.
122 'Real' IRA. Statement, 18 August 1998. CAIN Web Service, source documents.

closely with the British government, to defeat and suppress this murderous conspiracy against the people of Ireland.[123]

Nevertheless, the Omagh bombing had also positive influences on the implementation process. The Irish National Liberation Army (INLA) announced a 'complete ceasefire' on 22 August 1998.[124] It is possible that younger people who may have been tempted to the path of violence could see the consequences of violence. The bombing put pressure on both governments and the political parties to come up with fast solutions. The isolation of the 'Real' IRA was more complete than ever before. The tensions between the IRA and its dissident group had never been higher. The Omagh bombing may just have convinced some terrorists that there is no future – and no support – for a military campaign.[125]

The alternating views of the UUP about sitting in government with Sinn Féin have been programmatic for the whole issue. Negotiations with terrorists contain two conflicting aspects. On the one side, it is very important to negotiate with associates of terrorist groups in order to reach an inclusive agreement. Acts of violence could be justified with the position that the terrorist groups never signed up to something. On the other side, including former terrorists poses many difficulties. The greatest problem is the fear that if the terrorist organisation does not get what it wants, it will return to bloodshed. To overcome this, the side without paramilitary connections would have to make enormous concessions. That is not a real possibility. If the inclusivist approach is supported, the next round of negotiations would have to involve the paramilitary groups directly. However, this would pose a further question: negotiations with current terrorists. This would go one step too far. But if the IRA is ready to go further on the way of decommissioning, this could become a possibility for the future.

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123 Irish Government. Statement in response to the Omagh Bomb, 19 August 1998. CAIN Web Service, source documents.
124 INLA. Ceasefire statement, 22 August 1998. CAIN Web Service, source documents.
125 The 'Real' IRA called for a ceasefire on 7 September 1998. The announcement came after weeks of intense pressure on the group.

Outlook for the Future[*]

History might have forgiven failure to reach an
agreement, since no one thought it possible.
But once the agreement was reached, history
will never forgive the failure to carry it out.
George MITCHELL cit. by Seamus Mallon.
Speech at the SDLP annual conference, 5 November 1999.

During the first 4 years of the implementation process of the Good Friday Agreemement, changes occurred that no one thought would be attainable. The IRA has started to decommission its weapons and the new police service has been established. The worst obstacles in the implementation process seem to be over. What Northern Ireland really needs is a period of peace and stability to expand the political achievements that have been made so far. The survival of the Agreement will not be tested until Sinn Féin and the DUP will hold a majority in their blocs. This seems unlikely to happen in the near future.

Nevertheless, there are some signs that further changes will come about, threatening the unstable balance of power created by the Good Friday Agreement. It is possible that party politics might become more polarised: 'yes'-unionists may lose votes to 'no'-unionists, while the SDLP may lose more electoral ground to Sinn Féin within a demographically and electorally growing nationalist bloc. The overall nationalist vote increased from 33.5 per cent to 42.6 per cent in less then ten years. The gains of Sinn Féin in the Westminster elections in the summer of 2001 and in the elections to the Irish parliament in May 2002 suggest that a shift towards more radicalised positions is probable. In 2001, Sinn Féin replaced the SDLP as strongest party in the Westminster elections.[1] The triumph of Sinn Féin in the Republic of Ireland, reflected by the increase of its vote from 2.6 per cent in 1997 to

[*] The outlook was written in May 2002.
[1] SF achieved 21.7 per cent of the vote, which meant 4 seats in Westminster whereas the SDLP vote decreased to 20.9 per cent and 3 seats.

6.5 per cent in 2002, represents a major endorsement of the party's strategy. The consequences may be twofold: Sinn Féin's electoral success will perhaps help to convince some in the republican movement that the days of violence can be fully left to the past. On the other side, a strong republican movement leads to new problems for unionism. David Trimble sought refuge in attack: he called for a border poll on the status of Northern Ireland in the spring of 2003 which could be held together with the second elections to the Northern Ireland Assembly (NIA).[2] Trimble's surprise decision is motivated by his assessment of the constitutional picture and by the challenges he faces within the unionist community. Most of the political energy of the unionist community has been devoted to an internal, destabilising dispute. Despite speculation that the 2001 census results will show a growth in Northern Ireland's Catholic population, Trimble is convinced that the Union would be supported by a majority of people. He expects that a quarter of Catholics would vote in favour of the status quo. He probably hopes that demanding a border poll would change the debate in his own bloc, in which his post as party leader and First Minister is heavily contested. A clear majority supporting the status quo would make him a defender of the Union. Moreover, holding the poll on the same day as the elections to the NIA might have a beneficial effect for Trimble because this would be an incentive for reluctant moderate unionists to vote. Unsurprisingly, both the SDLP and SF have welcomed the proposal. This is a sign that Trimble's action might not prove very reasonable. Trimble is calculating that by opting for a poll sooner rather than later, the Union would be secured and legitimated for another seven years. However, if the speculations about the increase of the nationalist vote prove to be right, then it would be in the interest of the unionists to postpone the poll. The later it would be held, the better for the unionists.

The unionist community lives in an environment that seems to constantly change in a direction that worsens their position. Their symbols and achievements, such as the RUC, have begun to disappear from society. This may be another aspect, which could lead

2   *Neue Zürcher Zeitung,* 11 March 2002.

to a destabilisation of the situation in Northern Ireland. A change in the balance of power in political, social and demographic terms affects the delicate stability created by the implementation of the Belfast Agreement. The implementation process could slow down, which may lead to further destabilisation. From the unionist viewpoint, the Belfast Agreement is based on concessions to republicans. Protestants, particularly in working-class, loyalist areas, react with aversion to any Catholic achievements – this may lead to further frustration, segregation and, in the worst case scenario, to an increase in violence.

In fact, violence increased in the last few years of the implementation process. In the period of 2000–2001, 331 shootings have been recorded. This stands against 131 shootings in the period of 1999–2000. The same is true for bomb attacks: there were 117 bomb attacks in the period of 2000–2001 against 66 in 1999–2000. Moreover, 18 civilians have been killed in 2000–2001, against 7 in the year before.[3] Many of the attacks were committed by splinter groups of the IRA, namely the Real IRA and the Continuity IRA. However, an increasing number of attacks were carried out by the loyalist paramilitaries. This is a highly disturbing fact because except for the Loyalist Volunteer Force (LVF), all of the loyalist paramilitaries refused to start decommissioning. Furthermore, loyalist civilians have started to rebel against changes in the traditional structures of society in Northern Ireland. The physical and verbal attacks on Catholic school children in Belfast in the summer of 2001 and again in the winter of 2002 show how far grievances go. John Reid, the Secretary of State for Northern Ireland in 2002, temporarily declared the LVF and the UDA ceasefires to bee over.[4] The British government is in a dilemma: a movement against loyalist attacks would mean a war on two fronts. However, a strategy against the loyalist paramilitaries could be justified by Blair's commitment to the US anti-terror strategy.

Although it does not seem likely at the time (May 2002), a future failure of the full implementation of the Agreement is

3 *Northern Ireland Statistics and Research Agency Report*, 2000 and 2001. http://www.nisra.gov.uk/publications/new_publications.asp?tag=1.
4 *The Guardian*, 2 January 2002.

still possible. If this would happen, it is likely that the British and Irish governments would agree on some kind of co-operation in exercising authority over Northern Ireland. This leaves some hope, even in the case of a failure: a multilateral approach to the Northern Ireland problem would be secured.

Hate and distrust still exist between the two communities. Despite political successes, the conflict continues in society. How can the people of Northern Ireland react to these developments? With its history of sectarianism, the solution must lie at the community level. The lines of communication must be opened at the level of every day life. This could be an inter-community forum, which would address the core issues of the confrontation. The two sides of the conflict alone can overcome the differences and the bitterness that has shaped their relationship. As long as they allow it to continue, there will never be a real solution of the conflict. To achieve a stable peace, a period of calm and stability is required.

As predictions state, a united Ireland is sure to come, and nationalists will reach their goal. In the best case, this might act as an invitation to unionists to win some control over their own destiny through meaningful devolution, and it might persuade republicans that there is more to be gained through reforming politics than through a return to war. The situation will and cannot be changed in short time. Further small and painful steps will have to be accepted if change should lead to a peaceful Northern Ireland.

Conclusion

The Good Friday Agreement
is the key to Northern Ireland's future.

The conflict in Northern Ireland has been one of the most intractable and violent ethnonationalist disputes in Western Europe. By the signing of the Agreement, 3,600 deaths and 40,000 injuries are estimated to have occurred during the Northern Ireland troubles.[1] The peace process, beginning in the early 1990s, has been a way out of the spiral of violence and counter-violence. It peaked with the achievement of the Good Friday Agreement in the spring of 1998. Since then, the provisions of the Agreement have been in the process of being implemented. However, the implementation process is far from being completed. The picture emerging of the implementation process is still vague. Too many factors and influences have impacted on the shape of the process. Nevertheless, some tendencies can be extracted from the first four years. They reflect the significance of the Belfast Agreement for the Northern Ireland peace process.

Many ideals of the Belfast Agreement have not been met in reality. The political regulation of communal conflicts is a complex and delicate affair. Negotiated settlements are a mixture of compromise, which leaves no side entirely satisfied. They reflect the balance of communal and state power at the time they are negotiated. But their implementation may alter the balance of power in either a more effective way or in a way that limits their effectiveness. They may enjoy cross-community support at the level of general principle, but fail to secure agreement at the point of practical implementation. In fact, the implementation process has been slow and crisis-ridden. Peace is far from being guaranteed. The cease-fires of the paramilitary groups are still partial:

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1   Kenneth BLOOMFIELD, 'We Will Remember Them', *Report on Victims of the Conflict in Northern Ireland*, 29 May 1998. http://www.nio.gov.uk/pdf/bloomfield.pdf.

extremists on both sides have broken it, and they use violence and terror to keep their spheres of influence. The differentiation between sectarian violence and organised criminality is very difficult to make.

The fact that special issues – decommissioning and police reform in particular – proved to be so difficult to implement does not speak for an unrestricted peace. Sectarian differences have stayed even after the signing of the Good Friday Agreement. Until May 2002, no serious attempts have been undertaken to end the fatal segregation of the two communities. Violence will always remain an option. The politics of threat make the Agreement vulnerable. It is the politics of threat that makes many people – especially unionists – hesitant to see the advantages of the Agreement. The other side is still seen as the 'enemy' who refuses to become an exclusively political 'adversary'.

However, none of these facts can darken the most obvious truth: the Belfast Agreement is still in place and its implementation is on progress. The very fact that the parties in Northern Ireland had used the opportunity of an Agreement proves their real commitment to the peace process. The compromise reached on 10 April 1998 was caused by a change in the parties' thinking. It did not come about because the attachment of republicans to a united Ireland weakened or unionists left their position of favouring the Union with Great Britain. David Trimble and a large section of middle class unionism have accepted that the old days of unionist hegemony have gone forever. Time is on the nationalist side. Against this background, moderate unionists negotiated the best possible deal to protect the interests of the unionist community. In the Belfast Agreement, Irish nationalism agreed to the principle of majority consent in order to achieve a political settlement. As important, the republican movement recognised that it was crucial to have peace and stability so that the two communities could work together and learn to trust each other. The goal was thus to create an environment in which both communities would suffer less. Nothing would be gained if there is one day a united Ireland in which a large section of a Protestant minority would endure the same pain under the new order as Catholics had under

the old. The Belfast Agreement came out of a situation in which first preferences were unattainable. It was designed to offer both communities in Northern Ireland a better future. The parties were thus ready to achieve a settlement.

The Good Friday Agreement is a broad approach to the conflict in Northern Ireland. It was negotiated by political parties of all sizes and all beliefs. Some chose not to contribute, but nobody can say that they were not given a chance. The Executive that it constructed is truly representative. The Agreement has recognised that all who were a party to the conflict must be a party to its resolution. It gave the possibility to political debate for all sides. Furthermore, the Belfast Agreement created a network of institutional links throughout Northern Ireland, Great Britain and the Republic of Ireland. The future of Northern Ireland should be decided by the people of Northern Ireland in conjunction with the people of the Republic of Ireland, according to the Agreement.

The Agreement itself has some apparent strengths, but also delicate weaknesses. The vague language of the Agreement permits Unionists and Republicans alike to interpret the Agreement however they wish. An example is the unclear definition of putting 'the paramilitary arms beyond use'. This description has led to serious discussions and misunderstandings, some with a delaying effect. However, the question of whether absolute clarity would have been better is difficult to answer. It is possible that ambiguity caused more trouble than it was worth and that clarity would have yielded the orderly implementation of the Good Friday Agreement. But one may also conclude that absolute clarity would have produced a political stalemate and no implementation at all. Moreover, ambiguity may have been constructive as the success of the Agreement lies in it. Neither side has what it wants. Both could choose to continue sectarian battles. But each side could agree to hold different principles while also agreeing to co-govern. The implementation process has proved ambiguity to be right. It created more scope for the parties – a fact, which often led to the solution of a problem. A good example is the re-election of David Trimble as First Minister in fall 2001, which was only achievable

with the possibility of the members of the other parties to change their designation.

The Agreement offered a clear vision of the future of Northern Ireland. It created the possibility for the people of Northern Ireland to determine whether they would be part of the United Kingdom or part of the Republic of Ireland. Unionists could use this argument to show that the Agreement offers a better chance of preserving the Union with their meaningful participation than the alternatives. This is why 'yes' unionists signed the Agreement. For nationalists and republicans, the long-term strategy to achieve a united Ireland has become more clearly defined.

The Agreement might have the potential to redefine the relationship between the people of Northern Ireland and their government. It aimed at creating an atmosphere of fairness and equality. This was supported by the provisions of the establishment of concerned institutions such as the Human Rights and Equality Commissions or the reform of the police service. The goal is a cohesive society in which all individuals would be linked by a shared, respected established order. The values and identities of Northern Ireland are reflected by self-government.

The central political issues of the conflict are addressed in the Belfast Agreement. However, the fact that they have been addressed does not necessarily bring trust and confidence, which lie at the heart of the dispute. The difficulties surrounding the implementation of the decommissioning and policing issues are purely symptoms of much more significant problems that lie beneath the surface. The Good Friday Agreement does not solve the basic antagonisms at the core of the conflict, namely identity issues and sectarian hostility. It merely manages the differences, but it does not eliminate them. Nevertheless, it remains the possibility that the Agreement provides the opportunity to address these issues through the implementation process. The Belfast Agreement is only a first step on a very long way.

The Good Friday Agreement is more than Sunningdale. It proved to be more robust. Its institutions are more inclusive, more democratic. Its roots in the community go deeper. All acts have been completely voluntary, including unionists joining the Execu-

tive and republicans agreeing on decommissioning. 'It recognised that we could not move into the future until we broke from the past', said Secretary of State for Northern Ireland, Peter Mandelson, in a speech held in February 2000.[2] And that, for many people, proved to be the hardest thing of all. It meant putting aside years of violent hostility and sharing power with old enemies. The break with the past is a measure of the commitment of the participants to the Belfast Agreement. It is also an indicator of the underlying strength of the Agreement itself. The hard rhetoric and personal accusations had not led to an outright rift and thus to the collapse of the Agreement itself.

In the first phase after the signing of the Belfast Agreement, people reacted with enthusiasm and euphoria. However, the people voting overwhelmingly to endorse the Belfast Agreement probably did not realise that this would also involve unpleasant decisions and compromises in the course of its implementation. The early release of politicised prisoners, decommissioning of paramilitary weapons, sitting in the Executive with (ex-) terrorists; all these were hard to swallow for some of the people of Northern Ireland, especially unionists who believed they were making the bulk of the concessions. Nevertheless, it had been clear from the very start of the peace talks that the challenge of shifting a deeply divided society away from violence towards a stable democracy means that all sides would have to swallow things that tasted bitter. Misunderstandings, disagreements and unsatisfying settlements stand for the pain and the price of the process.

Despite these problems, the pro-Agreement parties stayed committed to the implementation process and the Belfast Agreement. This was the merit of the two driving forces and most important internal contributors of the peace process: John Hume and David Trimble. Regardless of the differences in political ideology and behaviour there is a strong link between Trimble and Hume. Without Hume's groundwork over the years there would be no Belfast Agreement and David Trimble would have never been elected as First Minister. Without Trimble's continuing com-

2 Peter MANDELSON. Speech to the Institute of Irish Studies. Liverpool, 4 February 2000. http://www.nio.gov.uk/press/2000/feb/000204sos-nio.htm.

mitment to the Good Friday Agreement and his will to stand against all waves, Hume's vision might never have been fulfilled. Together they fought their struggle for peace. And together they were awarded with the Nobel Peace Prize in 1998. Opponents sometimes need and depend upon each other.

The deeper divisions of the parties over major issues, however, pose a real threat to the peace process. Gerry Adams stated that 'compromise is required. But compromise after 30 years of conflict can be the biggest challenge of all.'[3] He hit the nail on the head. Agreeing to the Belfast Agreement meant to leave symbols behind – for example the RUC. It meant decommissioning by the paramilitary groups – an issue which is still crucial to the resolution of the conflict. It meant to determine new goals and strategies. And it meant to share power with former terrorists – a reality of which nobody even thought a few years before. All these are actions to state the commitment to peace. The Agreement is a matter, which would be thrown out of balance even if only a small detail would be changed. That is why the way has always been: everything or nothing.

But not only the divisions between the communities, but also the difficulties of agreeing to a common policy within the blocs have proved to be problematic. Although the Belfast Agreement was reached in inclusive negotiations, which incorporated hard-liners and addressed the identities, interests, and ideological agendas from all parties, some are still opposed to it. The unionist bloc, in particular, is divided over the merits of the settlement, and some leaders respond more to the threat of being outflanked than they do to the imperative of making the new cross-ethnic coalition work. A further destabilising and interlinked fact is that the hard-line unionists quit the negotiations. Whatever is agreed under the Belfast Agreement, they can stay with their argumentation that they did not sign up to anything. Their commitment to the peace process is thus weakened too. This might lead to insurmountable impasses.

The two governments bore a large responsibility for the implementation process. The letter of the British Prime Minister

3   Gerry ADAMS. Statement, 19 May 2000. CAIN Web Service, source documents.

to David Trimble concerning decommissioning on the day of the signing is a good example of the weight of their influence. Blair pledged that there should be movement on the question of weapons. He argued that this was necessary to win unionist support in the referendum of May 1998. This meant that when the two communities went to the polls, they voted for different deals. Nationalists voted for the Agreement and nothing else, but unionists voted for the Agreement plus Blair's letter.

The future is, of course, always uncertain. Even hours before Good Friday 1998 few anticipated that an agreement was attainable. That it comprised an open-ended future for Northern Ireland was a path worth taking for significant majorities at both referendum and election. Decommissioning, initially prior to, then concurrent with, and finally, more than three years after the signing of the Agreement, was a difficult issue to realise. Trimble's slim margins of victory at the decision contests within its own party, and the difficult reinstatement to the post of First Minister in the autumn of 2001 does not inspire confidence that the institutions will prove overly robust.

However, the fact that the Agreement and the institutions it established survived many 'shocks' like the several periods of suspension, the absence of a tangible beginning to decommissioning, and the resignation of David Trimble as First Minister suggests that some measured optimism might not be entirely misplaced. Moreover, the rapid implementation of the institutions created by the Agreement during the first phase of devolution encouraged the hope that Northern Ireland was turning to a new era. Following the passage of the devolution order by the British Parliament on 30 November 1999, within a matter of days the new arrangements were in place. On 2 December, the existing Articles 2 and 3 of the Irish Constitution were replaced and, on the same day, papers were exchanged in Dublin between British and Irish Governments bringing into being the new British-Irish Treaty, formally established the North-South Ministerial Council, and the British-Irish Council. The Executive Committee – without the two DUP ministers – met for the first time on 3 December; on 6 December the Assembly created its statutory committees;

the North-South Ministerial Council – again without DUP presence – met in Armagh for the first time on 13 December; and the inaugural meeting of the British-Irish Council took place in London on 17 December. Thus, after a delay of nineteen months the institutional dimension of the Belfast Agreement had taken almost full effect.[4]

The rapid implementation of institutions does not, however, disguise the fact that a number of political tests are still not met. Although members from all parties worked together in the Assembly, and although debates were not unusually disruptive, there were inter- and intra-party tensions. Doubts that the convention of collective responsibility could work within the Executive rested on policy differences and matters of personality. The discussions in the Assembly are dominated more by arguments against the rival bloc than by clear considerations of achieving agreed policy outcomes. The risk that the Executive could prove to be less than the sum of its parts still remains. The several attempts at excluding Sinn Féin from government have complicated the operation of the institutions. Moreover, the aforementioned prospect of elections where DUP and other anti-Agreement unionists may gain more power and can act in a more disruptive manner provides not an optimistic future. It might prove impossible to fully implement the Agreement. The partial implementation is of course a less attractive scenario. 'We may be moving into a world of cold peace with traits of a local cold war,' is the view of Brendan O'Leary.[5] However, the breakthroughs on the decommissioning issue in autumn 2001 and the establishment of the new police service lead to new hope for the peace process. The question in Northern Ireland is not whether the peace will be challenged – there is no doubt that there will be further tests – but how Northern Ireland responds when the challenges will come.

Is Northern Ireland ready for peace? The achievement of the Belfast Agreement shows that Northern Ireland is ready to step in the direction of peace. It may, or may not, be 'the only show in

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4   The only institutional aspect not in place in December 1999 was the 'Civic Forum'. It was planned to be up and running in May 2000.
5   O'LEARY, "The Character of the 1998 Agreement: Results and Prospects", 78.

town'[6], whether it was construed as an exercise in political accommodation or, conversely, as an act of appeasement of terrorism. Either way, the Agreement is of high significance for the peace process. Throughout the implementation process, in phases of progress and in phases of crisis, the Good Friday Agreement as such has, with few exceptions, never been subject of the discussion. The Agreement was the main stabilising element in the implementation process – the only thing that the parties committed themselves to.

Successful implementation requires greater recognition among the parties, especially within the UUP and Sinn Féin, that they may benefit more in the long-run from not seeking maximum short-run advantage. It means that each side understanding the attitude of the other. It means, in particular, republicans understanding better why unionists were reluctant to join in government without a definitive progress on the arms issue. Why the fact that the guns are silent was welcome, but not enough. And unionists understanding better why arms had the almost mystic significance for those who hold them. The goal is to create a society where 'unionists need nationalists who need republicans who need unionists'[7]. The test of everyone's commitment to the peace process should not be how powerfully they articulate their own tribal politics, but how constructively they seek to accommodate each other's fears and needs. The Good Friday Agreement stands or falls as a whole. Republicans and nationalists, loyalists and unionists had and have to work together if it is to succeed.

6   WILFORD, "The Assembly and the Executive", 125.
7   Peter MANDELSON. Speech to the British-Irish Inter-Parliamentary Body, 14 February 2000. http://www.nio.gov.uk/press/2000/feb/000214a-nio.htm.

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Annex

Annex A

The Agreement Reached in the Multi-Party Negotiations 1998 (Belfast Agreement, Good Friday Agreement)

Declaration of Support

1. We, the participants in the multi-party negotiations, believe that the agreement we have negotiated offers a truly historic opportunity for a new beginning.
2. The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.
3. We are committed to partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between North and South, and between these islands.
4. We reaffirm our total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues, and our opposition to any use or threat of force by others for any political purpose, whether in regard to this agreement or otherwise.
5. We acknowledge the substantial differences between our continuing, and equally legitimate, political aspirations. However, we will endeavour to strive in every practical way towards reconciliation and rapprochement within the framework of democratic and agreed arrangements. We pledge that we will, in good faith, work to ensure the success of each and every one of the arrangements to be established under this agreement. It is accepted that all of the institutional and constitutional arrangements – an Assembly in Northern Ireland,

a North/South Ministerial Council, implementation bodies, a British-Irish Council and a British-Irish Intergovernmental Conference and any amendments to British Acts of Parliament and the Constitution of Ireland – are interlocking and interdependent and that in particular the functioning of the Assembly and the North/South Council are so closely inter-related that the success of each depends on that of the other.

6. Accordingly, in a spirit of concord, we strongly commend this agreement to the people, North and South, for their approval.

Constitutional Issues

1. The participants endorse the commitment made by the British and Irish Governments that, in a new British-Irish Agreement replacing the Anglo-Irish Agreement, they will:

    (i) recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland;

    (ii) recognise that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland;

    (iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and, accordingly, that Northern Ireland's status as part of the United Kingdom reflects and relies upon that

wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;

(iv) affirm that if, in the future, the people of the island of Ireland exercise their right of self-determination on the basis set out in sections (i) and (ii) above to bring about a united Ireland, it will be a binding obligation on both Governments to introduce and support in their respective Parliaments legislation to give effect to that wish;

(v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities;

(vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

2. The participants also note that the two Governments have accordingly undertaken in the context of this comprehensive political agreement, to propose and support changes in, respectively, the Constitution of Ireland and in British legislation relating to the constitutional status of Northern Ireland.

Annex A

Draft Clauses/Schedules for incorporation in British legislation

1. (1) It is hereby declared that Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority of the people of Northern

Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1.

(2) But if the wish expressed by a majority in such a poll is that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland, the Secretary of State shall lay before Parliament such proposals to give effect to that wish as may be agreed between Her Majesty's Government in the United Kingdom and the Government of Ireland.

2. The Government of Ireland Act 1920 is repealed; and this Act shall have effect notwithstanding any other previous enactment.

Schedule 1
Polls for the purpose of Section 1

1. The Secretary of State may by order direct the holding of a poll for the purposes of section 1 on a date specified in the order.

2. Subject to paragraph 3, the Secretary of State shall exercise the power under paragraph 1 if at any time it appears likely to him that a majority of those voting would express a wish that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland.

3. The Secretary of State shall not make an order under paragraph 1 earlier than seven years after the holding of a previous poll under this Schedule.

4. (Remaining paragraphs along the lines of paragraphs 2 and 3 of existing Schedule 1 to 1973 Act.)

Annex B

Irish Government draft legislation to amend the Constitution
Add to Article 29 the following sections: 7.

1. The State may consent to be bound by the British-Irish Agreement done at Belfast on the ... day of ... 1998, hereinafter called the Agreement.

2. Any institution established by or under the Agreement may exercise the powers and functions thereby conferred on it

in respect of all or any part of the island of Ireland notwith-standing any other provision of this Constitution conferring a like power or function on any person or any organ of State appointed under or created or established by or under this Constitution. Any power or function conferred on such an institution in relation to the settlement or resolution of dis-putes or controversies may be in addition to or in substitution for any like power or function conferred by this Constitution on any such person or organ of State as aforesaid.

3. If the Government declare that the State has become obliged, pursuant to the Agreement, to give effect to the amendment of this Constitution referred to therein, then, notwithstanding Article 46 hereof, this Constitution shall be amended as fol-lows:

    (i) the following Articles shall be substituted for Articles 2 and 3 of the Irish text: [Irish text to be inserted here]

    (ii) the following Articles shall be substituted for Articles 2 and 3 of the English text:

Article 2

It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons oth-erwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural iden-tity and heritage.

Article 3

1. It is the firm will of the Irish nation, in harmony and friend-ship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions in the island. Until then, the laws enacted by the Parliament established by this Constitution shall have the like area and

extent of application as the laws enacted by the Parliament that existed immediately before the coming into operation of this Constitution.

2. Institutions with executive powers and functions that are shared between those jurisdictions may be established by their respective responsible authorities for stated purposes and may exercise powers and functions in respect of all or any part of the island."

   (iii) the following section shall be added to the Irish text of this Article: [Irish text to be inserted here]

   (iv) the following section shall be added to the English text of this Article:

   "8. The State may exercise extra-territorial jurisdiction in accordance with the generally recognised principles of international law."

4. If a declaration under this section is made, this subsection and subsection 3, other than the amendment of this Constitution effected thereby, and subsection 5 of this section shall be omitted from every official text of this Constitution published thereafter, but notwithstanding such omission this section shall continue to have the force of law.

5. If such a declaration is not made within twelve months of this section being added to this Constitution or such longer period as may be provided for by law, this section shall cease to have effect and shall be omitted from every official text of this Constitution published thereafter.

Strand One

Democratic Institutions in Northern Ireland

1. This agreement provides for a democratically elected Assembly in Northern Ireland which is inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community.

The Assembly

2. A 108-member Assembly will be elected by PR(STV) from existing Westminster constituencies.

3. The Assembly will exercise full legislative and executive authority in respect of those matters currently within the responsibility of the six Northern Ireland Government Departments, with the possibility of taking on responsibility for other matters as detailed elsewhere in this agreement.

4. The Assembly – operating where appropriate on a cross-community basis – will be the prime source of authority in respect of all devolved responsibilities.

Safeguards

5. There will be safeguards to ensure that all sections of the community can participate and work together successfully in the operation of these institutions and that all sections of the community are protected, including:

    (a) allocations of Committee Chairs, Ministers and Committee membership in proportion to party strengths;

    (b) the European Convention on Human Rights (ECHR) and any Bill of Rights for Northern Ireland supplementing it, which neither the Assembly nor public bodies can infringe, together with a Human Rights Commission;

    (c) arrangements to provide that key decisions and legislation are proofed to ensure that they do not infringe the ECHR and any Bill of Rights for Northern Ireland;

    (d) arrangements to ensure key decisions are taken on a cross-community basis;

    (e) <u>either</u> parallel consent, i.e. a majority of those members present and voting, including a majority of the unionist and nationalist designations present and voting;

    (f) <u>or</u> a weighted majority (60%) of members present and voting, including at least 40% of each of the nationalist and unionist designations present and voting.
    Key decisions requiring cross-community support will be designated in advance, including election of the Chair of the Assembly, the First Minister and Deputy First Minis-

ter, standing orders and budget allocations. In other cases such decisions could be triggered by a petition of concern brought by a significant minority of Assembly members (30/108).

(g) an Equality Commission to monitor a statutory obligation to promote equality of opportunity in specified areas and parity of esteem between the two main communities, and to investigate individual complaints against public bodies.

Operation of the Assembly

6. At their first meeting, members of the Assembly will register a designation of identity – nationalist, unionist or other – for the purposes of measuring cross-community support in Assembly votes under the relevant provisions above.

7. The Chair and Deputy Chair of the Assembly will be elected on a cross-community basis, as set out in paragraph 5(d) above.

8. There will be a Committee for each of the main executive functions of the Northern Ireland Administration. The Chairs and Deputy Chairs of the Assembly Committees will be allocated proportionally, using the d'Hondt system. Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all members.

9. The Committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation. They will have the power to:

• consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
• approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
• call for persons and papers;
• initiate enquiries and make reports;
• consider and advise on matters brought to the Committee by its Minister.

10. Standing Committees other than Departmental Committees may be established as may be required from time to time.

11. The Assembly may appoint a special Committee to examine and report on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights. The Committee shall have the power to call people and papers to assist in its consideration of the matter. The Assembly shall then consider the report of the Committee and can determine the matter in accordance with the cross-community consent procedure.

12. The above special procedure shall be followed when requested by the Executive Committee, or by the relevant Departmental Committee, voting on a cross-community basis.

13. When there is a petition of concern as in 5(d) above, the Assembly shall vote to determine whether the measure may proceed without reference to this special procedure. If this fails to achieve support on a cross-community basis, as in 5(d)(i) above, the special procedure shall be followed.

Executive Authority

14. Executive authority to be discharged on behalf of the Assembly by a First Minister and Deputy First Minister and up to ten Ministers with Departmental responsibilities.

15. The First Minister and Deputy First Minister shall be jointly elected into office by the Assembly voting on a cross-community basis, according to 5(d)(i) above.

16. Following the election of the First Minister and Deputy First Minister, the posts of Ministers will be allocated to parties on the basis of the d'Hondt system by reference to the number of seats each party has in the Assembly.

17. The Ministers will constitute an Executive Committee, which will be convened, and presided over, by the First Minister and Deputy First Minister.

18. The duties of the First Minister and Deputy First Minister will include, inter alia, dealing with and co-ordinating the work of the Executive Committee and the response of the Northern Ireland administration to external relationships.

19. The Executive Committee will provide a forum for the discussion of, and agreement on, issues which cut across the responsibilities of two or more Ministers, for prioritising executive and legislative proposals and for recommending a common position where necessary (e.g. in dealing with external relationships).
20. The Executive Committee will seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis.
21. A party may decline the opportunity to nominate a person to serve as a Minister or may subsequently change its nominee.
22. All the Northern Ireland Departments will be headed by a Minister. All Ministers will liaise regularly with their respective Committee.
23. As a condition of appointment, Ministers, including the First Minister and Deputy First Minister, will affirm the terms of a Pledge of Office (Annex A) undertaking to discharge effectively and in good faith all the responsibilities attaching to their office.
24. Ministers will have full executive authority in their respective areas of responsibility, within any broad programme agreed by the Executive Committee and endorsed by the Assembly as a whole.
25. An individual may be removed from office following a decision of the Assembly taken on a cross-community basis, if (s)he loses the confidence of the Assembly, voting on a cross-community basis, for failure to meet his or her responsibilities including, inter alia, those set out in the Pledge of Office. Those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office under these provisions.

Legislation
26. The Assembly will have authority to pass primary legislation for Northern Ireland in devolved areas, subject to:

(a) the ECHR and any Bill of Rights for Northern Ireland supplementing it which, if the courts found to be breached, would render the relevant legislation null and void;

(b) decisions by simple majority of members voting, except when decision on a cross-community basis is required;

(c) detailed scrutiny and approval in the relevant Departmental Committee;

(d) mechanisms, based on arrangements proposed for the Scottish Parliament, to ensure suitable co-ordination, and avoid disputes, between the Assembly and the Westminster Parliament;

(e) option of the Assembly seeking to include Northern Ireland provisions in United Kingdom-wide legislation in the Westminster Parliament, especially on devolved issues where parity is normally maintained (e.g. social security, company law).

27. The Assembly will have authority to legislate in reserved areas with the approval of the Secretary of State and subject to Parliamentary control.

28. Disputes over legislative competence will be decided by the Courts.

29. Legislation could be initiated by an individual, a Committee or a Minister.

Relations with other institutions

30. Arrangements to represent the Assembly as a whole, at Summit level and in dealings with other institutions, will be in accordance with paragraph 18, and will be such as to ensure cross-community involvement.

31. Terms will be agreed between appropriate Assembly representatives and the Government of the United Kingdom to ensure effective co-ordination and input by Ministers to national policy-making, including on EU issues.

32. Role of Secretary of State:

(a) to remain responsible for NIO matters not devolved to the Assembly, subject to regular consultation with the Assembly and Ministers;

(b) to approve and lay before the Westminster Parliament any Assembly legislation on reserved matters;

(c) to represent Northern Ireland interests in the United Kingdom Cabinet;

(d) to have the right to attend the Assembly at their invitation.

33. The Westminster Parliament (whose power to make legislation for Northern Ireland would remain unaffected) will:

(a) legislate for non-devolved issues, other than where the Assembly legislates with the approval of the Secretary of State and subject to the control of Parliament;

(b) to legislate as necessary to ensure the United Kingdom's international obligations are met in respect of Northern Ireland;

(c) scrutinise, including through the Northern Ireland Grand and Select Committees, the responsibilities of the Secretary of State.

34. A consultative Civic Forum will be established. It will comprise representatives of the business, trade union and voluntary sectors, and such other sectors as agreed by the First Minister and the Deputy First Minister. It will act as a consultative mechanism on social, economic and cultural issues. The First Minister and the Deputy First Minister will by agreement provide administrative support for the Civic Forum and establish guidelines for the selection of representatives to the Civic Forum.

Transitional Arrangements

35. The Assembly will meet first for the purpose of organisation, without legislative or executive powers, to resolve its standing orders and working practices and make preparations for the effective functioning of the Assembly, the British-Irish Council and the North/South Ministerial Council and associated implementation bodies. In this transitional period, those

members of the Assembly serving as shadow Ministers shall affirm their commitment to non-violence and exclusively peaceful and democratic means and their opposition to any use or threat of force by others for any political purpose; to work in good faith to bring the new arrangements into being; and to observe the spirit of the Pledge of Office applying to appointed Ministers.

Review
36. After a specified period there will be a review of these arrangements, including the details of electoral arrangements and of the Assembly's procedures, with a view to agreeing any adjustments necessary in the interests of efficiency and fairness.

Annex A

Pledge of Office
To pledge:
(a) to discharge in good faith all the duties of office;
(b) commitment to non-violence and exclusively peaceful and democratic means;
(c) to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination;
(d) to participate with colleagues in the preparation of a programme for government;
(e) to operate within the framework of that programme when agreed within the Executive Committee and endorsed by the Assembly;
(f) to support, and to act in accordance with, all decisions of the Executive Committee and Assembly;
(g) to comply with the Ministerial Code of Conduct.

Code of Conduct
Ministers must at all times:

- observe the highest standards of propriety and regularity involving impartiality, integrity and objectivity in relationship to the stewardship of public funds;
- be accountable to users of services, the community and, through the Assembly, for the activities within their responsibilities, their stewardship of public funds and the extent to which key performance targets and objectives have been met;
- ensure all reasonable requests for information from the Assembly, users of services and individual citizens are complied with; and that Departments and their staff conduct their dealings with the public in an open and responsible way;
- follow the seven principles of public life set out by the Committee on Standards in Public Life;
- comply with this code and with rules relating to the use of public funds;
- operate in a way conducive to promoting good community relations and equality of treatment;
- not use information gained in the course of their service for personal gain; nor seek to use the opportunity of public service to promote their private interests;
- ensure they comply with any rules on the acceptance of gifts and hospitality that might be offered;
- declare any personal or business interests which may conflict with their responsibilities. The Assembly will retain a Register of Interests. Individuals must ensure that any direct or indirect pecuniary interests which members of the public might reasonably think could influence their judgement are listed in the Register of Interests;

Strand Two

North/South Ministerial Council

1. Under a new British/Irish Agreement dealing with the totality of relationships, and related legislation at Westminster and in the Oireachtas, a North/South Ministerial Council to be established to bring together those with executive responsibilities

in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland – including through implementation on an all-island and cross-border basis – on matters of mutual interest within the competence of the Administrations, North and South.

2. All Council decisions to be by agreement between the two sides. Northern Ireland to be represented by the First Minister, Deputy First Minister and any relevant Ministers, the Irish Government by the Taoiseach and relevant Ministers, all operating in accordance with the rules for democratic authority and accountability in force in the Northern Ireland Assembly and the Oireachtas respectively. Participation in the Council to be one of the essential responsibilities attaching to relevant posts in the two Administrations. If a holder of a relevant post will not participate normally in the Council, the Taoiseach in the case of the Irish Government and the First and Deputy First Minister in the case of the Northern Ireland Administration to be able to make alternative arrangements.

3. The Council to meet in different formats:
    (i)   in plenary format twice a year, with Northern Ireland representation led by the First Minister and Deputy First Minister and the Irish Government led by the Taoiseach;
    (ii) in specific sectoral formats on a regular and frequent basis with each side represented by the appropriate Minister;
    (iii) an appropriate format to consider institutional or cross-sectoral matters (including in relation to the EU) and to resolve disagreement.

4. Agendas for all meetings to be settled by prior agreement between the two sides, but it will be open to either to propose any matter for consideration or action.

5. The Council:
    (i)   to exchange information, discuss and consult with a view to co-operating on matters of mutual interest within the competence of both Administrations, North and South;
    (ii) to use best endeavours to reach agreement on the adoption of common policies, in areas where there is a mutual cross-border and all-island benefit, and which are within

the competence of both Administrations, North and South, making determined efforts to overcome any disagreements;

(iii) to take decisions by agreement on policies for implementation separately in each jurisdiction, in relevant meaningful areas within the competence of both Administrations, North and South;

(iv) to take decisions by agreement on policies and action at an all-island and cross-border level to be implemented by the bodies to be established as set out in paragraphs 8 and 9 below.

6. Each side to be in a position to take decisions in the Council within the defined authority of those attending, through the arrangements in place for co-ordination of executive functions within each jurisdiction. Each side to remain accountable to the Assembly and Oireachtas respectively, whose approval, through the arrangements in place on either side, would be required for decisions beyond the defined authority of those attending.

7. As soon as practically possible after elections to the Northern Ireland Assembly, inaugural meetings will take place of the Assembly, the British/Irish Council and the North/South Ministerial Council in their transitional forms. All three institutions will meet regularly and frequently on this basis during the period between the elections to the Assembly, and the transfer of powers to the Assembly, in order to establish their modus operandi.

8. During the transitional period between the elections to the Northern Ireland Assembly and the transfer of power to it, representatives of the Northern Ireland transitional Administration and the Irish Government operating in the North/South Ministerial Council will undertake a work programme, in consultation with the British Government, covering at least 12 subject areas, with a view to identifying and agreeing by 31 October 1998 areas where co-operation and implementation for mutual benefit will take place. Such areas may include matters in the list set out in the Annex.

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9. As part of the work programme, the Council will identify and agree at least 6 matters for co-operation and implementation in each of the following categories:
    (i) Matters where existing bodies will be the appropriate mechanisms for co-operation in each separate jurisdiction;
    (ii) Matters where the co-operation will take place through agreed implementation bodies on a cross-border or all-island level.
10. The two Governments will make necessary legislative and other enabling preparations to ensure, as an absolute commitment, that these bodies, which have been agreed as a result of the work programme, function at the time of the inception of the British-Irish Agreement and the transfer of powers, with legislative authority for these bodies transferred to the Assembly as soon as possible thereafter. Other arrangements for the agreed co-operation will also commence contemporaneously with the transfer of powers to the Assembly.
11. The implementation bodies will have a clear operational remit. They will implement on an all-island and cross-border basis policies agreed in the Council.
12. Any further development of these arrangements to be by agreement in the Council and with the specific endorsement of the Northern Ireland Assembly and Oireachtas, subject to the extent of the competences and responsibility of the two Administrations.
13. It is understood that the North/South Ministerial Council and the Northern Ireland Assembly are mutually inter-dependent, and that one cannot successfully function without the other.
14. Disagreements within the Council to be addressed in the format described at paragraph 3(iii) above or in the plenary format. By agreement between the two sides, experts could be appointed to consider a particular matter and report.
15. Funding to be provided by the two Administrations on the basis that the Council and the implementation bodies constitute a necessary public function.

16. The Council to be supported by a standing joint Secretariat, staffed by members of the Northern Ireland Civil Service and the Irish Civil Service.
17. The Council to consider the European Union dimension of relevant matters, including the implementation of EU policies and programmes and proposals under consideration in the EU framework. Arrangements to be made to ensure that the views of the Council are taken into account and represented appropriately at relevant EU meetings.
18. The Northern Ireland Assembly and the Oireachtas to consider developing a joint parliamentary forum, bringing together equal numbers from both institutions for discussion of matters of mutual interest and concern.
19. Consideration to be given to the establishment of an independent consultative forum appointed by the two Administrations, representative of civil society, comprising the social partners and other members with expertise in social, cultural, economic and other issues.

Annex

Areas for North-South co-operation and implementation may include the following:

- Agriculture – animal and plant health.
- Education – teacher qualifications and exchanges.
- Transport – strategic transport planning.
- Environment – environmental protection, pollution, water quality, and waste management.
- Waterways – inland waterways.
- Social Security/Social Welfare – entitlements of cross-border workers and fraud control.
- Tourism – promotion, marketing, research, and product development.
- Relevant EU Programmes such as SPPR, INTERREG, Leader II and their successors.
- Inland Fisheries.
- Aquaculture and marine matters

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- Health: accident and emergency services and other related cross-border issues.
- Urban and rural development.

Others to be considered by the shadow North/ South Council.

Strand Three

British-Irish Council

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

their means of implementation, it will operate by agreement of all members participating in such policies or actions.

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 co-ordination 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 Intergovernmental Conference

1. There will be a new British-Irish Agreement dealing with the totality of relationships. It will establish a standing British-Irish Intergovernmental Conference, which will subsume both the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference established under the 1985 Agreement.

2. The Conference will bring together the British and Irish Governments to promote bilateral co-operation at all levels on all matters of mutual interest within the competence of both Governments.

3. The Conference will meet as required at Summit level (Prime Minister and Taoiseach). Otherwise, Governments will be represented by appropriate Ministers. Advisers, including police and security advisers, will attend as appropriate.

4. All decisions will be by agreement between both Governments. The Governments will make determined efforts to resolve disagreements between them. There will be no derogation from the sovereignty of either Government.

5. In recognition of the Irish Government's special interest in Northern Ireland and of the extent to which issues of mutual concern arise in relation to Northern Ireland, there will be regular and frequent meetings of the Conference concerned with non-devolved Northern Ireland matters, on which the Irish Government may put forward views and proposals. These meetings, to be co-chaired by the Minister for Foreign Affairs and the Secretary of State for Northern Ireland, would also deal with all-island and cross-border co-operation on non-devolved issues.

6. Co-operation within the framework of the Conference will include facilitation of co-operation in security matters. The Conference also will address, in particular, the areas of rights, justice, prisons and policing in Northern Ireland (unless and until responsibility is devolved to a Northern Ireland administration) and will intensify co-operation between the two Governments on the all-island or cross-border aspects of these matters.

7. Relevant executive members of the Northern Ireland Administration will be involved in meetings of the Conference, and in the reviews referred to in paragraph 9 below to discuss non-devolved Northern Ireland matters.

8. The Conference will 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.

9. The Conference will keep under review the workings of the new British-Irish Agreement and the machinery and institutions established under it, including a formal published

review three years after the Agreement comes into effect. Representatives of the Northern Ireland Administration will be invited to express views to the Conference in this context. The Conference will contribute as appropriate to any review of the overall political agreement arising from the multi-party negotiations but will have no power to override the democratic arrangements set up by this Agreement.

Rights, Safeguards and Equality of Opportunity

Human Rights

1. The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:
   - the right of free political thought;
   - the right to freedom and expression of religion;
   - the right to pursue democratically national and political aspirations;
   - the right to seek constitutional change by peaceful and legitimate means;
   - the right to freely choose one's place of residence;
   - the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity;
   - the right to freedom from sectarian harassment; and
   - the right of women to full and equal political participation.

United Kingdom Legislation

2. The British Government will complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency.
3. Subject to the outcome of public consultation underway, the British Government intends, as a particular priority, to cre-

ate a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation. Public bodies would be required to draw up statutory schemes showing how they would implement this obligation. Such schemes would cover arrangements for policy appraisal, including an assessment of impact on relevant categories, public consultation, public access to information and services, monitoring and timetables.

4. The new Northern Ireland Human Rights Commission (see paragraph 5 below) will be invited to consult and to advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and – taken together with the ECHR – to constitute a Bill of Rights for Northern Ireland. Among the issues for consideration by the Commission will be:
   - the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland; and
   - a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.

New Institutions in Northern Ireland
5. A new Northern Ireland Human Rights Commission, with membership from Northern Ireland reflecting the community balance, will be established by Westminster legislation, independent of Government, with an extended and enhanced role beyond that currently exercised by the Standing Advisory Commission on Human Rights, to include keeping under

review the adequacy and effectiveness of laws and practices, making recommendations to Government as necessary; providing information and promoting awareness of human rights; considering draft legislation referred to them by the new Assembly; and, in appropriate cases, bringing court proceedings or providing assistance to individuals doing so.

6. Subject to the outcome of public consultation currently underway, the British Government intends a new statutory Equality Commission to replace the Fair Employment Commission, the Equal Opportunities Commission (NI), the Commission for Racial Equality (NI) and the Disability Council. Such a unified Commission will advise on, validate and monitor the statutory obligation and will investigate complaints of default.

7. It would be open to a new Northern Ireland Assembly to consider bringing together its responsibilities for these matters into a dedicated Department of Equality.

8. These improvements will build on existing protections in Westminster legislation in respect of the judiciary, the system of justice and policing.

Comparable Steps by the Irish Government

9. The Irish Government will also take steps to further strengthen the protection of human rights in its jurisdiction. The Government will, taking account of the work of the All-Party Oireachtas Committee on the Constitution and the Report of the Constitution Review Group, bring forward measures to strengthen and underpin the constitutional protection of human rights. These proposals will draw on the European Convention on Human Rights and other international legal instruments in the field of human rights and the question of the incorporation of the ECHR will be further examined in this context. The measures brought forward would ensure at least an equivalent level of protection of human rights as will pertain in Northern Ireland. In addition, the Irish Government will:

   • establish a Human Rights Commission with a mandate and remit equivalent to that within Northern Ireland;

- proceed with arrangements as quickly as possible to ratify the Council of Europe Framework Convention on National Minorities (already ratified by the UK);
- implement enhanced employment equality legislation;
- introduce equal status legislation; and
- continue to take further active steps to demonstrate its respect for the different traditions in the island of Ireland.

A Joint Committee

10. It is envisaged that there would be a joint committee of representatives of the two Human Rights Commissions, North and South, as a forum for consideration of human rights issues in the island of Ireland. The joint committee will consider, among other matters, the possibility of establishing a charter, open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland.

Reconciliation and Victims of Violence

11. The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. They look forward to the results of the work of the Northern Ireland Victims Commission.

12. It is recognised that victims have a right to remember as well as to contribute to a changed society. The achievement of a peaceful and just society would be the true memorial to the victims of violence. The participants particularly recognise that young people from areas affected by the troubles face particular difficulties and will support the development of special community-based initiatives based on international best practice. The provision of services that are supportive and sensitive to the needs of victims will also be a critical element and that support will need to be channelled through both statutory and community-based voluntary organisations facilitating locally-based self-help and support networks. This will require the allocation of sufficient resources, including

statutory funding as necessary, to meet the needs of victims and to provide for community-based support programmes.

13. The participants recognise and value the work being done by many organisations to develop reconciliation and mutual understanding and respect between and within communities and traditions, in Northern Ireland and between North and South, and they see such work as having a vital role in consolidating peace and political agreement. Accordingly, they pledge their continuing support to such organisations and will positively examine the case for enhanced financial assistance for the work of reconciliation. An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing.

Economic, Social and Cultural Issues

1. Pending the devolution of powers to a new Northern Ireland Assembly, the British Government will pursue broad policies for sustained economic growth and stability in Northern Ireland and for promoting social inclusion, including in particular community development and the advancement of women in public life.

2. Subject to the public consultation currently under way, the British Government will make rapid progress with:

   (i) a new regional development strategy for Northern Ireland, for consideration in due course by a the Assembly, tackling the problems of a divided society and social cohesion in urban, rural and border areas, protecting and enhancing the environment, producing new approaches to transport issues, strengthening the physical infrastructure of the region, developing the advantages and resources of rural areas and rejuvenating major urban centres;

   (ii) a new economic development strategy for Northern Ireland, for consideration in due course by a the Assembly, which would provide for short and medium term economic planning linked as appropriate to the regional development strategy; and

(iii) measures on employment equality included in the recent White Paper ("Partnership for Equality") and covering the extension and strengthening of anti-discrimination legislation, a review of the national security aspects of the present fair employment legislation at the earliest possible time, a new more focused Targeting Social Need initiative and a range of measures aimed at combating unemployment and progressively eliminating the differential in unemployment rates between the two communities by targeting objective need.

3. All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.

4. In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:

- take resolute action to promote the language;
- facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand;
- seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language;
- make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints;
- place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education;
- explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifís na Gaeilige in Northern Ireland;

- seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland; and
- encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community.

5. All participants acknowledge the sensitivity of the use of symbols and emblems for public purposes, and the need in particular in creating the new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division. Arrangements will be made to monitor this issue and consider what action might be required.

Decommissioning

1. Participants recall their agreement in the Procedural Motion adopted on 24 September 1997 "that the resolution of the decommissioning issue is an indispensable part of the process of negotiation", and also recall the provisions of paragraph 25 of Strand 1 above.
2. They note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which can represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.
3. All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations. They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.

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4. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments at regular intervals.
5. Both Governments will take all necessary steps to facilitate the decommissioning process to include bringing the relevant schemes into force by the end of June.

Security

1. The participants note that the development of a peaceful environment on the basis of this agreement can and should mean a normalisation of security arrangements and practices.
2. The British Government will make progress towards the objective of as early a return as possible to normal security arrangements in Northern Ireland, consistent with the level of threat and with a published overall strategy, dealing with:
   (i)   the reduction of the numbers and role of the Armed Forces deployed in Northern Ireland to levels compatible with a normal peaceful society;
   (ii) the removal of security installations;
   (iii) the removal of emergency powers in Northern Ireland; and
   (iv) other measures appropriate to and compatible with a normal peaceful society.
2. The Secretary of State will consult regularly on progress, and the response to any continuing paramilitary activity, with the Irish Government and the political parties, as appropriate.
3. The British Government will continue its consultation on firearms regulation and control on the basis of the document published on 2 April 1998.
4. The Irish Government will initiate a wide-ranging review of the Offences Against the State Acts 1939-85 with a view to both reform and dispensing with those elements no longer required as circumstances permit.

Policing and Justice

1. The participants recognise that policing is a central issue in any society. They equally recognise that Northern Ireland's history of deep divisions has made it highly emotive, with great hurt suffered and sacrifices made by many individuals and their families, including those in the RUC and other public servants. They believe that the agreement provides the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole. They also believe that this agreement offers a unique opportunity to bring about a new political dispensation which will recognise the full and equal legitimacy and worth of the identities, senses of allegiance and ethos of all sections of the community in Northern Ireland. They consider that this opportunity should inform and underpin the development of a police service representative in terms of the make-up of the community as a whole and which, in a peaceful environment, should be routinely unarmed.

2. The participants believe it essential that policing structures and arrangements are such that the police service is professional, effective and efficient, fair and impartial, free from partisan political control; accountable, both under the law for its actions and to the community it serves; representative of the society it polices, and operates within a coherent and co-operative criminal justice system, which conforms with human rights norms. The participants also believe that those structures and arrangements must be capable of maintaining law and order including responding effectively to crime and to any terrorist threat and to public order problems. A police service which cannot do so will fail to win public confidence and acceptance. They believe that any such structures and arrangements should be capable of delivering a policing service, in constructive and inclusive partnerships with the community at all levels, and with the maximum delegation of authority and responsibility, consistent with the foregoing principles. These arrangements should be based on principles of protection of human rights and professional integrity and should be

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unambiguously accepted and actively supported by the entire community.

3. An independent Commission will be established to make recommendations for future policing arrangements in Northern Ireland including means of encouraging widespread community support for these arrangements within the agreed framework of principles reflected in the paragraphs above and in accordance with the terms of reference at Annex A. The Commission will be broadly representative with expert and international representation among its membership and will be asked to consult widely and to report no later than Summer 1999.

4. The participants believe that the aims of the criminal justice system are to:
   - deliver a fair and impartial system of justice to the community;
   - be responsive to the community's concerns, and encouraging community involvement where appropriate;
   - have the confidence of all parts of the community; and
   - deliver justice efficiently and effectively.

5. There will be a parallel wide-ranging review of criminal justice (other than policing and those aspects of the system relating to the emergency legislation) to be carried out by the British Government through a mechanism with an independent element, in consultation with the political parties and others. The review will commence as soon as possible, will include wide consultation, and a report will be made to the Secretary of State no later than Autumn 1999. Terms of Reference are attached at Annex B.

6. Implementation of the recommendations arising from both reviews will be discussed with the political parties and with the Irish Government.

7. The participants also note that the British Government remains ready in principle, with the broad support of the political parties, and after consultation, as appropriate, with the Irish Government, in the context of ongoing implementation of the relevant recommendations, to devolve responsibility for policing and justice issues.

Annex A

Commission on Policing for Northern Ireland
  Terms of Reference
  Taking account of the principles on policing as set out in the agreement, the Commission will inquire into policing in Northern Ireland and, on the basis of its findings, bring forward proposals for future policing structures and arrangements, including means of encouraging widespread community support for those arrangements.

  Its proposals on policing should be designed to ensure that policing arrangements, including composition, recruitment, training, culture, ethos and symbols, are such that in a new approach Northern Ireland has a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole.

  Its proposals should include recommendations covering any issues such as re-training, job placement and educational and professional development required in the transition to policing in a peaceful society.

  Its proposals should also be designed to ensure that:

- the police service is structured, managed and resourced so that it can be effective in discharging its full range of functions (including proposals on any necessary arrangements for the transition to policing in a normal peaceful society);
- the police service is delivered in constructive and inclusive partnerships with the community at all levels with the maximum delegation of authority and responsibility;
- the legislative and constitutional framework requires the impartial discharge of policing functions and conforms with internationally accepted norms in relation to policing standards;
- the police operate within a clear framework of accountability to the law and the community they serve, so:
  - they are constrained by, accountable to and act only within the law;
  - their powers and procedures, like the law they enforce, are clearly established and publicly available;

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- there are open, accessible and independent means of investigating and adjudicating upon complaints against the police;
- there are clearly established arrangements enabling local people, and their political representatives, to articulate their views and concerns about policing and to establish publicly policing priorities and influence policing policies, subject to safeguards to ensure police impartiality and freedom from partisan political control;
- there are arrangements for accountability and for the effective, efficient and economic use of resources in achieving policing objectives;
- there are means to ensure independent professional scrutiny and inspection of the police service to ensure that proper professional standards are maintained;
- the scope for structured co-operation with the Garda Siochana and other police forces is addressed; and
- the management of public order events which can impose exceptional demands on policing resources is also addressed.

The Commission should focus on policing issues, but if it identifies other aspects of the criminal justice system relevant to its work on policing, including the role of the police in prosecution, then it should draw the attention of the Government to those matters.

The Commission should consult widely, including with non-governmental expert organisations, and through such focus groups as they consider it appropriate to establish.

The Government proposes to establish the Commission as soon as possible, with the aim of it starting work as soon as possible and publishing its final report by Summer 1999.

Annex B

Review of the Criminal Justice System
  Terms of Reference
  Taking account of the aims of the criminal justice system as set out in the Agreement, the review will address the structure,

management and resourcing of publicly funded elements of the criminal justice system and will bring forward proposals for future criminal justice arrangements (other than policing and those aspects of the system relating to emergency legislation, which the Government is considering separately) covering such issues as:

- the arrangements for making appointments to the judiciary and magistracy, and safeguards for protecting their independence;
- the arrangements for the organisation and supervision of the prosecution process, and for safeguarding its independence;
- measures to improve the responsiveness and accountability of, and any lay participation in the criminal justice system;
- mechanisms for addressing law reform;
- the scope for structured co-operation between the criminal justice agencies on both parts of the island; and
- the structure and organisation of criminal justice functions that might be devolved to an Assembly, including the possibility of establishing a Department of Justice, while safeguarding the essential independence of many of the key functions in this area.

The Government proposes to commence the review as soon as possible, consulting with the political parties and others, including non-governmental expert organisations. The review will be completed by Autumn 1999.

Prisoners

1. Both Governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners, including transferred prisoners, convicted of scheduled offences in Northern Ireland or, in the case of those sentenced outside Northern Ireland, similar offences (referred to hereafter as qualifying prisoners). Any such arrangements will protect the rights of individual prisoners under national and international law.

2. Prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements. The situation in this regard will be kept under review.

3. Both Governments will complete a review process within a fixed time frame and set prospective release dates for all qualifying prisoners. The review process would provide for the advance of the release dates of qualifying prisoners while allowing account to be taken of the seriousness of the offences for which the person was convicted and the need to protect the community. In addition, the intention would be that should the circumstances allow it, any qualifying prisoners who remained in custody two years after the commencement of the scheme would be released at that point.

4. The Governments will seek to enact the appropriate legislation to give effect to these arrangements by the end of June 1998.

5. The Governments continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, re-training and/or re-skilling, and further education.

Validation, Implementation and Review

Validation and Implementation

1. The two Governments will as soon as possible sign a new British-Irish Agreement replacing the 1985 Anglo-Irish Agreement, embodying understandings on constitutional issues and affirming their solemn commitment to support and, where appropriate, implement the agreement reached by the participants in the negotiations which shall be annexed to the British-Irish Agreement.

2. Each Government will organise a referendum on 22 May 1998. Subject to Parliamentary approval, a consultative referendum in Northern Ireland, organised under the terms of the

Northern Ireland (Entry to Negotiations, etc.) Act 1996, will address the question: "Do you support the agreement reached in the multi-party talks on Northern Ireland and set out in Command Paper 3883?". The Irish Government will introduce and support in the Oireachtas a Bill to amend the Constitution as described in paragraph 2 of the section "Constitutional Issues" and in Annex B, as follows: (a) to amend Articles 2 and 3 as described in paragraph 8.1 in Annex B above and (b) to amend Article 29 to permit the Government to ratify the new British-Irish Agreement. On passage by the Oireachtas, the Bill will be put to referendum.

3. If majorities of those voting in each of the referendums support this agreement, the Governments will then introduce and support, in their respective Parliaments, such legislation as may be necessary to give effect to all aspects of this agreement, and will take whatever ancillary steps as may be required including the holding of elections on 25 June, subject to parliamentary approval, to the Assembly, which would meet initially in a "shadow" mode. The establishment of the North-South Ministerial Council, implementation bodies, the British-Irish Council and the British-Irish Intergovernmental Conference and the assumption by the Assembly of its legislative and executive powers will take place at the same time on the entry into force of the British-Irish Agreement.

4. In the interim, aspects of the implementation of the multi-party agreement will be reviewed at meetings of those parties relevant in the particular case (taking into account, once Assembly elections have been held, the results of those elections), under the chairmanship of the British Government or the two Governments, as may be appropriate; and representatives of the two Governments and all relevant parties may meet under independent chairmanship to review implementation of the agreement as a whole.

Review procedures following implementation
5. Each institution may, at any time, review any problems that may arise in its operation and, where no other institution is

affected, take remedial action in consultation as necessary with the relevant Government or Governments. It will be for each institution to determine its own procedures for review.

6. If there are difficulties in the operation of a particular institution, which have implications for another institution, they may review their operations separately and jointly and agree on remedial action to be taken under their respective authorities.

7. If difficulties arise which require remedial action across the range of institutions, or otherwise require amendment of the British-Irish Agreement or relevant legislation, the process of review will fall to the two Governments in consultation with the parties in the Assembly. Each Government will be responsible for action in its own jurisdiction.

8. Notwithstanding the above, each institution will publish an annual report on its operations. In addition, the two Governments and the parties in the Assembly will convene a conference 4 years after the agreement comes into effect, to review and report on its operation.

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland

The British and Irish Governments:

Welcoming the strong commitment to the Agreement reached on 10th April 1998 by themselves and other participants in the multi-party talks and set out in Annex 1 to this Agreement (hereinafter "the Multi-Party Agreement");

Considering that the Multi-Party Agreement offers an opportunity for a new beginning in relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands;

Wishing to develop still further the unique relationship between their peoples and the close co-operation between their countries as friendly neighbours and as partners in the European Union;

Reaffirming their total commitment to the principles of democracy and non-violence which have been fundamental to the multi-party talks;

Reaffirming their commitment to the principles of partnership, equality and mutual respect and to the protection of civil, political, social, economic and cultural rights in their respective jurisdictions;

Have agreed as follows:

Article 1

The two Governments:

(i) recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland;

(ii) recognise that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland;

(iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and accordingly, that Northern Ireland's status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;

(iv) affirm that, if in the future, the people of the island of Ireland exercise their right of self-determination on the basis set out in sections (i) and (ii) above to bring about a united Ireland, it will be a binding obligation on both Governments to intro-

duce and support in their respective Parliaments legislation to give effect to that wish;

(v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities;

(vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

Article 2

The two Governments affirm their solemn commitment to support, and where appropriate implement, the provisions of the Multi-Party Agreement. In particular there shall be established in accordance with the provisions of the Multi-Party Agreement immediately on the entry into force of this Agreement, the following institutions:

(i) a North/South Ministerial Council;
(ii) the implementation bodies referred to in paragraph 9 (ii) of the section entitled "Strand Two" of the Multi-Party Agreement;
(iii) a British-Irish Council;
(iv) a British-Irish Intergovernmental Conference.

Article 3

(1) This Agreement shall replace the Agreement between the British and Irish Governments done at Hillsborough on 15th

November 1985 which shall cease to have effect on entry into force of this Agreement.

(2) The Intergovernmental Conference established by Article 2 of the aforementioned Agreement done on 15th November 1985 shall cease to exist on entry into force of this Agreement.

Article 4

(1) It shall be a requirement for entry into force of this Agreement that:
   (a) British legislation shall have been enacted for the purpose of implementing the provisions of Annex A to the section entitled "Constitutional Issues" of the Multi-Party Agreement;
   (b) the amendments to the Constitution of Ireland set out in Annex B to the section entitled "Constitutional Issues" of the Multi-Party Agreement shall have been approved by Referendum;
   (c) such legislation shall have been enacted as may be required to establish the institutions referred to in Article 2 of this Agreement.

(2) Each Government shall notify the other in writing of the completion, so far as it is concerned, of the requirements for entry into force of this Agreement. This Agreement shall enter into force on the date of the receipt of the later of the two notifications.

(3) Immediately on entry into force of this Agreement, the Irish Government shall ensure that the amendments to the Constitution of Ireland set out in Annex B to the section entitled "Constitutional Issues" of the Multi-Party Agreement take effect.

In witness thereof the undersigned, being duly authorised thereto by the respective Governments, have signed this Agreement.

Done in two originals at Belfast on the 10th day of April 1998.

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For the Government of the   For the Government
United Kingdom of Great Britain   of Ireland
and Northern Ireland

Annex 1

The Agreement Reached in the Multi-Party Talks

Annex 2

Declaration on the Provisions of Paragraph (vi) of Article 1
In Relationship to Citizenship

The British and Irish Governments declare that it is their joint understanding that the term "the people of Northern Ireland" in paragraph (vi) of Article 1 of this Agreement means, for the purposes of giving effect to this provision, all persons born in Northern Ireland and having, at the time of their birth, at least one parent who is a British citizen, an Irish citizen or is otherwise entitled to reside in Northern Ireland without any restriction on their period of residence.

Annex B

Chronology of the Implementation Process, 1998–2002*

10 April 1998

Good Friday Agreement signed. The parties participating at the multi-party talks at Stormont, Belfast, signed the Agreement Reached in the Multi-Party Negotiations, commonly known as the Belfast Agreement or the Good Friday Agreement. The parties involved in the negotiations were the British and Irish governments, the UUP, PUP and UDP, the SDLP, Sinn Féin (SF), the APNI, the NIWC and the Labour Party. The DUP and UKUP left the talks in September 1997.

7 May 1998

'Real' IRA emerge. It was confirmed that a new republican paramilitary group had emerged. The group was mainly formed from dissident members of the IRA.

15 May 1998

LVF ceasefire. The LVF announced an 'unequivocal ceasefire' which the organisation hoped would encourage people to vote against the the Good Friday Agreement.

22 May 1998

Referendum on the Agreement. There was a huge turnout throughout the island of Ireland as people in Northern Ireland and the Republic of Ireland voted on the Belfast Agreement. The results were as follows: Northern Ireland: Yes 71%, No 29% (turnout 81%), Republic of Ireland: Yes 94%, No 6% (turnout 56%). 25 June 1998

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* A more detailed chronology is published by the CAIN Web Service: http://cain.ulst.ac.uk/.

Northern Ireland Assembly Election. An election was held across Northern Ireland to choose a total of 108 representatives for the new Northern Ireland Assembly.

1 July 1998

First meeting of the Assembly – 'First Minister' and 'Deputy First Minister' elected. All political parties who had won seats during the election took part in the first meeting, including those who opposed the Good Friday Agreement. David Trimble, leader of the UUP, was elected 'First Minister Designate'. Seamus Mallon, then deputy leader of the SDLP, was elected 'Deputy First Minister Designate'.

5 July 1998

Drumcree parade. The beginning of the Drumcree parade by the Orange Order (hard-line unionist) proved to be the focal point for divisions in Northern Ireland. The traditional route of the parade, leading along the mainly Catholic Garvaghy Road, was blocked by the police and the British Army. Stand-offs and loyalist violence were the result. The protests ended after 12 days on 17 July. The death of three Catholic boys on 12 July led to a decline in support of the demonstrations at Drumcree.

15 August 1998

Omagh Bomb. 29 people died as a result of an explosion in Omagh. The bomb had been planted by the 'Real' IRA. The death toll represented the single worst incident within Northern Ireland since the beginning of the conflict.

22 August 1998

INLA ceasefire. The Irish National Liberation Army (INLA) announced that it was to go on ceasefire.

3 September 1998

Clinton visit to Northern Ireland. Bill Clinton, then US-President, visited Northern Ireland for the second time.

7 September 1998

'Real' IRA ceasefire. The 'Real' IRA announced a complete cessation of its violent campaign. The only remaining group that had not called a ceasefire was the Continuity IRA (CIRA).

10 September 1998

Meeting between Trimble and Adams. David Trimble held its first face-to-face meeting with Gerry Adams in a private room at Stormont, Belfast.

11 September 1998

First paramilitary prisoners released under the Agreement. Seven prisoners, including three republican and three loyalist, were released from jails in Northern Ireland.

31 October 1998

First deadline for the formation of the Executive missed. The deadline was missed for Executive formation due to the disagreements on the decommissioning issue.

10 December 1998

Nobel Peace Prize. John Hume, then leader of the SDLP, and David Trimble, leader of the UUP, received their Nobel Peace Prizes at an awards ceremony in the City Hall, Oslo.

18 December 1998

Agreement on government departments and cross-border bodies. In a breakthrough in the implementation process, six North-South administrative bodies and 10 ministries in Northern Ireland were agreed after 18 hours of negotiations.

16 February 1999

Report on structures of the government. A report containing proposals for structures of government were put before the Northern Ireland Assembly by David Trimble and Seamus Mallon. The report was endorsed. 10 March 1999 was set as the dead-

line to establish the proposed Executive. This was later postponed to 2 April (Good Friday).

1 April 1999

Hillsborough Declaration. The multi-party talks concerning the decommissioning impasse came to an end with a call for the proposed Executive to be established within three weeks. The Hillsborough Declaration was agreed by the British and Irish Prime Ministers. The Declaration set out a framework for progress towards Executive formation. The deadline was postponed to 30 June.

2 July 1999

'The Way Forward' document after the second deadline for Executive formation was missed. The two governments issued 'The Way Forward' document, including the 'failsafe' clause.

4 July 1999

Drumcree parade. Again, the Orange Order was refused permission to parade down the Catholic Garvaghy Road. The protest passed off relatively quietly compared to previous years.

15 July 1999

Attempt to form Executive. The attempt to form the Executive collapsed when David Trimple and other UUP Assembly members failed to attend the sitting. Seamus Mallon then resigned as Deputy First Minister Designate.

6 September 1999

Start of review of the Good Friday Agreement. George Mitchell, former chairman of the multi-party talks, opened the review of the Good Friday Agreement. The review concentrated specifically on breaking the deadlock over decommissioning and Executive formation.

9 September 1999

Patten Report. The Patten Commission on policing in Northern Ireland released its recommendations for a reform of the police service. The proposed changes met with a mixed reaction: the report was rejected by the unionists, but welcomed by nationalists.

18 November 1999

End of review. After 10 weeks of hard negotiations between the parties in Northern Ireland, George Mitchell returned to the USA after issuing a report on his review. He laid the basis for devolution to occur and the formation of the Executive.

2 December 1999

Devolution of power to the government. Direct Rule came to an end as powers were devolved to the Northern Ireland Assembly.

11 February 2000

Assembly and Executive suspended. Peter Mandelson, the Secretary of State for Northern Ireland, suspended the 72 day-old power-sharing Executive and restored Direct Rule from London. The move followed reports form the IICD that it had 'received no information from the IRA as to when decommissioning will start'.

6 May 2000

IRA statement. The IRA undertook to open some of its arms dumps for inspection and said it was prepared to 'initiate a process that will completely and verifiably put IRA arms beyond use'.

30 May 2000

Devolution restored. The British government restored devolution to the Northern Ireland Assembly and the Executive after the UUP agreed to re-enter the Executive with Sinn Féin.

26 June 2000

IRA arms inspected. The first arms dumps of the IRA could be inspected by the members of the IICD.

2 July 2000

Violence at Drumcree. Loyalist violence escalated when the Northern Ireland Parading Commission banned the Orange Order from parading along the Garvaghy Road.

28 July 2000

Last paramilitary prisoner released. The last paramilitary prisoners wer released from the Maze Prison. This brought the number released under the Good Friday Agreement to 428 in total.

12 December 2000

Third Clinton visit. President Clinton arrived in Northern Ireland for his third visit. He urged all parties to reach a compromise.

Spring 2001

Increasing violence. Violence increased during winter and spring 2001 due to the crisis of the implementation process. Political talks were launched in March and June.

7 June 2001

Westminster Elections. The Westminster General Election across Britain and Northern Ireland showed that both Sinn Féin (SF) and the DUP made significant gains. Sinn Féin replace the SDLP as the largest nationalist party.

19 June 2001

School children face loyalist protest. The RUC had to protect children and parents entering a Catholic school in north Belfast after they were attacked by loyalist stone throwers. The blockade continued until 29 June 2001, the end of the school term. The protests resumed on 3 September when the school reopened for the new term, but was 'suspended' on 23 November. In January 2002,

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the confrontations between Catholic parents and Protestant residents increased again in north Belfast.

1 July 2001

Trimble resigned as First Minister. David Trimble resigned as First Minister and called on the British government to suspend the Northern Ireland Assembly and the other institutions established under the Good Friday Agreement. The procedure of the NIA allowed for a six-week period during which a new First Minister and Deputy First Minister would have to be elected otherwise new elections to the Assembly would have to be called. The NIA was suspended temporarily on 10 August with the purpose to extend the period to find an agreement.

July 2001

Serious violence in Belfast. After the resignation of David Trimble and the days of the Orange Order parades, the violence increased in Belfast. The worst riots for years took place.

1 August 2001

Implementation Plan. The British and Irish governments published their Implementation Plan for the Belfast Agreement. The document addressed the remaining issues of policing, normalisation, stability of the institutions, and the decommissioning of paramilitary weapons.

10 August 2001

Assembly suspended for 24 hours. The Northern Ireland Assembly was suspended for a short period to postpone the deadline of the re-election of the First Minister and the Deputy First Minister for another six weeks.

13 August 2001

Suspected IRA men arrested in Colombia. Three Irish men were arrested in Colombia for travelling on false documents. There was a speculation that the three men were members of the IRA because it was reported that the men had been in the area

of the country that was under control of the guerrilla. There was further speculation that the men had been involved in helping to train some of the guerrillas.

14 August 2001

IRA withdrew decommissioning proposals. The IRA announced in a statement that it had withdrawn its plan on how to put its weapons beyond use.

17 August 2001

Policing implementation plan published. The revised proposals for the police service was issued by the British government.

20 September 2001

Assembly suspended for 24 hours. The Assembly was suspended again to provide more time to negotiations.

18 October 2001

Unionist ministers resigned. The three UUP and two DUP ministers formally resigned from the Executive. The move was taken because the UUP no longer wished to share power with Sinn Féin in the absence of decommissioning by the IRA.

23 October 2001

Beginning of IRA decommissioning. The IRA issued a statement that the organisation had begun to decommission its weapons. The IICD confirmed this move.

4 November 2001

New Police Service of Northern Ireland (PSNI). The Police Service of Northern Ireland came into being with a change of name of the RUC.

6 November 2001

First and Deputy First Ministers elected. David Trimble was elected as First Minister and Mark Durkan (SDLP) was elected

as Deputy First Minister at a meeting of the Northern Ireland Assembly.

10 November 2001

Resignation of John Hume as SDLP party leader. John Hume stepped down as leader of the SDLP and was replaced by Mark Durkan. Hume was the leader of the party since 1979. Seamus Mallon, deputy leader of the party since 1979, also stepped down and was replaced by Brid Rogers.

5 April 2002

First recruits of the Police Service for Northern Ireland (PSNI) under the new oath. The first batch of the 308 recruits to the PSNI, 50 per cent Protestant and 50 per cent Catholic have been put under the new oath.

8 April 2002

Second decommissioning event by the IRA. The IRA decommissioned a second significant amount of its weapons, which was confirmed by the IICD.

17 May 2002

Elections in the Republic of Ireland. Sinn Féin could increase its vote from 2.6 per cent to 6.5 per cent. In 1997, SF gained 1 seat in the Irish parliament compared to 5 in 2002.

Annex C

Map of Northern Ireland

Lieferbare Bände aus der gleichen Publikationsreihe:

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Nr. 4 Beat Näf / Kurt R. Spillmann: Die ETH-Arbeitstagung zur schweizerischen Sicherheitspolitik vom 29. Juni 1987 – Bericht und Auswertung (1987)

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Nr. 39 Ulrich Gerster / Regine Helbling: Krieg und Frieden in der bildenden Kunst (1996)

Ulrich Gerster / Regine Helbling: Krieg und Frieden in der bildenden Kunst (1996) (Bildteil)

Nr. 40 Christoph Breitenmoser: Sicherheit für Europa: Die KSZE-Politik der Schweiz bis zur Unterzeichnung der Helsinki-Schlussakte zwischen Skepsis und aktivem Engagement (1996)

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