

The Northern Ireland Experience

*Does Changing the Question
Make Agreement More Possible?*

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Abstract

Territorial disputes have existed since the beginning of human history. In essence, such disputes are usually founded on mutually exclusive claims to sovereignty over disputed areas, and have, as a consequence, been responsible, for many violent conflicts, great and small. While fundamental issues in such dispute are extremely difficult to modify, approaches to a solution can benefit from some lateral thinking. An approach that emphasizes the rights and responsibilities of the people in the disputed territories, as well as the rights and responsibilities of external interests towards those people, can reveal dimensions which are hidden, or at least obscured when the focus is exclusively on sovereignty and ownership. This article examines whether changing the questions about some fundamental issues can assist in achieving progress towards a resolution, at least for some territorial conflicts. The article does so by examining the successful search for a solution in Northern Ireland, where, after almost thirty years of violence waged by paramilitary groups and the security forces, and after a number of failed attempts to negotiate a settlement, agreement between the main protagonists was achieved in April, 1998. While the problems in Northern Ireland are very different in scale and intensity from many other conflicts, lessons may still be drawn from the manner in which negotiations were approached.

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For more than fifty years following the arrangements agreed between what was to become the Republic of Ireland and Britain in 1920-21, Northern Ireland was locked into a political zero-sum game. For Irish Nationalists, who composed one-third of the region's population, the key political issue was how to end the partition of Ireland which those arrangements had accepted.¹ Partition was perceived by Nationalists as a means of satisfying only the demand of the Unionist-Protestant community, who composed two-thirds of the region's population, that British sovereignty over the region should continue. Unionists had vehemently opposed the Nationalist goal of independence for the whole of Ireland because they felt their rights and their economic interests would be jeopardized by the Nationalist majority. Partition meant, therefore, that Nationalist claims to self-determination for the whole of Ireland had been overridden by British concerns to protect the Unionist community. Nationalists had, therefore, to settle for sovereignty over only twenty-six of the island's thirty-two counties.²

Critically, the partition of Ireland also

meant that Northern Ireland contained a minority of Nationalists who deeply resented being 'abandoned' in a Unionist dominated state. Furthermore, Nationalists believed that partition as well as intended to protect the Unionist community was also 'imposed' by a British determination to safeguard UK economic and strategic interests in the country. Hence, much of their political anger was directed against the British government whose withdrawal from the region became their number one political objective. In this demand Nationalists in Northern Ireland found support from successive governments and most of the political parties in the Republic of Ireland. Indeed, the constitution adopted by the Republic in 1937 contained an explicit claim to jurisdiction over the territory of Northern Ireland.³

To the Nationalist sense of abandonment was added a growing sense of grievance as Unionists tightened their grip on government in the years after 1920. Viewing Nationalists as deeply hostile to the very existence of Northern Ireland, the Unionist authorities attempted to safeguard their position by various forms of discrimination intended to ensure that Nationalists did not gain much influence. Electoral

1 Partition was part of the treaty reached by British and Irish representatives in 1920-21 at the end of a very turbulent and violent period in British-Irish relationships. The treaty, called the 'Anglo-Irish Treaty', was signed in London in November 1921.

2 Counties were local government administrative units and Unionists had a majority in the six north-eastern counties.

3 Articles 2 and 3 of the Irish constitution (1937) made the controversial claim that the whole island of Ireland formed a single "national territory". These articles offended Unionists who considered them tantamount to an illegal extraterritorial claim.

boundaries were drawn to limit Nationalist representation; a system of proportional representation was replaced by the 'first-past-the-post' system which also had the effect of limiting Nationalist representation; Nationalists were also discriminated against in employment, particularly in the public service. Other forms of discrimination included being denied access to public housing and restrictions on public expressions of their cultural traditions, especially by the state controlled broadcast media. Reinforcing Unionist antagonism towards their Nationalist neighbours was the Republic of Ireland's constitutional claim which they regarded as irredentist and without any justification. As a result both communities in Northern Ireland lived in deep suspicion of each other with Unionists also viewing the Republic of Ireland as a very hostile neighbor.

While a degree of acquiescence in their fate characterized the Nationalist community for several decades, the secret and illegal paramilitary organization, the Irish Republican Army (IRA), launched several unsuccessful terrorist campaigns in the period from 1920-60, all with the objective of forcing a British withdrawal from the region. Then, in the nineteen-sixties, a civil rights

campaign, modeled on that in the US at the time, emerged within the Nationalist community, demanding an end to discrimination and seeking reform of electoral procedures, a fairer means of allocating public housing and a complete overhaul of the police whose members were drawn overwhelmingly from the Unionist community. Some within the Unionist controlled government recognized the need for change, but a majority strongly opposed any 'concession' to Nationalists who were accused of really wanting to subvert the state. A period of instability ensued marked by large street demonstrations organized by the civil rights movement, which in turn were opposed by Unionist led counter-demonstrations. Violence between rival demonstrators was followed by clashes with local security forces. Eventually, British troops were deployed to keep order and to allow time for politics to provide a solution. Unfortunately, it would take two and a half decades of violence and of failed political initiatives before politics would prove capable of providing a solution.

Once British troops were deployed and political instability increased, sections of the Nationalist community argued that the opportunity should be taken to force the issue on sovereignty

and, by resorting to force, to compel the UK government to declare that Britain would withdraw from Northern Ireland and so pave the way for Irish unity. Hence, in 1970, the IRA embarked on a campaign of terror, killing British troops and members of the police service, as well as bombing so-called 'economic' targets - factories, shops and other businesses, mainly those owned by members of the Unionist community. While this campaign was to be conducted with greater intensity and sustainability than any of its predecessors,⁴ it too soon manifested its inability to achieve its key objective. The UK government firmly declared that it would not withdraw from Northern Ireland and, in support of this determination, involved an increasing number of its troops to counter the IRA and other paramilitary groups.

The ferocity of the IRA's campaign caught both the British government in London and the government of the Irish Republic in Dublin by surprise. While the Irish government at the time was strongly opposed to the use of IRA violence, it shared with the IRA the view that Northern Ireland was illegally occupied by Britain

and, hence, believed a British withdrawal was essential and that both parts of the island should be reunited. However, the British government viewed the IRA as attempting to deny the wishes of the majority of the population in Northern Ireland, the Unionists, and so, could not be allowed to succeed. Therefore, strong security measures had to be adopted to counter its campaign, although in many instances these measures would be counter-productive because of their heavy-handedness and the effects they would have on the wider Nationalist community. The introduction of internment without trial for those suspected of terrorist activity, and events like Bloody Sunday in Derry city when troops opened fire and killed fourteen civilians participating in a civil rights march, are examples of such counter-productive measures.

The risk of an outright civil war was considerable, particularly since Unionist reaction led to the emergence of paramilitary organizations within its own community. These began terrorizing Nationalist communities claiming that the regular security forces were not being effective in dealing with IRA violence, and suggesting that Britain was planning to withdraw and to abandon Unionists to the mercy of their traditional

⁴ Support for the IRA came from some sections of the population in the Republic of Ireland, a considerable amount of financial aid came from the Irish diaspora in the US and elsewhere. Libya's Colonel Gadafy also supplied the IRA with several large shipments of arms.

enemies. The zero-sum game of the mutually exclusive claims of each community seemed destined to wreak its havoc and leave a wasteland.

Initial Attempts at Resolving the Crisis

As political instability intensified the British government insisted that since Northern Ireland was part of the UK, the crisis was purely an internal UK problem.⁵ It stressed that the crisis would be resolved by a combination of measures including firm security action against paramilitaries, and a programme of reform to remove injustices against the Nationalist community. These assertions effectively dismissed the Irish government's argument that it should be involved in the search for a solution, and its claim to be a guarantor of the Nationalist community in Northern Ireland.⁶

Nevertheless, the Irish government also reiterated its belief that the ultimate solution lay in a British withdrawal that would make possible the unification of the two parts of Ireland. So, while it had no intention of resorting to military action in

5 British Prime Minister Edward Heath firmly dismissed Irish Prime Minister Jack Lynch's attempts to influence British policy on Northern Ireland, as 'unacceptable' and as an attempt 'to interfere in the affairs of the United Kingdom' 19 August 1971.

6 Prime Minister Jack Lynch had proposed that he attend a meeting of all the 'interested parties', see Dermot Keogh, Jack Lynch, Dublin: Gill and Macmillan, 2008.

support of the Nationalist community in Northern Ireland, the Irish government continued to insist that it had a role as the government to which that community looked for moral support. Furthermore, the Irish government demanded that the British ensure the rapid implementation of human and civil rights reforms to remove Nationalist grievances. It also demanded a review of the nature of government in Northern Ireland to determine whether Nationalist representatives might be able to have a greater say in decision-making.

As a result of these pressures, civil and human rights reforms were rapidly implemented, but political reform proved much more difficult. Most Unionist politicians opposed any change to the structures of government for Northern Ireland. They argued that the British system of majority rule, i.e. the party with the most seats in parliament should form the government, was the most democratic system and that any other, e.g. a power-sharing system involving parties representing different communities, was undemocratic and would produce weak governments. Furthermore, they argued that in the case of Northern Ireland there should be no place in government for representatives of parties whose

ultimate aim was to end the state's existence and to bring about Irish unity.

So, while civil and human rights reform proved relatively easy to achieve, reform in the political domain did not. There, the arguments against reform rested on traditional concepts of state sovereignty, i.e. Northern Ireland was exclusively a UK concern, and its government should be formed on majoritarian lines. Consequently, the idea that a third party, the Irish government, should have a role in the affairs of the UK, albeit related only to a particular part of the UK, was anathema, as was the proposition that Northern Ireland should have a government that somehow involved members from its minority Nationalist community. However, it was in challenging both concepts that the basis for a solution would lie.

New Political Voices

Just as the campaigns of violence were being launched in 1970, a new generation of political representatives emerged from within the Nationalist community to replace those who had previously represented that community. Many had played leading roles in the civil rights campaign, and, together, they formed a new

political party, the Social Democratic and Labour Party (SDLP), a party that would soon achieve majority support from the Nationalist community.⁷ There were two distinctive characteristics of the SDLP's approach to Northern Ireland's crisis. First, while it shared the Nationalist vision of a united Ireland, it was totally opposed to the use of violence as a means of achieving that goal. Secondly, the SDLP questioned the traditional Nationalist demand that a settlement required, as a first step, a British declaration to withdraw.

In essence, the SDLP addressed two critical questions: (i) is Irish unity achievable by force; (ii) are the British likely to unilaterally withdraw from Northern Ireland, thus ignoring the wishes of the Unionist majority? Since the answer to both questions was a clear 'no', the SDLP then asked if there was an alternative resolution, apart from mere acquiescence or the abandonment of the goal of Irish unity, neither of which the party would consider. It was in exploring answers to this question that the SDLP arrived at a formula for resolving the crisis, one that would ultimately be endorsed in the 1998 Belfast/Good Friday agreement.

⁷ For a full account of the role of the SDLP see, Seán Farren, *The SDLP – the struggle for agreement in Northern Ireland 197–2000*, Dublin: Four Courts Press, 2010.

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In arriving at its formula the SDLP argued that Northern Ireland’s crisis had arisen because each community felt threatened by the other, and so resorted to measures that seemed to offer it security. What was required, therefore, was a settlement that would eliminate Unionist fears that Nationalists would persist with their pressure, either through violence or other means, to coerce them into a united Ireland. Secondly, a settlement would also require that Nationalist fears of Unionists persisting with their discriminatory practices as a means of excluding them from gaining influence over affairs in Northern Ireland and so subverting the state, would have to be eliminated. Addressing those fears required, firstly, accepting that Northern Ireland’s two communities had their own distinct allegiances, Nationalists to a united Ireland, Unionists to the UK. Secondly, a resolution then required agreeing on the means that fully recognized and respected those allegiances, and the national identities

of which they were an expression. Thirdly, a solution had to provide the means whereby the two communities could live together co-operating in government and developing much more harmonious relationships.

Reformulating the Issues

The formula whereby this recognition and respect could be afforded these allegiances can be described as one that is *relationship* based. In other words, in answer to a further question – what are the key relationships that must be resolved to the satisfaction of all sides if an agreement was to be widely acceptable - the SDLP identified three critical relationships which it argued were at the core of the crisis.⁸ These are the following:

- (i) Relationships between the Nationalist and Unionist communities in Northern Ireland itself;
- (ii) Relationships between the people of Northern Ireland and the people of the rest of the island;
- (iii) Relationships between the people of Ireland and the people of Britain.

The crisis had exposed the bitter and deep-seated antagonisms which lay

⁸ SDLP, *Towards a New Ireland – a policy review*, Belfast: SDLP, 1972.

at the heart of these relationships, antagonisms that risked poisoning those relationships further if they were not satisfactorily resolved.

It was on the basis of this analysis that the party addressed the next question – what set of political institutions could be devised that would at least offer the prospect of creating more positive relationships between all involved. The answer to that question lay in a three-fold set of proposals related to each of the relationships:

- (i) A power-sharing or partnership government for Northern Ireland in which representatives from both communities would be represented on a proportionate basis;
- (ii) A Council of Ireland that would bring representatives from Northern Ireland and the Republic of Ireland together to discuss matters of mutual concern to the people of the whole island;
- (iii) A British-Irish Council to bring together ministers from Northern Ireland, the Republic and Britain to address matters of mutual concern to the islands of Ireland and Britain.

While the SDLP was not the only party to have arrived at this analysis, it was the only party in Northern Ireland to comprehensively develop such ideas. In addition to its institutional proposals, the party insisted that there had to be a complete overhaul of the police to make it a more representative force. Furthermore, the party proposed that referenda be held in both parts of Ireland to endorse, or otherwise, any agreement that might be reached, and that a human rights commission be established to ensure that the rights of all of the people of Northern Ireland would be fully upheld.

Failed Initiatives

Developing a formula that might be the basis for a settlement is but a first step in any peace process. Going beyond that step also requires a *political* process. In the case of Northern Ireland such a process was established in the early 1970s, but it was short-lived. Some Unionists were prepared to engage with the SDLP on the basis of the latter's proposals and together with the Irish and British governments reached an agreement, the Sunningdale agreement.⁹ The agreement provided for a power-

⁹ The agreement took its name from the location where it was reached in Britain, but not all of the parties were represented in the negotiations that produce the agreement, see Seán Farren and Robert F. Mulvihill, *Paths to a Settlement in Northern Ireland*, Gerrards Cross, 2000, chapter 4.

sharing government in Northern Ireland in which Nationalists and Unionists would be represented together with a Council of Ireland consisting of representatives and ministers from Northern Ireland and the Republic to deal with matters of mutual concern. However, ranged against the agreement were significant elements of the Unionist community as well as the paramilitaries from both communities. The IRA denounced the SDLP as traitors to the cause of Irish unity, while Unionists opponents of the agreement accused their consenting politicians in similar terms.

Faced with such opposition, the initiative failed after only five months from its implementation. From then until the mid-1990s there were no further attempts at a comprehensive agreement, although there were a number of initiatives that attempted to develop partial agreement. In those initiatives the British government emphasized once again an internal approach and again minimized the role of the Irish government.¹⁰ Given their limited approach to the relationships that had to be addressed, it was no surprise that they all failed. The paramilitaries from both

10 A constitutional convention of the parties in Northern Ireland, 1975-6, failed to agree a power-sharing government; talks convened by the British government in 1980 also failed to produce agreement as did an attempt to establish a new assembly for Northern Ireland 1982-86.

communities continued their campaigns of assassinations and bombings.

The absence of a viable political process together with ongoing paramilitary activity inevitably meant that security driven policies took precedence. The period was marked by many tragic events, perhaps the most dramatic being the 1980-81 hunger strikes during which ten paramilitary prisoners, most of them IRA members, died in protests against the regime imposed by the prison authorities.¹¹ The impact on the Nationalist community was profound, and only emphasized the need for a comprehensive settlement involving all of the parties to the conflict along with both governments.

First Major Break-Through

The SDLP's strategy during this period was to ignore the limited initiatives of the British government and, instead, to press for a new joint British-Irish initiative. The party emphasized the need to address all the key relationships in the crisis in as comprehensive a manner as possible; it stressed the responsibility both governments had for the situation, and argued that only they

11 Prisoners demanded the right to wear their own clothes, to r freedoms within the prison and when these and other demands were refused they eventually went on hunger strike and over a period of several months ten men died. Their funerals became mass displays of Nationalist outrage.

had the flexibility and the influence to create a viable process that could involve Northern Ireland's political parties. The Irish government shared this approach which was eventually successful when the two governments signed the Anglo-Irish agreement in 1985.¹²

This Anglo-Irish agreement gave the Irish government a formal consultative role with the British government in the affairs of Northern Ireland. By granting this role, the agreement marked the beginning of a concerted and joint approach towards achieving the kind of agreement envisaged by the SDLP. In particular, the agreement meant that the British government now finally accepted that the Northern Irish crisis was not simply an internal UK crisis, but one which intimately affected the Republic of Ireland as well. In future all three key relationships would have to be addressed together in any negotiations. The agreement also saw the Irish government formally accept that there could be no change to Northern Ireland's constitutional position as part of the UK unless a majority of its people so decided in a referendum.

12 Signed in November 1985 by UK Prime Minister Margaret Thatcher and Irish Prime Minister Garret FitzGerald the agreement provoked considerable outrage amongst Unionist politicians who led mass protest demonstrations in many parts of Northern Ireland. However, they did not succeed in having the agreement altered in any way.

Over the next few years both governments sought to persuade reluctant Unionists as well as the paramilitaries that progress could be made peacefully and democratically with both governments acting as guarantors to the two communities. In particular, contacts began to be made with the paramilitaries to persuade them to end their campaigns and allow all-party negotiations to commence.

The SDLP engaged in this outreach to paramilitaries, and was the first party to formally engage with Sinn Féin, the party closely associated with the IRA. The talks did not lead to an immediate IRA ceasefire, but they did help to bring Sinn Féin into the political process that eventually produced the ceasefires by the main paramilitary groups in 1994. These ceasefires paved the way for all-party negotiations that commenced in 1996, and which were based on an agenda that reflected very precisely the three relationships approach long since proposed by the SDLP.¹³ After almost two years the negotiations concluded with the signing of the Good Friday agreement in April 1998.¹⁴

13 The negotiations included the main Unionist party, the SDLP, Sinn Féin and several smaller parties. One important Unionist party led by Ian Paisley participated for a while but then withdrew and opposed the agreement eventually reached.

14 The agreement was signed on 10 April, the Christian feast of Good Friday and was put to the people in referenda in both parts of Ireland a month later.

Good Friday Agreement

The main provisions of the Good Friday agreement were, not surprisingly, the following:

- (i) Acceptance by all parties that Northern Ireland would remain part of the UK for as long as a majority of its people so desired, with periodic referenda to test that desire;
- (ii) The government of Northern Ireland to consist of a proportionately elected Assembly and an Executive, the latter to be composed of ministers from parties representing both communities;
- (iii) A North-South Ministerial Council would be established to bring ministers from Northern Ireland and the Republic of Ireland together to discuss and recommend action on matters of mutual concern;
- (iv) A British-Irish Council would also be established to bring ministers from both Ireland and Britain together to discuss matters of mutual concern.

In addition, there were provisions on

police reform, on human and cultural rights, and for referenda in both parts of Ireland to endorse, or otherwise, the whole agreement. The comprehensive nature of the agreement meant that all sides were winners. The agreement satisfied Unionist demands on Northern Ireland's membership of the UK; Nationalists now had a guarantee that if a majority wished that Northern Ireland be united with the Republic, this would happen; Nationalists also would have a right to be represented in the government of Northern Ireland; new political institutions with the Republic and with Britain acknowledged the wider relationships of both communities. Outside the political domain there were provisions for the creation of special commissions to oversee human and civil rights, while a new police service drawn from both sides of the community would replace the existing force. It was truly a win-win outcome on all sides.

When the referenda were held the agreement was overwhelmingly endorsed, 95% in favour in the Republic of Ireland and 72% in Northern Ireland. Like most agreements reached at the close of bitter conflicts, the Good Friday agreement encountered serious difficulties as it was being implemented,

difficulties that at times threatened its viability. However, these difficulties were eventually overcome and today it would appear that the agreement is putting down firm roots.

Conclusion

Reflecting on the Northern Ireland experience there are many lessons that can be drawn, for example: how to manage a peace process, how to develop contacts with paramilitaries, how to ensure negotiations are comprehensive, both in terms of participants and in terms of the agenda and how to ensure popular support for the process. Crucially, however, since successful peace processes all require some degree of compromise, key issues need to be formulated in ways that will assist in reaching that kind of outcome honorably. That is why examining how central questions might be reformulated in ways that will help parties break out of the zero-sum game, is an essential part of the preparatory process. Clearly, that happened in the Northern Irish situation, and doing so helped in no small measure to ensure the win-win outcome that was the Good Friday agreement.