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SETTLEMENT IN NORTHERN IRELAND**

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ABSTRACT

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As is well known, several efforts have been made since 1973 to place relations between communities in Northern Ireland, between North and South, and between Ireland and Great Britain on a new institutional footing. These efforts have been designed to promote a conventional political approach to conflict, and to sideline paramilitarism. But translating painfully negotiated settlements into functioning political structures has been a continuing challenge. This paper explores this process, and seeks to explain the modest success of political leaders in converting ambitious blueprints into sustainable institutions.

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INTRODUCTION

The literature on the processes by which civil wars and other kinds of ethnic conflict have been resolved is enormously varied, ranging over a diverse set of conflicts that differ in their origins, intensity, and level of autonomy with respect to international actors. Broadly speaking, this literature may be seen as falling into two categories defined by the fundamental question that is being asked. First, one body of literature explores the *conditions for success*: the factors that appear to be conducive to the kinds of compromise to which the main actors subscribe in a successful agreement. Second, another body looks at the *conditions for durability*, seeking to establish why it is that some agreements endure in the long term, while others fail relatively quickly.

This paper addresses a question that lies between these two concerns, but to which these two bodies of literature, and especially the second one, are relevant: it explores the issue of implementation. Its central concern is not so much with how an agreement was arrived at, or how long it lasted, but with the extent to which its provisions were given substance in practice. The questions, however, are obviously interrelated, and this will become clear when we consider the three case studies on which the paper is based. These are the three major agreements designed to resolve conflict in Northern Ireland: the Sunningdale agreement of 1973, the Anglo-Irish agreement of 1985, and the Good Friday agreement of 1998 (because of its greater scope and importance, most attention will be devoted to the last of these).¹ The paper begins, then, by abstracting from the range of insights available in the comparative literature on settlement processes of these types, creating a set of generalizations designed to illuminate these three cases. We then consider the cases in turn, in each instance beginning with an outline of the broad character of the agreement and then going on to look at issues of implementation. In this, the secondary literature constitutes the main source in the present paper, but a later paper will supplement this with evidence from a major initiative in the collection of oral data from participants in these agreements and in their implementation.

IMPLEMENTING PEACE AGREEMENTS: THE ISSUES

The central question addressed by those exploring what lies behind negotiated settlements has been expressed pithily by Roy Licklider (1995: 681):

¹ For background, see Aughey and Morrow, 1996; Aughey, 2005; McGarry and O'Leary, 1996, 2004; Mitchell and Wilford, 1998; Ruane and Todd, 1996; Taylor, 2009; Tonge, 2002; Whyte, 1990.

How do groups of people who have been killing one another with considerable enthusiasm and success come together to form a common government? How can you work together, politically and economically, with the people who killed your parents, siblings, children, friends, or lovers? On the surface it seems impossible, even grotesque.

Yet bitterly opposed groups in conflict have managed to reach constitutional settlement—more commonly through military victory of one side than through a negotiated deal (Licklider, 1995: 684). The Sinhalese military victory in Sri Lanka in early 2009 is an example, even if the resulting peace showed how deeply divisive such outcomes can be, with exhilaration on one side and sullenness on the other. Yet there are more positive examples, where contending parties have managed to hammer out a deal that persists at least in the short and medium term, as in South Africa and Lebanon.

Such deals may, however, be particularly fragile. One comparative study has shown that there is a strong tendency for civil wars to re-ignite even after a settlement, with half of all negotiated agreements breaking down within five years (Licklider, 1995: 685). What factors appear to influence the durability of peace agreements? In this area, the comparative literature, even where it generates apparently valid findings that may be supported statistically, yields relatively disappointing results: we may identify factors which appear to help, but there can be no certainty about the extent of their contribution to peaceful outcomes. One of the more general studies in the area suggests that the literature clusters around two sets of factors that may help in explaining the durability of peace agreements: the nature of the sociopolitical environment, and the actual content of the agreement (Hartzell, Hoddie and Rothchild, 2001: 187). We may consider these in turn.

First, there is an identifiable cluster of background circumstances that are likely to have an impact, in one direction or another, on the survival prospects of a peace settlement. According to a major overview of the literature (Hartzell, Hoddie and Rothchild, 2001: 188-90), the most important of these are the following:

- *Historical period* (agreements reached after the end of the cold war are more likely to persist, since the actors are less likely to be proxies for the rival great powers)
- *State tradition* (agreements within states with a democratic tradition are more likely to last, since elites have more extended experience of the need for political accommodation)
- *Character of underlying cleavage* (agreements between groups divided by ideological considerations are more likely to survive than those between contending ethnic groups, since it is easier to establish a middle ground)
- *Intensity of conflict* (agreements at the end of a low-intensity conflict are more likely to persist, since if conflict intensity has been high the level of continuing mutual suspicion is likely to be greater)

- *Duration of conflict* (agreements that conclude a long conflict are more likely to endure than those which conclude a short conflict, since protracted war is more likely to highlight the attractions of the political path).

The authors' own analysis of a dataset of 41 civil wars that ended in a negotiated settlement in the period 1945-98 offered support for three of these generalizations, but an inconclusive outcome in respect of two, the historical period and the character of the underlying cleavage (Hartzell, Hoddie and Rothchild, 2001: 197-9). The importance of conflict duration, and in particular the fact that parties have arrived at a "hurting stalemate", has been stressed in a careful case study of the Sudanese "comprehensive peace agreement" of 2005 (Antwi-Boateng and O'Malley, 2008: 169-70), while a study of the Liberian peace process after 1996 has similarly stressed the positive contribution of "mutual vulnerability" in maintaining peace between factions (Bekoe, 2003: 280).

The second set of factors has to do with the character of the agreement itself. Here, two primary areas were identified in the overview of the literature referred to above (Hartzell, Hoddie and Rothchild, 2001: 191-3):

- *Provisions for territorial autonomy* (agreements with such provisions are more likely to succeed, since the most politically sensitive issues can be defused by allowing each group to adopt its favoured formula in its own area, a stable balance between the groups can be established, and additional resources can be made available at substate level)
- *Provisions for third-party enforcement* (agreements with such provisions are more stable, since they serve to reduce the security concerns of the parties to the conflict and provide a mechanism for intervention at critical moments).

These generalizations were confirmed by the comparative empirical analysis already referred to (Hartzell, Hoddie and Rothchild, 2001: 199-2000). Using a similar dataset, Mattes and Savun (2009: 756) agreed on the positive contribution of third-party enforcement, but added a further factor, inclusion of *provisions for power sharing* in government (which has the effect of reducing fears on either side and increasing the costs associated with political breakdown). The significance of power sharing is, however, unclear. Thus, for example, using similar data, Mukherjee (2006: 500-1) concludes that when power sharing arrangements are conceded by the victorious side following a civil war they promote stability by raising the costs of a return to conflict, but when they are the outcome of a military stalemate they may be simply used by the two sides to continue their conflict. Using a dataset of 83 peace agreements that brought internal armed conflicts to an end during the period 1989-2004, Jarstad and Nilsson (2008: 220) similarly found that power sharing pacts have a limited impact on the durability of peace agreements, unlike military and territorial pacts, which, though harder and slower to implement, make a more substantial contribution. In assessing components in the agreement likely to assist in its survival, the Sudanese case study already referred to stresses the need for inclusiveness (both of parties and of issues) in the agreement,

confirms the importance of third-party involvement, and draws attention to two further components that contribute to durability: *provision for overarching reviews* in the years after the agreement in order to ensure compliance, and the *integration of ex-combatants* (Antwi-Boateng and O'Malley, 2008: 169-74).

What signposts emerge from this review of the comparative literature that we might find useful in structuring discussion of the process of implementation in Northern Ireland? We may summarise the general conclusions described above as follows. The durability of peace agreements is in general assisted by the following factors regarding the environment in which the deal was done. Agreements are more likely to endure if they are:

1 – reached after 1989, the end of the cold war, which had tended to promote great power involvement on opposite sides

2 – located in a society where the state tradition is one of democracy, and parties are therefore accustomed to the notion of compromise

3 – characterized by division over ideological (e.g. left-right) matters, rather than in zero-sum conflicts such as ethnic ones

4 – arrived at in the aftermath of a low-intensity rather than a high-intensity conflict, where the two sides are less embedded in pressure to justify the sacrifices of their supporters

5 – concluded at the end of a conflict of long duration, where the political path may offer a more fruitful alternative to military stalemate.

In addition, a number of structural features of the agreement itself may assist in prolonging its life. An agreement is thus more likely to survive if it includes provision for:

1 – third-party enforcement, which can be invoked at critical moments when the agreement faces collapse

2 – territorial autonomy, or mechanisms for allowing the communities in conflict to lead a separate political existence from each other

3 – power sharing in government, giving all parties a stake in the settlement (though some authors argue that this feature has no effect)

4 – periodic over-arching reviews to ensure that its terms are being complied with

5 – integration of ex-combatants, so that they have a stake in the settlement.

THE SUNNINGDALE AGREEMENT, 1973

We use the expression “Sunningdale agreement” to cover not just that agreement itself but also the set of constitutional compromises that preceded it and made it possible (or, indeed, necessary). These were designed to fill the gap left by the collapse of Northern Ireland’s original set of Westminster-style devolved institutions (1921-72), which had succumbed to the civil unrest that had begun with civil rights marches in 1968 and escalated into a violent campaign by a renewed IRA in 1970-71. The shape of the new structures was outlined initially in a British government “green paper” or discussion document in October 1972, was developed more fully following discussions with Northern Ireland’s main parties, and was repackaged as a government “white paper” or policy document in March 1973. This was followed up by the election of an Assembly in June 1973; the process culminated in a conference in December 1973 at Sunningdale civil service college in England.²

The parties to the agreement were the British government, three of the main parties in the Northern Ireland assembly and, in the final stage, the Irish government. The Northern Ireland parties involved were the Ulster Unionist Party, deeply divided on the issue, with a strong minority implacably opposed to the compromises that were being planned; the Social Democratic and Labour Party (SDLP) representing the nationalist (Catholic) population; and the cross-confessional Alliance Party. The most significant parties not participating in the negotiations were the Democratic Unionist Party (DUP) and the Vanguard Unionist Party, which shared a strong opposition to compromise with the Catholic community. Also left outside the gate were the major paramilitary groups, the IRA and two loyalist (unionist) groups, the Ulster Volunteer Force (UVF) and the Ulster Defence Association (UDA), whose support base the agreement was designed to undermine.

The constitutional package finally agreed on 9 December 1973 had a number of significant components. Together with the institutional arrangements which preceded it, it made provision for the establishment of:

- An assembly elected by means of proportional representation
- A government or executive in which power would in effect be shared between unionists and nationalists (this was defined in opaque language, leaving ultimate judgement in the hands of the Secretary of State for Northern Ireland as arbiter)
- A set of relatively powerful North-South institutions headed by a Council of Ireland, incorporating a council of ministers and a parliamentary assembly drawn from the two parts of the island, with a standing secretariat.

In addition, the agreement extended over a range of other areas, including provisions for security cooperation and for the protection of human rights. It also incorporated the following declaration whose significance is discussed later:

² On the political background to the agreement, see McGrattan, 2009; McLoughlin, 2009.

The Irish Government fully accepted and solemnly declared that there could be no change in the status of Northern Ireland until a majority of the people of Northern Ireland desired a change in that status. The British Government solemnly declared that it was, and would remain, their policy to support the wishes of the majority of the people of Northern Ireland. The present status of Northern Ireland is that it is part of the United Kingdom. If in the future the majority of the people of Northern Ireland should indicate a wish to become part of a united Ireland, the British Government would support that wish.

The fate of this experiment may relatively easily be told. The new executive (led by Ulster Unionist Leader Brian Faulkner as Chief Executive, with SDLP leader Gerry Fitt as Deputy Chief Executive, and with participation also by the Alliance Party) came into office on 1 January 1974, but was almost immediately beset by difficulties. First, on 4 January 1974, the Unionist Party's ruling body, the Ulster Unionist Council, rejected the Council of Ireland component of the agreement, precipitating Faulkner's resignation as party leader and leaving him with an assembly party but without a party organization. Second, a general election to the UK House of Commons on 28 February, which of course extended also to Northern Ireland's 12 seats, resulted in the election of 11 opponents of the Sunningdale agreement, to one supporter (Gerry Fitt). Third, the executive was forced to resign following a two-week long strike that began on 14 May 1974 and that involved a wide spectrum of unionist support.

In our first case, then, the linchpin of the agreement had collapsed decisively in less than six months. Why did this happen? Observers seem agreed that a number of factors contributed to this, of which the following are most frequently cited:

- Insufficient appreciation of the intensity of resistance within the unionist community to the package of compromises, resulting in the marginalization and ultimate overthrow of pro-agreement unionists
- Failure to buy off or placate the IRA, which continued its paramilitary campaign, and in particular the loyalist paramilitary groups, whose activists were at the core of the general strike
- Lukewarm commitment to the agreement on the part of the new British (Labour) government, which allegedly allowed the strikers to cripple the economy by taking over the power generating stations (though others argue that the government would have been unable to meet this challenge even had it tried to do so).

What remained following the collapse of this initiative, then, was the remnant of the broken architecture of the agreement, and a formal statement of convergence on the part of the two governments. That it had collapsed so comprehensively would have come as little surprise to those who generalize about the durability of peace settlements: it took place while the cold war was in full swing (though neither of the great powers was prominently involved at this stage), the division was between two ethnic communities rather than between ideological enemies, the civil conflict was at its most intense, and it had broken out only recently. Only the tradition of long

participation in a democratic society was helpful, but even there the cultural force of the Westminster model (based on adversarial relations between parties and zero-sum competition) detracted from the kinds of compromise that more consensual models of democracy (based on power sharing and consociational principles) might have facilitated. The content of the agreement package itself, too, was not likely to help: power sharing of itself has a mixed record in assisting the durability of agreements, there were no provisions for territorial autonomy, review, or third-party enforcement, and the combatants were left entirely outside the process.

THE ANGLO-IRISH AGREEMENT, 1985

It took over a decade for the next major agreement to be reached—the Anglo-Irish agreement of 1985. This followed a number of other efforts to devise structures of government to replace those which had collapsed in 1972. A constitutional convention elected in 1975 with a mandate to prepare proposals to fill this constitutional gap failed to meet the criteria laid out for it by the British government (which included a requirement of power-sharing institutions and North-South links) and was dissolved the following year. A further initiative, a proposed system of “rolling devolution” through an assembly elected in 1982, under which power would be devolved in stages as cross-community agreement was reached, failed to make progress, with only two parties, the DUP and the Alliance Party, being consistent attenders. Alongside this track, the Irish government had been making separate overtures to the British in the wake of the New Ireland Forum report (1984), which had identified a unitary Irish state, a North-South federation or confederation, or joint Irish-British rule over Northern Ireland as the primary options for a solution, but had come down in favour of the first of these.

The negotiating base for the Anglo-Irish agreement was even narrower than in Sunningdale: only the Irish and British governments were involved, though the Irish government kept the SDLP briefed on developments. The Ulster Unionist Party was given minimal information on the progress of negotiations, and the other parties were kept entirely out of the loop.³

The agreement, signed in Hillsborough, Co Down, by the Taoiseach, Garret FitzGerald, and the British Prime Minister, Margaret Thatcher, on 15 November 1985, made provision for a far-reaching overhaul of institutional cooperation between the two jurisdictions, including the following institutional network.

- An Intergovernmental Conference made up of ministers or officials, and “concerned with Northern Ireland and with relations between the two parts of the island of Ireland”, to deal with political, security and legal matters, and to promote cross-border co-operation; it would allow the Irish Government “to put forward views and proposals on matters relating to Northern Ireland within the field of activity of the Conference in so far as those matters are not the

³ On the agreement, see Kenny, 1986; Aughey, 1989; Hadden and Boyle, 1989

responsibility of a devolved administration in Northern Ireland”, and in the event of disagreement between the two sides “determined efforts” would be made to overcome this.

- A restoration of devolution in Northern Ireland on the basis of power sharing, but if this could not be achieved the Irish government might “where the interests of the minority community are significantly or especially affected, put forward views on proposals for major legislation and on major policy issues”, and the Conference would also be a forum to promote North-South cooperation
- A secretariat to service the work of the Conference
- An Anglo-Irish parliamentary body (already suggested by the two governments in 1981), subject to agreement between the Irish and British parliaments
- A review of the agreement after three years, or earlier if either government so wished.

In a strong endorsement of the principle of intercommunal equality, the agreement committed the governments to accommodate “the rights and identities of the two traditions which exist in Northern Ireland”, with specific reference to social and economic equality, to human rights, and to such sensitive areas as the use of flags and emblems. The cultural heritage of both traditions would be fostered. Various other forms of North-South cooperation would be promoted, including policing, legal matters and security more generally; and economic cooperation, especially in respect of those areas which had suffered most as a consequence of civil unrest. The Irish government would be given a voice in appointments to a range of sensitive public boards, and a say in the definition of their role. The agreement also incorporated a declaration that built on that of 1973:

The two Governments

- (a) affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland;
- (b) recognise that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland;
- (c) declare that, if in the future a majority of the 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. (Anglo-Irish Agreement, article 1)

The implementation of the Anglo-Irish agreement followed a more chequered path than the Sunningdale agreement. The Intergovernmental Conference was duly established, and met relatively frequently at different levels. The secretariat was quickly established, and based in a heavily protected building in Maryfield, outside Belfast; a high level of security was necessary because of the angry reaction of unionists to the agreement in general, and to the presence of Irish civil servants in Northern Ireland in particular. The Anglo-Irish Interparliamentary Body was eventually established, five years later, in 1990.

But when we turn from the structures to the specific policy areas which the agreement covered, the extent to which its provisions were actually implemented seems to diminish. First, the conditional extension to the Irish government of significant input into the policy process in Northern Ireland was limited in practice. Ten years after the agreement was signed, there was still no power-sharing administration in Northern Ireland (an outcome at which the governments would not have been surprised); but there is little evidence that a significant policy role for the Irish government had emerged in the absence of devolution of this kind. Second, notwithstanding commitments to equality between the two traditions, and considerable efforts to assist this in the socio-economic domain, the symbolic dominance of one tradition (as represented in such areas as flags, emblems and anthems) was still clear 10 years later. Third, the one and only review of the working of the agreement took place four years later, and created few waves; its most positive assessment related to the area of security cooperation, where it concluded that great improvements had taken place.

The verdict on the implementation of the Anglo-Irish agreement must, then be ambiguous. Its central institutions came into existence, and played a significant role in giving the Irish government a voice in Northern Ireland's internal affairs. But the pace of achievement was slow: there were no moves towards the formation of a power-sharing executive, intercommunal inequalities continued, and the IRA campaign went on in the background.

From a comparative perspective, the environment in which the 1985 agreement was concluded was characterized by the same difficulties as that of 1973. The only positive points were that the conflict was significantly less intense, and that it had endured for over 15 years—but this was not, perhaps, yet long enough to induce a “hurting stalemate”. As regards the package itself, it made provision for a review, and there were signs that external mediation (or at least involvement in terms of a financial support package) was becoming more central; but it did little to involve the domestic parties, which were excluded from meaningful engagement in the drafting of the agreement itself.

THE GOOD FRIDAY AGREEMENT, 1998

The run-up to the Good Friday agreement is hard to disentangle from the pattern of reactions to the Anglo-Irish agreement that played out so vividly from the moment the agreement was signed.⁴ Designed to be “unboycottable”, the Anglo-Irish agreement lived up to this. The mini-general election provoked by unionists when they resigned from all 15 seats they held in Northern Ireland (which now had 17 seats in the House of Commons) proved an ineffective propaganda instrument, unlike the February 1974 outcome: 14 unionist candidates were returned, but one

⁴ On specific aspects of the peace process and the agreement, see Arthur, 2000; Ruane and Todd, 1999; Wilford, 2001; Cochrane, 1997; Cox et al, 2006; De Bréadún, 2008; Gilligan and Tonge, 1997; Hennessey, 2000; McGarry, 2001; Farrington, 2006.

seat was lost to the SDLP (who also held another seat, with the remaining seat held by Sinn Féin). In addition to a fundamental strategic reconsideration on the part of unionists, Sinn Féin and the IRA, too, began to move in the direction of pursuit of a settlement other than by military means. Critical stages in reaching an agreement included the Brooke-Mayhew talks of 1991-92 (open-ended discussions between the governments and the mainstream parties), secret contacts between the governments and the IRA, the inter-governmental Downing Street Declaration of 1993 which was intended to provide the basis for talks, the IRA and loyalist ceasefires of 1994, and the Framework documents of 1995 (which defined the contexts within which further negotiations would take place). Sinn Féin participation became possible only after the return of a new Labour government under Tony Blair in 1997; but this came at the cost of the departure of the DUP.

The participants in the talks that led to the Good Friday agreement spanned a very broad range, including not just the two governments and the mainstream parties (other than the DUP and the small UK Unionist Party); most notably, and unlike any earlier talks, it included parties linked to three paramilitary organizations, the IRA, the UVF and the UDA: Sinn Féin, the Progressive Unionist Party and the Ulster Democratic Party. These were the groups which finally endorsed the agreement in April 1998, though at the cost of a division within the Ulster Unionist Party that was later to bedevil implementation efforts.

By contrast with the Sunningdale and Anglo-Irish agreements, each of which was just over 2,000 words in length, the Good Friday agreement was much more comprehensive. At 12,000 words, it covered a wide range of areas in detail, resorting to ambiguous formulas on some, and deferring others to alternative decision making mechanisms. But leaving this aside, it nevertheless provided a clear blueprint for the future government of Northern Ireland.

A more detailed outline of the Good Friday agreement is provided in appendix 1, but its main features may be summarized as follows.

- Devolved government for Northern Ireland (a 108-member legislative assembly elected by proportional representation but with classic consociational features, a dual prime ministerial position, an executive and a committee system in which the assembly parties would be represented proportionally)
- A North/South Ministerial Council, with a permanent secretariat, supervising the work of six North-South implementation bodies and promoting cooperation
- A British-Irish Council to link the administrations of the two sovereign states, three devolved administrations within the United Kingdom and three adjacent autonomous crown territories (the Isle of Man and the Channel Islands of Jersey and Guernsey)
- A British-Irish Intergovernmental Conference to replace the one provided for in the Anglo-Irish agreement, again with a permanent joint secretariat comprising British and Irish civil servants

- A range of confidence building measures, including guarantees on the status of Northern Ireland, on mechanisms for achieving Irish unity, on inter-communal equality, dual citizenship rights, on policing (to be decided later by a commission), on human rights, and on the criminal justice system
- Specific measures in the security area, including early release of paramilitary prisoners, work on reconciliation and the victims of violence, decommissioning of paramilitary weapons, and reduction in the security force presence

The wording of the declaration on the central constitutional issue is reproduced in full in appendix 2. This echoed the language of the Downing Street declaration, which could ultimately be traced back to the logic of the Sunningdale agreement, and was quite explicit. It provided for a quasi-neutral position of the two governments on the issue of the future constitutional status of Northern Ireland, committing the two sides to respect the wishes of the people of Northern Ireland, but in an asymmetrical way. The British government agreed to this without qualification; but on the Irish side it was conditional on agreement between North and South. The governments agreed to incorporate these positions formally: the British by legislation guaranteeing Northern Ireland's position within the UK for as long as it wished, but providing a mechanism for Irish unity should that preference be so indicated in a referendum, the Irish by constitutional amendment, with article 2 of the constitution (declaring that the national territory comprises "the island of Ireland, its islands, and the territorial seas") and article 3 (acknowledging current sovereignty as being exercised only over 26 counties) replaced by the following:

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 otherwise 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 identity and heritage.

Article 3

1. It is the firm will of the Irish nation, in harmony and friendship, 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.

The difficulties in implementing the agreement are well documented, and well known. Following endorsement of the agreement by the Northern Ireland electorate and of the constitutional change (and, implicitly, the principles of the agreement) by the electorate in the South in May 1998, the new Assembly was elected in June and a First and Deputy First Minister were designated. But because of difficulties

primarily over IRA decommissioning, the new institutions did not come into existence until December 1999. Then, however, they did so in dramatic fashion, with all of the institutions under the three “strands” coming into existence simultaneously. Even there, though, it took some time for the institutions to bed down. By the time the last of the North-South implementation bodies was up and running, the whole system was under stress, and it eventually collapsed in October 2002. There followed a gap of almost five years, when, following the supplementary St Andrews agreement of 2006, the institutions were restored in 2007, this time with the participation of the DUP.

Progress has also been slow in other areas. While constitutional change in the Republic was rapid and in effect irreversible, and prisoners were released, again, in effect, irreversibly, other issues proved contentious. The Patten report on policing reform was finalised in September 1999, but its proposed changes were resisted by unionists. Nevertheless, the Royal Ulster Constabulary was replaced by a more broadly based Police Service of Northern Ireland. Decommissioning of paramilitary weapons, especially in relation to the most significant paramilitary group, the IRA, proceeded painfully between 2001 and 2005, but was completed then. In other areas, such as human rights (where the text of a bill of rights has not yet been finally agreed), progress was slow, but these were not central to political conflict.

Considered from the perspective of the comparative literature, the 1985 agreement was drawn up in more propitious circumstances than its predecessors. The cold war was over, leaving the USA to play a convincing role as honest broker; there was a more general acceptance of the fact that in divided societies power sharing rather than Westminster-style democracy was the norm; the conflict which had begun three decades earlier had been succeeded by a few years of relative peace; and the mutual hostility of the two communities had been modified a little by an emerging “Northern Irish” identity, and by a growing distance between each community and its ethnic kin in Great Britain and in the Republic of Ireland respectively. The content of the agreement, similarly, was impressively comprehensive, with continuing third-party involvement, at least in the short term, provision for review, and efforts to minimize the effects of the conflict on combatants and victims. There was no provision for territorial autonomy (given the pattern of intermingling of Northern Ireland’s two communities, there could not be), but there were far-reaching and carefully balanced consociational arrangements.

CONCLUSION

An examination of the Northern Ireland case (using the evidence of three agreements, those of 1973, 1985 and 1998) in the light of the more general literature on post-conflict peace settlements takes us a little distance down the road towards a broader understanding of the circumstances that produce durable agreements. But in order to assess the impact of various factors on an agreement’s durability, we need to engage in a vital matter of definition: what do we understand

by “durability”? At its most demanding, we may describe a peace agreement as durable if its *central provisions are implemented fully and the resulting arrangements persist in the long term* (observers commonly define the long term as a five- or sometimes a ten-year period). We may, however, adopt a much less demanding but nonetheless plausible definition: we may describe a peace agreement as durable if *sufficient of its provisions are implemented to prevent the parties from going back to war in the long term*.

The distinction between these definitions is vital, because the one we adopt will commonly give us a different answer to the question whether a peace agreement in a particular society is or is not a durable one. Clearly, Northern Ireland’s 1973 and 1985 agreements were not durable peace agreements in either sense of the word. Equally clearly, the 1998 agreement turned out not to be durable if we adopt a rigid understanding of the first (most demanding) definition: it took nine years for something resembling full implementation to be arrived at, and even since 2007 there have been ongoing difficulties (notably over policing) that offer a continuing threat to the survival of the Northern Ireland executive (government). Furthermore, in the event of the collapse of the executive and the triggering of an assembly election, there is a good chance that Sinn Féin would emerge as the largest party. Were this to happen, there would no doubt be elation among many nationalists, as this would entitle Sinn Féin to occupy the position of First Minister; but it would provoke potentially destabilizing consternation among unionists, many of whom would be likely to resist strongly an outcome of this kind.⁵ In this demanding sense, then, the durability of the 1998 agreement must remain in doubt.

But we may offer a much more up-beat assessment of the durability of the 1998 agreement by moving to the second sense of the word. There may be continuing implementation difficulties, and these may even lead to political upheaval; and acts of paramilitary violence may increase in frequency. Nevertheless, it may well be the case that both communities have made sufficient gains from the agreement to inure society against a return to large-scale violence (Coakley, 2007).

When agreements collapse, the political structures for which they make provision may disappear, but there are central components which survive, and some which may be indestructible. We may distinguish between such fragile, robust and

⁵ The Good Friday agreement (1998) provided that the First Minister and Deputy First Minister be elected jointly by a vote of the assembly, with the assent of at least 50% of each designation (members are required to designate themselves as “nationalist” or “unionist”, but may opt not to choose, as a few do). The St Andrews agreement of 2006 replaced this by an automatic formula under which the post of First Minister would go to the nominee of the largest party in the largest designation (for the foreseeable future, this will be the unionist designation), with the post of Deputy First Minister going to the largest party in the other (in effect, nationalist) designation. In a little-known and barely reported change while the provisions of the agreement were being enacted, however, this was changed to a provision that the nominee of the largest party (*simpliciter*) would become First Minister, with the deputy post going to the largest party in the other designation (see Coakley, 2009). If, for instance, the results of the 2009 European Parliament election in Northern Ireland were reproduced in an assembly election, Sinn Féin would be comfortably entitled to the First Minister post (it won 26% of the vote, to 16% for the SDLP; on the unionist side, a challenger to the DUP, Traditional Unionist Voice, won 14%, to 18% for the DUP and 17% for the Ulster Unionists).

indestructible elements in the 1998 agreement. First, clearly such components as the power-sharing executive, the assembly, and commitments in policy areas such as policing and human rights are highly vulnerable to shifts in political opinion: progress may be prevented, and advances may even be reversed.

Second, though, there are structures which, once created, tend to acquire a life of their own, largely immune from pressure from the parties in conflict within Northern Ireland: the British-Irish Council, the British-Irish Intergovernmental Conference, and the North-South bodies, for instance. This may be because the governments have arrived at a consensus that does not necessarily extend to the Northern Ireland parties any longer, or because they have entered into contractual engagements with civil service and other appointees to new offices.

Third, there are effectively irreversible elements. Governments cannot “unsay” what once they have said: a commitment to allow Northern Ireland to leave the United Kingdom, or a commitment to allow it to admit it to union with the Republic of Ireland only following a double referendum, can in theory be reversed; but the fact that governments once made these commitments is an unalterable historical fact. In any case, once these have been written into the statute law of the United Kingdom, or been incorporated in Ireland’s relatively inflexible constitution, they are likely to remain there, and to offer some reassurance and security for nationalists and unionists respectively. Past events of this kind, like such similarly irrevocable developments as decommissioning of paramilitary weapons and the early release of political prisoners, thus play a continuing role in undermining the incentive for a return to military methods.

To conclude, how might we answer the other aspect of the question that is central to this paper? This has to do not so much with insights into Northern Ireland that we might derive from the comparative literature as with what Northern Ireland might have to contribute to general theories of post-conflict peace settlements. Are there particular lessons to be drawn from the Northern Ireland experience? This experience is broadly compatible with that in the general literature: assumptions regarding the optimum environmental conditions for a durable agreement as described above seem plausible, as do expectations regarding the content of the agreement package itself. But the Northern Ireland case also suggests that civil peace is compatible with institutional imperfection: an agreement does not need to be fully implemented to “work”, in the sense of providing an alternative to political violence. The moral for political leaders negotiating such agreements probably is that while they should continue to aim for the stars, they should be delighted if they reach the treetops, and they should be content if their achievements extend only to the lower branches.

APPENDIX 1: THE GOOD FRIDAY AGREEMENT, 1998: SUMMARY OF MAIN POINTS

1. Strand 1: devolved government for Northern Ireland

a 108-member legislative assembly elected by proportional representation but with certain provisions that differentiate it sharply from parliaments in the Westminster model: all members of the assembly are required to designate themselves as “unionist”, “nationalist” or “other”, and in a number of the most politically sensitive areas the assembly is obliged to make its decisions “on a cross-community basis”, defined as enjoying support *either* by a majority of the assembly plus majorities within the unionist and nationalist blocs *or* by a 60 per cent majority of the assembly plus support from at least 40 per cent of the members of these two blocs

a dual prime ministerial position, comprising a First Minister and a Deputy First Minister elected on a cross community basis (thus ensuring, in effect, that one post will go to each of the two communities)

an executive comprising up to 10 ministers, made up in a most unusual way: ministerial posts are allocated to parties in a manner similar to that in which the d’Hondt electoral system allocates parliamentary seats in a particular constituency: the largest party is given the first seat, and subsequent seats are allocated following the conventional d’Hondt formula, each party selecting its preferred ministry as its turn arrives

a committee system made up of committees corresponding to the government departments and reflecting party strength in the assembly, their chairs and deputy chairs selected in accordance with the d’Hondt formula.

2. Strand 2: links between Northern Ireland and the Republic of Ireland

North/South Ministerial Council, smaller in scale than the Council of Ministers proposed in 1973 but not necessarily less effective. In its plenary form, this includes the Irish prime minister and the Northern Ireland First Minister and Deputy First Minister as its core

A North-South secretariat, comprising civil servants from Belfast and Dublin, now located in Armagh

Six implementation bodies, consisting either of existing bodies, bodies made up of mergers of existing bodies, or new bodies; and six areas of cooperation

3. Strand 3: links between Ireland and Great Britain

British-Irish Council to link the administrations of eight territories of very uneven status for purposes of policy co-ordination on matters of common interest: two sovereign states (the Republic of Ireland and the United Kingdom); three devolved administrations within the United Kingdom (Scotland, Wales and Northern Ireland); and three adjacent autonomous crown territories (the Isle of Man and the Channel Islands of Jersey and Guernsey)

British-Irish Intergovernmental Conference to link the two sovereign governments and to assume responsibility for areas not devolved to the new institutions in Belfast. Unlike its predecessor established in 1985, it also contains representatives of the northern parties, and thus of unionism, since there is provision for participation in its affairs by “relevant” members of the new Northern Ireland executive.

A British-Irish joint secretariat comprising British and Irish civil servants, now based in Belfast.

4. Other provisions

protection of the status of Northern Ireland: the agreement formally acknowledged that a majority of the population of Northern Ireland wished to remain in the United Kingdom, and the two governments pledged to respect this; the government of the Republic agreed to hold a referendum to drop its constitutional claim on Northern Ireland

provision of a mechanism for ending partition: the agreement also sought to assure nationalists by acknowledging that should a majority within Northern Ireland ever move to support Irish unity the British government would seek to implement this, and would also hold a referendum to ascertain public opinion on this issue as necessary

promotion of inter-communal equality: the governments acknowledged the divided nature of Northern Irish society and committed themselves to respecting the equality of the two cultures whatever the overall territorial arrangements

provision of dual citizenship rights: as a practical illustration of formal equality, the two governments agreed that Northern Ireland residents could opt for either British or Irish citizenship, again regardless of the overall territorial arrangements

commission on policing: The agreement promised that an independent commission on policing would be established to recommend on the nature of a police force acceptable to the two communities. Chaired by former Hong Kong governor and current EU commissioner Chris Patten, the commission reported in September 1999, recommending fundamental reform and renaming of the police force.

commission on human rights: given Northern Ireland's history of civil rights controversies, it was agreed that a commission would be established to promote human rights in the province and to draw up a code to supplement the European Convention on Human Rights by taking account of the special circumstances of Northern Ireland.

review of criminal justice system: The governments agreed to review this and to replace it by one likely to be more generally acceptable to the two communities.

promotion of equal development on economic, social and cultural issues: the British government also pledged to push forward with measures designed to promote the economic and social development of the province in an even-handed way, and to address the marginalisation of subordinate cultures, most notably the Irish language.

release of prisoners: since the major paramilitary organisations had been on cease-fire since 1994 (broken temporarily in 1996 in the case of the IRA), the British government agreed to an accelerated programme of early release of prisoners, a measure designed not just to deal with an outstanding issue but also to win support for the agreement among the prisoners' families and communities.

reconciliation and victims of violence: on the other hand, the release of prisoners would be deeply hurtful to their many victims, already suffering from the effects of their actions; it was agreed that structures would be established in an effort to assist victims of the violence.

decommissioning of paramilitary weapons: the parties to the agreement pledged themselves to work in good faith with an independent commission on decommissioning, with a view to removing all paramilitary weapons. Although the military and security significance of this issue is slight, it came to acquire crucial political importance for symbolic reasons.

reduction in security force presence: The British government indeed agreed to a reduction in the security force presence.

APPENDIX 2: THE GOOD FRIDAY AGREEMENT, 1998: DECLARATION ON CONSTITUTIONAL ISSUES

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.

REFERENCES

- Antwi-Boateng, Osman and Geraldine Maria O'Mahony (2008) "A framework for the analysis of peace agreements and lessons learned: the case of the Sudanese peace agreement", *Policy and politics* 36 (1): 132-78
- Arthur, Paul (2000) *Special relationships: Britain, Ireland and the Northern Ireland problem*. Belfast: Blackstaff Press
- Aughey, Arthur (1989) *Under siege: Ulster unionism and the Anglo-Irish agreement*. Belfast: Blackstaff
- Aughey, Arthur (2005) *The politics of Northern Ireland: beyond the Belfast Agreement*. London: Routledge
- Aughey, Arthur and Duncan Morrow, eds (1996) *Northern Ireland politics*. London: Longman
- Bekoe, Dorina A (2009) "Toward a theory of peace agreement implementation: the case of Liberia", *Journal of Asian and African Studies* 38 (2-3): 256-94
- Coakley, John (2008) "Has the Northern Ireland problem been solved?", *Journal of democracy* 19 (3): 98-112
- Coakley, John (2009) "Implementing consociation in Northern Ireland", in Taylor, 2009, pp. 122-45
- Cochrane, Feargal (1997) *Unionist politics and the politics of unionism since the Anglo-Irish agreement*. Cork: Cork University Press
- Cox, Michael, Adrian Guelke and Fiona Stephen, eds (2006) *A farewell to arms? From "long war" to long peace in Northern Ireland*. 2nd ed. Manchester: Manchester University Press
- de Bréadún, Deaglán (2008) *The far side of revenge: making peace in Northern Ireland*. New ed. Cork: Collins Press
- Farrington, Christopher (2006) *Ulster unionism and the peace process in Northern Ireland*. Basingstoke: Palgrave Macmillan
- Gilligan, Chris and Jon Tonge, eds (1997) *Peace or war? Understanding the peace process in Northern Ireland*. Aldershot: Ashgate
- Hadden, Tom, and Kevin Boyle (1989) *The Anglo-Irish agreement: commentary, text and official review*. London: Sweet and Maxwell
- Hartzell, Caroline, Matthew Hoddie and Donald Rothchild (2001) "Stabilising the peace after civil war: an investigation of some key variables", *International organisation* 55 (1): 183-208
- Hennessey, Thomas (2000) *The Northern Ireland peace process: ending the troubles?* Dublin: Gill and Macmillan
- Jarstad, Ann K, and Desirée Nilsson (2008) "From words to deeds: the implementation of power-sharing pacts in peace accords", *Conflict management and peace science* 25: 206-33
- Kenny, Anthony (1986) *The road to Hillsborough: the shaping of the Anglo-Irish agreement*. Oxford: Pergamon
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- Licklider, Roy (1995) "The consequences of negotiated settlements in civil wars, 1945-1993", *American political science review* 89 (3): 681-90
- Mattes, Michaela and Burcu Savun (2009) "Fostering peace after civil war: commitment problems and agreement design", *International studies quarterly* 53: 737-59
- McGarry, John and Brendan O'Leary (1996) *Explaining Northern Ireland: broken images*. Oxford: Blackwell
- McGarry, John and Brendan O'Leary (2004) *The Northern Ireland conflict: consociational engagements*. Oxford: Oxford University Press
- McGarry, John, ed. (2001) *Northern Ireland and the divided world: post-agreement Northern Ireland in comparative perspective*. Oxford: Oxford University Press
- McGrattan, Cillian (2009) "Dublin, the SDLP and the Sunningdale agreement: maximalist nationalism and path dependency", *Contemporary British history* 23 (1): 61-78
- McLoughlin, PJ (2009) "Dublin is just a Sunningdale away? The SDLP and the failure of Northern Ireland's Sunningdale experiment", *Twentieth century British history* 20 (1): 74-96
- Mitchell, Paul and Rick Wilford, eds (1998) *Politics in Northern Ireland*. Boulder, CO: Westview
- Mukherjee, Mumba (2006) "Why political power-sharing agreements lead to enduring peaceful resolution of some civil wars, but not others?", *International studies quarterly* 50: 479-504
- Ruane, Joseph and Jennifer Todd (1996) *The dynamics of conflict in Northern Ireland: power, conflict and emancipation*. Cambridge: Cambridge University Press
- Ruane, Joseph and Jennifer Todd, eds (1999) *After the Good Friday Agreement: analysing political change in Northern Ireland*. Dublin: University College Dublin Press
- Taylor, Rupert, ed. (2009) *Consociational theory: McGarry and O'Leary and the Northern Ireland conflict*. London: Routledge
- Tonge, Jonathan (2002) *Northern Ireland: conflict and change*. 2nd ed. Harlow: Longman
- Whyte, John (1990) *Interpreting Northern Ireland*. Oxford: Clarendon
- Wilford, Richard, ed. (2001) *Aspects of the Belfast Agreement*. Oxford: Oxford University Press
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