

Northern Ireland: From the Good Friday to the St Andrews Agreement

Understandably, the extraordinary sight on 8 May this year of former enemies, the firebrand preacher, Ian Paisley and the former IRA chief, Martin McGuinness taking up office as First Minister and Deputy First Minister in a new Northern Ireland Executive has captured the imagination not just of people in Britain and Ireland, but of people in the outside world as well. This miracle coincided with significant developments in both British and Irish politics. In the case of Britain, this was the announcement of the date of the long anticipated resignation of Tony Blair as Prime Minister after ten years in office. For Blair, the miracle of Belfast was a much needed success to offset the issue that dominated his premiership and forced his resignation, the war in Iraq. At the same time, the establishment of devolved government in Belfast took place in the midst of a general election campaign in the Republic of Ireland, with the Irish Prime Minister correctly anticipating that credit for his role as a peace-maker would pay electoral dividends when the Irish went to the polls on 24 May.

The date of 8 May 2007 look set to be seen as major historical turning point in the Northern Ireland problem, from the very moment in March that the two former antagonists, Ian Paisley and Gerry Adams, announced that they had agreed on this date for the devolution of power to Northern Ireland. However, history has been made before in Northern Ireland. The Good Friday Agreement of 10 April 1998 was supposed to usher in devolved government on a power-sharing basis and for that achievement David Trimble and John Hume, representing the majority party within each community at that time, jointly received the Nobel Peace Prize. At the time, this Agreement was hailed as just as much of a miracle as the events of May 2007.

But the Good Friday Agreement – mark 1 – failed to live up to its promise and rather than there being a devolved government in place from June 1998 when the first Northern Ireland Assembly was elected, the province was governed after 1998 mainly under direct rule from London. Indeed, politics in Northern Ireland for the last decade has had some similarity to the scenario of the American movie, *Groundhog Day*, in which a weatherman finds himself

stuck in a time warp, so that he lives through the same day over and over again and wakes each morning back where he started. Alternatively, it can be compared to the game of snakes and ladders. Gigantic steps towards a new future have been followed by equally large setbacks that have necessitated that history be made again. People in Northern Ireland are understandably more aware of the ups and downs of the peace process than the outside world. Consequently, they tend to be more cautious about current prospects than those ignorant of the history of past breakthroughs. In the last years of the violent conflict in the early 1990s, it was common to refer to war-weariness as a factor in the situation. The peace process has been going on for 14 years and a certain amount of weariness with its twists and turns has set in, prompting reference to process-weariness.

Will the election of a new government in Northern Ireland on 8 May finally break the spell? It might help in answering this question to look at how we got to where we are now and to consider, in particular, the significance of the terms under which the parties have agreed to share power. The key document in this context is the St Andrews Agreement, unveiled by the British and Irish governments on 13 October 2006. It paved the way to the formation of the Executive on 8 May 2007. The St Andrews Agreement might reasonably be described as the Good Friday Agreement – mark 2. At first sight, it might seem that there is world of difference between the two agreements.

On 10 April 1998, the chairperson of the multi-party talks, the former majority leader in the US Senate, George Mitchell, announced that the eight parties participating in the negotiations had reached agreement. The announcement was greeted with euphoria since expectations that a political settlement would be achieved had been relatively low. The timing of the agreement – Good Friday – seemed a favourable augury for ushering a new dispensation. By contrast, when the British and Irish governments announced their plan for the future of Northern Ireland and called it the St Andrews Agreement at the close of difficult negotiations among the parties, it seemed like their last throw of the dice to save the Good Friday Agreement. There was no euphoria in Northern Ireland at the announcement of the agreement, since the two main parties, the Democratic Unionist Party and Sinn Féin,

immediately made it clear that they had not consented to its text and that as far as they were concerned St Andrews was merely a deal between the two governments. And for the superstitious, the publication of the St Andrews Agreement on Friday the 13th was a poor augury for its success.

However, the Good Friday Agreement and the St Andrews Agreement had more in common than is immediately apparent. Both were the product of close co-operation between the British and Irish governments, the aspect of the Irish peace process that has been a complete success. It should also be said that it predates the peace process itself. Thus, the foundation for the co-operation of the two states over Northern Ireland can ultimately be traced back to the early 1970s when both the United Kingdom and the Republic of Ireland became members of the European Community. That gave both states a strong interest in preventing the conflict in Northern Ireland from affecting their relations adversely, because of the implications for co-operation in other areas. And while the Good Friday Agreement was presented as a deal among the parties in Northern Ireland, in reality, like the St Andrews Agreement, it too represented the best guess by the two governments as to what the Northern Ireland parties could be persuaded to accept. In short, the two governments were the real authors of both agreements. That is also a potential weakness since it means that there has been relatively little sense of local ownership of either deal.

Much of the architecture of the Good Friday Agreement remains intact under the St Andrews Agreement. For political reasons the Democratic Unionist Party maintains that what the party has accepted is very different from the Good Friday Agreement. But the view of the other parties in Northern Ireland, admittedly also for their own political reasons, is that what is being implemented is the Good Friday Agreement, with a few slight changes to accommodate the previously anti-Agreement Democratic Unionist Party. The main feature of both is devolved government in Northern Ireland under an Executive chosen proportionally on the basis of the parties' number of seats in the Northern Ireland Assembly. A controversial aspect of these arrangements is that not merely are the number of ministries determined in this way, but the parties choose the ministries they wish to run, with first choice

going to the largest party, the second choice to the party with the next largest number of seats and so on, employing the d'Hondt mechanism. Similarly, there is a North-South Ministerial Council for the promotion of cross-border co-operation in Ireland, as well as a Council of Britain and Ireland as a forum for co-operation across the whole archipelago, as there was under the Good Friday Agreement – mark 1.

A change that the Democratic Unionist Party did insist on was that there should be less scope for individual ministers to make decisions without reference to the Executive than was the case in the previous brief periods of devolved government under the Good Friday Agreement. The party wishes to prevent what has been dubbed 'solo runs' by ministers. However, with more decisions being referred to the Executive and requiring cross-community support, there is an obvious danger that deadlock will be more frequent, even in relation to what are relatively routine matters. A test of the new dispensation is going to be whether political paralysis can be avoided. This has occurred in some other situations where the representatives of two communities have each been armed with a veto over decision-making. The most notable example is Cyprus in the early 1960s. Before the elections to the Northern Ireland Assembly on 7 March, the stance of the major parties was that they expected devolved government to be a battle a day, but thankfully there has been a softening of this rhetoric since devolution became a reality on 8 May.

So far I have said nothing about the background to the current situation. I think it is worth my saying a bit both about how the Northern Ireland problem arose, the conflict and the peace process to give you some basis for reaching a judgement on whether what has been arrived at is likely to last and also what has and what has not been achieved. The creation of Northern Ireland as a separate political entity within the United Kingdom dates back to the 1920 Government of Ireland Act. This unilaterally partitioned the island of Ireland. However, the partition of Ireland on the basis of a division of six and 26 counties had been foreshadowed by the negotiations that had taken place during the First World War between the British government, Unionists, and representatives of the Irish Parliamentary

Party, which favoured Home Rule. In this context, Home Rule meant the devolution of power to a parliament in Dublin.

The Government of Ireland Act established a parliament in Belfast to rule over the six counties of Northern Ireland. It also provided for the establishment of a devolved parliament for the Southern 26 counties. Further, the legislation provided for a Council of Ireland to consider matters of mutual concern between the two parts of Ireland. However, due to the radicalisation of opinion among Catholics during the course of the war that was reflected in the triumph of Sinn Féin candidates across Ireland in the general election of 1918, the provisions of the Act were a dead letter as far as the Southern counties were concerned. Violent conflict between British security forces and Irish nationalists culminated in negotiations that resulted in a treaty between the British government and Irish nationalists establishing the Irish Free State.

Civil war between supporters and opponents of the treaty ensued in which the pro-treaty forces emerged victorious. A common misunderstanding is that the civil war was fought over the issue of partition. In fact, partition was already a *fait accompli* by the time of the treaty and opponents of the treaty were more exercised over the issue of the sovereignty of the new state than over partition. A further factor reducing the salience of partition during the civil war was the treaty's provision for the establishment of a Boundary Commission to determine what the border between Northern Ireland and the new entity should be. That raised nationalist expectations that areas contiguous to the border with the Irish Free State that had nationalist majorities would be transferred to Southern rule. In the event, these expectations were disappointed. The chairman of the Boundary Commission, Justice Richard Feetham, employed the argument of economic viability to propose only very modest changes on both sides of the existing boundary. So unsatisfactory were these proposals from a Southern perspective that the Irish government quickly agreed with the Northern Ireland government that the Commission's recommendations should be set aside in favour of the *status quo*. Unionists commonly refer to this agreement of 1925 as representing Southern acceptance of partition. They argue that the 1937 constitution that was enacted by

de Valera dishonoured this Southern commitment to accept the border through laying claim to Northern Ireland in Articles 2 and 3 of its provisions.

The issue of the legitimacy of partition has been at the centre of conflict in Northern Ireland. Unionists wish Northern Ireland to remain part of the United Kingdom, while nationalists wish to see the dissolution of Northern Ireland as a political entity and the creation of a united Ireland. What gives added force to this political division is its coincidence with the sectarian divide between Protestants and Catholics. The primacy of the Unionist/nationalist divide means that all proposals for the governance of Northern Ireland have tended to be viewed first and foremost from the perspective of whether they seem likely to advance or retard the possibility of a united Ireland. A difficulty for Unionists and for that matter for the British government is how partition tends to be viewed in the rest of the world. There is widespread sympathy for the view that Ireland should be a single political entity, as is also the case, for example, in relation to Cyprus. A further difficulty is that even if the principle of partition is accepted on the basis that Catholics and Protestants had different national identities (Irish and British respectively), it is hard to justify the particular border that was imposed on Ireland. On the basis of a provincial opt-out, the whole of Ulster and its nine counties should have been excluded from the Southern entity, while an opt-out on a county-by-county basis would have resulted in a four-county Northern Ireland.

At the time of partition, Protestants outnumbered Catholics by roughly two to one within the borders of Northern Ireland. From a Unionist perspective, maintaining Protestant unity appeared to represent the safest way of ensuring the continuance of the union with the rest of the United Kingdom and this was the strategy adopted by successive Unionist governments from 1921 until the early 1960s. The consequence was a further reinforcement of the divisions between Protestants and Catholics that had consolidated into an ethnic divide during the course of the 19th century. During the period, 1921-63, the Unionist government defeated a succession of violent challenges to its rule by the Irish Republican Army (IRA). It did so with local security forces. Another factor also helped to keep the Irish Question out of British politics. It was a constitutional convention that anything within the

remit of the parliament in Northern Ireland should not be discussed in the House of Commons at Westminster. Consequently, issues of discrimination against Catholics and the like did not get an airing in London. The people of Northern Ireland elected 12 representatives to the House of Commons but throughout the first forty years of Northern Ireland's existence these for the most part formed a barely noticed addition to the Conservative benches and had little impact on national politics.

Change came in the 1960s with a reformist government in Northern Ireland that led to political divisions among Protestants and that raised, but failed to satisfy, Catholic expectations. The result was increasing Catholic mobilisation behind a civil rights movement pressing for an end to discrimination in imitation of the civil rights movement in the United States. A Protestant backlash and violent clashes on the streets followed. This culminated in the onset of what is known in Northern Ireland as the troubles, the term used to describe a prolonged period of violent disturbances. The troubles are generally dated from 5 October 1968 and clashes in the city of Londonderry/Derry between civil rights demonstrators and the police after the banning of the demonstration by the Stormont Minister of Home Affairs. It is worth emphasising that this violent breakdown of the political system preceded the deployment of British troops in aid of the civil power. This followed in August 1969.

It also preceded the formation of what was to become the main Republican paramilitary organisation in Northern Ireland, the Provisional IRA. This was formed in December 1969. The main Loyalist paramilitary organisation, the Ulster Defence Association (UDA), was formed in September 1971. The term, paramilitary, is used in Northern Ireland to describe private armies, not official agents of the state. Indeed, the term, paramilitary organisation, can be regarded as a less pejorative way of referring to terrorist groups, though it should be said that some of the activities engaged in by paramilitary organisations during the early years of the troubles, such as patrolling their own neighbourhoods, did not amount to terrorism. The terms, Republican and Loyalist, are used to refer respectively to militant nationalists and militant Unionists, though the peace process has tended to undercut the

implication that a readiness to use physical force or engage in actions of communal deterrence distinguishes them from their less militant counterparts.

The 1970s were the most violent years of the troubles. In the early years of the troubles, the British government sought to limit its involvement to reform of the security forces and to maintain the Unionist government while pressing it to introduce reforms. This approach failed. It led to a radicalisation of Catholics who were fearful that after the limited reforms, the situation in Northern Ireland would disappear from the international limelight and they would be left to face continuing Unionist domination of the political system. Following further violence in response to the introduction of internment without trial in August 1971, the British government introduced direct rule from London in March 1972.

Direct rule paved the way for a major political initiative by the British government to reshape government in Northern Ireland. This culminated in the Sunningdale Agreement of December 1973. It led to the establishment of a power-sharing government in Northern Ireland, which took office in January 1974. The experiment in power-sharing lasted only five months. The Executive was brought down by a general strike by Protestant workers. The Protestant community was especially angered by the Sunningdale Agreement's provision for the establishment of a Council of Ireland. This was widely represented by opponents of the deal as a slippery slope to a united Ireland. The collapse was caused by the resignation of the Executive's Unionist members, who were responding to clear indications that the Protestant community rejected power-sharing, feared the Council of Ireland and preferred the alternative of direct rule from London. A prolonged period of direct rule followed.

A crisis in the prisons in the early 1980s further polarised opinion. It also precipitated the intervention of Sinn Féin, the political wing of the Provisional IRA, into electoral politics. The British government's response to the rise of Sinn Féin was to seek to address Catholic alienation through involving the Irish government on a consultative basis in the governance of Northern Ireland. To the fury of Unionists, in November 1985 the British government signed the Anglo-Irish Agreement with the government of the Republic of Ireland that enshrined the basis of co-operation with the Republic in an international agreement.

Protests on the streets of Northern Ireland failed to bring about the demise of the Anglo-Irish Agreement. This forced Unionists to contemplate negotiations to secure its removal and helped to create the basis for talks among the constitutional parties in the early 1990s.

The talks among the constitutional parties (i.e. those parties without paramilitary connections) failed to reach agreement, but, nonetheless, provided impetus for a broader peace process. By 1992 there were signs that the Republican movement was seeking an alternative to continuance of the Provisional IRA's 'long war'. Talks between the leader of the Social Democratic and Labour Party, John Hume, and the President of Sinn Féin, Gerry Adams, prompted the British and Irish governments to issue a joint declaration in December 1993. This promised that if the Provisional IRA brought its campaign of violence permanently to an end, the way would be opened for Sinn Féin participation in negotiations on a new political dispensation for Northern Ireland. The response from the Republican movement was to seek further clarification of the governments' stance, but finally at the end of August 1994 the Provisional IRA announced an indefinite cessation. This was followed by a ceasefire by the principal Loyalist paramilitary organisations in October 1994.

However, the paramilitary ceasefires did not lead immediately to negotiations among the parties. Indeed, the delay was a factor in the Provisional IRA's abandonment of its ceasefire in February 1996. Elections for the purpose of establishing the parties to the negotiations were held at the end of May 1996. Despite the end of the IRA ceasefire, Sinn Féin fared well in the elections to the Forum, as it was termed, though the party remained excluded from the negotiations. However, in Sinn Féin's absence, negotiations among the remaining parties made little headway. Following the election of new governments in both the UK and in the Republic of Ireland, there was a resumption of the IRA ceasefire in July 1997. This paved the way to negotiations among the parties, including Sinn Féin, but excluding two Unionist parties that left the talks on Sinn Féin's entry into the process. Ultimately, these talks led to the achievement of the Belfast Agreement – commonly referred to as the Good Friday Agreement – on 10 April 1998.

The Good Friday Agreement was endorsed by large majorities in referendums in Northern Ireland and the Republic of Ireland. However, the size of 'Yes' vote in Northern Ireland of over 70 per cent of those voting tended to mask the fact that whereas Catholics had voted almost unanimously for the Agreement, Protestants were evenly divided between 'Yes' and 'No'. This became evident in the voting for the Northern Ireland Assembly in June, when pro-Agreement Unionists achieved only a narrow victory over anti-Agreement Unionists. The picture was complicated by the fact that the anti-Agreement forces contained within their ranks a number of members of the Ulster Unionist Party, the leading pro-Agreement party. Henceforth, these anti-Agreement members of the Ulster Unionist Party waged a relentless campaign against the pro-Agreement leader of the party, David Trimble.

Disagreement over the interpretation of the Agreement in relation to the decommissioning of paramilitary weapons proved an obstacle to the implementation of the Good Friday Agreement. A devolved power-sharing government eventually came into existence in December 1999, but lasted only to February 2000 after the IRA failed to begin decommissioning. After an IRA initiative to allow inspection of some of its arms dumps, the devolved government was re-established in June 2000, but the issue of decommissioning continued to cast a shadow over its existence. However, it was other activities by the IRA and not the issue of decommissioning as such that brought the power-sharing experiment to an end in October 2002. Thus, after allegations of spying by the IRA on government, the Secretary of State suspended the institutions ahead of expected Unionist resignations from the Executive over the spying scandal. By this time, there had been two acts of decommissioning by the IRA.

From the start of the peace process, the trend in electoral politics has been towards the two radical parties on either side of the sectarian divide, Sinn Féin and the anti-Agreement Democratic Unionist Party (DUP) of Ian Paisley. In November 2003 in fresh elections to the Northern Ireland Assembly the two radical parties emerged on top, so that the Democratic Unionist Party clearly established itself as the majority part of Unionism, while Sinn Féin became the majority party of nationalists. This had important political

implications since a consistent principle of the British government's approach to Northern Ireland since 1972 has been that devolved government in Northern Ireland is only possible on the basis of the support of majorities in both communities. That meant that the chief focus of the government's efforts since November 2003 has inevitably been on securing a deal acceptable to both the Democratic Unionist Party and Sinn Féin.

While the government came close to establishing the basis of such a deal in December 2004, subsequent events, most notably, a major bank robbery which the IRA was accused of carrying out, and a murder, as a result of a bar brawl in which members of the Republican movement were involved, led to a hardening of opinion among Unionists, delaying until this year agreement on power-sharing between the Democratic Unionist Party and Sinn Féin. And this position has only been reached as a result of major changes in the stance of the Republican movement, including the completion of the decommissioning of the IRA's arsenal of weapons to the satisfaction of the Independent International Commission on Decommissioning in September 2005 and the Sinn Féin's agreement in January this year to give their full-hearted support to the Police Service of Northern Ireland. Decommissioning was a major step that persuaded the British government to put pressure on the Democratic Unionist Party to agree to power-sharing, on the basis that if the party failed to do so by the deadline the government set, the government might abandon any further attempts to achieve devolution, marginalising Unionists from the exercise of any political power in the process. In practice, the Democratic Unionist Party had considerable success in delaying the day of reckoning, but after Sinn Féin's acceptance of policing, had no further room for manoeuvre. Ultimately, the party's leaders were faced with a choice between agreeing a date for devolution with Sinn Féin or precipitating the dissolution of the newly elected Assembly in which they had emerged as the largest party.

I want to end my lecture on two puzzles in the situation from the perspective of outside observers.

(1) Why has the Republican movement (Sinn Féin and the IRA) settled for playing a role in British rule in Northern Ireland? Or, to put the point another way, why have the sworn

enemies of British rule in Ireland signed up to be junior partners in the administration for the British of part of the island?

(2) Why have Unionists resisted for so long a peace process that guarantees that Northern Ireland will remain part of the United Kingdom as long as that is the wish of a majority of people in Northern Ireland? Or, to put this point more sharply, why have Unionists been so unenthusiastic about agreements that involve nationalist acceptance of this principle of consent?

A joke that was current in 1998 was that the Republicans had lost but were too smart to admit it, while Unionists had won but were too stupid to recognise the fact.

That joke has lost some of its force as a result of the electoral success of Sinn Féin through the course of the last nine years. And much of that success has been built on Republicans' continuing commitment to Irish unity as their long-term objective and their confidence that with demographic change they will eventually achieve this through politics rather the long war they abandoned in 1994. So that helps, in part, to explain the first puzzle.

As far as Unionists are concerned, the British government has moved from a position of active support for their membership of the United Kingdom to a stance of neutrality in which the British government has been willing to make numerous concessions to Republicans to ease their entry into the democratic process. Now, while this falls far short of seeking to force Unionists to accept a united Ireland or threatening them with expulsion from the United Kingdom, it is not surprising that Unionists regard the change as to their disadvantage and feel let down by the British government. Unionists were particularly disappointed that the British government did not abandon the peace process after the events of 11 September 2001. They would have preferred then if the British government had treated the situation in Northern Ireland as part of the global war on terror and abandoned the peace process. To be fair, Unionist attitudes have mellowed somewhat since 2001 as a result of the IRA's putting its weapons beyond use in 2005. I think Unionists do now accept that as far as the current leaders of the Republican movement are concerned the war is over and consequently there are fewer speeches these days by Unionists comparing Gerry

Adams to Osama bin Laden. And that change of attitude does form part of the context of the miracle of 8 May 2007.

However, if lethal political violence is now largely a thing of the past, this does not mean that Northern Ireland has ceased to be a deeply divided society. Paradoxically, the divisions have actually become deeper during the course of the peace process. In answer to a parliamentary question in April 2007, a government minister acknowledged the existence of 57 peace lines dividing communities across Northern Ireland. That is to say the province contains within its borders 46 mini-Berlin Walls and 11 gates separating Protestants and Catholics from each other on the basis that at interfaces, physical barriers are needed to stop low-level violence between the communities. In terms of where people live, Northern Ireland is a highly segregated society and has become more segregated since the paramilitary ceasefires. It also remains socially and politically polarised, with an almost total correspondence between the categories of Protestant and Unionist and Catholic and nationalist, and the domination of radical parties in each community. It is possible to admire how well the British and Irish governments have managed the situation in Northern Ireland in the last couple of years, while regretting that Northern Ireland is very far from reaching a point where the skills that the governments have demonstrated were not required.