

The Good Friday Agreement: Legislative Provisions Towards Peace

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JULIAN NEAL, MAY 24 2014

The Good Friday Agreement: Legislative Provisions Towards Peace for Ethno-National Conflict

Northern Ireland's difficult relationship with its Republic counterpart amalgamates ethnic, political, civic, and national identity, into a notoriously violent conflict in both European and world politics. Its onset was caused by a multitude of historically entrenched issues that required equally deep-seated solutions. The Good Friday Agreement (hereby referred to as the GFA), which encompassed decades of previous negotiations to garner peace in the region by British and Irish governments, was ratified by the two administrations on April 10th 1998. A crucial piece of multiparty legislation, the GFA attempted to decisively stabilize what had been decades of tumultuous existence between Protestant unionists in Northern Ireland, who wished to remain within the United Kingdom, and Catholic nationalists, who sought a united independent Irish state free from British control.

This paper will argue that the GFA, while not ending political tensions amongst unionists and Irish nationalists for all time, was remarkably successful in garnering a real ceasefire amongst the two conflicting factions after many years of bloody violence. Through effective power-sharing arrangements, the invaluable ratification of human rights principles, and military decommissioning, it paved the way for firm stability which still, despite odd paramilitary incidents, remains today. This paper will also give reasons why the GFA's unparalleled achievements are not wholly irreversible. Three short-evidenced proposals will, too, be suggested for the continuation of peace and stability in the region for the long-term future. These include legislative expansions via a Northern Ireland Bill of Rights, direct human rights education to security forces, and further devolution of power to ethnic groups.

Theoretical Perspectives

Numerous scholars have contributed to conflict resolution theories and perspectives that strongly relate to Northern Ireland's long bout with inner ethno-national unrest. To understand their relation to this subject, we must first study their basic principles. Arend Lijphart's ideas of Consociationalism and power-sharing brokerage are of profound relevance to the creation of peace that the GFA brought with constructive democratic governance. Richard Betts' views on the inherent failures of impartial military intervention in resolving conflict highlight how the British army's campaign in Ireland only exacerbated the fighting and increased ethnic tension. This led to the answer of military decommissioning which, too, helped in reaching a peace settlement. Additionally, Barbara Walter's arguments that civil conflict settlements cannot be achieved by their combatants and require external arrangements on their behalf are exemplified in the case of Northern Ireland.

Lijphart sees power-sharing as a positive-sum solution. Dismissing notions of exclusion, he crucially points out that for such agreements to be successful in aims of peace, all groups must be involved and have proportionate power in a political process under a so-called 'grand coalition'. "The primary characteristic of consociational democracy is that the political leaders of all significant segments of the plural society cooperate in a grand coalition to govern the country." [1] Quite aptly, he refers to the opposite of this structure as the 'British model', where government controls the hegemony of power over the opposition. Lijphart's idea was vastly important to peace in Northern Ireland, as shall be explained.

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Impartial military intervention, to Richard Betts, is an ineffective measure as it is highly irrational to not have an occupying force join sides in a conflict. Choosing an allegiance in war is too much of a natural impulse, and pretending that military involvement can avoid this impulse is not feasible. "If the use of deadly force is to be legitimate killing ... it must serve the purpose of settling the war which means determining who rules ... How is this done without taking someone's side?"[2] The attempt at an impartial use of the military had grave lessons for Northern Ireland and the British and Irish Governments.

The actual formation of the GFA was used to conjure an agreement for peace consolation between Northern Ireland's vicious ethnically and politically opposed belligerents. Previous agreements to try and precipitate the end of the Northern Ireland conflict were not sustained and overall not successful. Concluding that "... settlements do have the potential to put an end to enormous suffering ...,"[3] Barbara Walter expounds on ideas for negotiated solutions for conflict that overcome innate differences of those continuing the warfare and decommissions these groups of their arms in the name of peace, something that other agreements for Northern Ireland failed to produce. Coupling their ideas together, Lijphart, Betts, and Walter have produced works and theories that prove how vital the GFA was in bringing an end to one of Britain's most violent intrastate conflicts.

A Troubled History

In Belfast, ethnicity and the intrinsic nationalistic ties found within those who are attached to such ethnicity was once a matter of physical survival. As Michael Ignatieff travelled through the dangerous streets of Northern Ireland's capital in 1993, a sense of supreme loyalist belief laced his surroundings. Decorative murals depicting King William III of England, who defeated Catholic forces in Ulster and ratified Protestant rule of the British throne (which then included the entirety of Ireland), adorned brick walls. Several vehicular explosions during commemorative parades of the king's military success highlighted the separate plights of unionist and Irish populations. Ignatieff would succinctly describe forceful Protestant desires to remain part of the United Kingdom against their Catholic opposition in the same explosive fashion as, "... the Britishness which swears allegiance to the Queen in one hand, and to the petrol bomb in the other."[4]

The 'Troubles', a compact name for the near constant ethno-national and -political unrest which plagued Northern Ireland since the 1960s virtually until the turn of the 20th century, owe their roots to a history of contested nationalism. "[T]he English, and their self-serving strategies of plantation and subordination [which] begun in the seventeenth century ..."[5] brought Protestant beliefs to a devoutly Catholic Irish shore in what is now Northern Ireland. It was here that religious, class, and even internal colonial affiliation would forever be a source of deep intra- and inter-state contention between Irish natives and British immigrants. This fed a long quelled distaste for their religious and political suppression by the English throughout the centuries that followed. However, to fully study the complex centuries of Irish-British history which both preceded and came after this period with a view of examining their causal effects towards national tension would be overly extensive and exhaustive for the purposes of this essay. By understanding that "... historically, the Ulster Question has been a dispute concerning sovereignty and identity ..." and that, fundamentally, "... it has been a conflict between states and nations ...,"[6] we are able to grasp the overarching problems which fermented the sudden outbreak of ethno-national conflict that became the Troubles in 1963.

After years of various governmental treaties and constitutional haggling, little was actively effective in the way of dealing with the religious malaise shared between Roman Catholics and Protestants, and the national malaise shared between unionist and Irish peoples. Favouritism by the British Government to Protestant citizens in Northern Ireland added to the feelings of deep exclusion by Catholic communities and would see republican reprisals against unionists aimed at doing away with the sense of supreme Britishness in the North. The long centuries of unending ethno-national tension would abruptly bubble over and begin over three decades of civil conflict in Northern Ireland that would dog all manners of British politics throughout the 20th century. How any sort of peaceful agreement could be reached within the region was a question that never really constituted a single, clear answer, as can be witnessed by the multitude of policies and legislation crafted towards it.

What was to be done to better the rancorous relationship shared between Britain and Ireland and put an end to the inner conflict it had spawned became a focal issue for successive Conservative and Labour Governments in the

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United Kingdom. An immortal stretch of painful history had suddenly been reawakened by the sounds of gunfire, bombs, and thumping combat boots, with no end to the fighting in sight. As Thomas Hennessey writes:

“On both sides of the border there was a Catholic-Nationalist consensus – Northern Ireland was an abomination; it was artificially created by the British Government; it had no right to exist; and the best way to end its existence was to persuade the British Government to terminate its existence ...”[7]

As time proved, this was simply not a viable option, both to the Northern Ireland administration and the British Government, as well as to the fervent Protestant unionists which populated it. Effectively cutting and running served no constructive purpose. Neither did the set of agreements instigated before the GFA grant any decisive end to the Troubles nor ebb its ongoing violence. Perhaps the most notable of its numerous precursors was the Anglo-Irish Agreement of 1985 which sought “... provision for more cooperation between Britain and Ireland, including greater cross-border cooperation to defeat terrorism, with Dublin consulted routinely on Northern Ireland affairs ...”[8] and which was signed by Margaret Thatcher alongside the Irish Taoiseach. It would only be the later GFA which would truly transform Northern Ireland in ways once believed to be virtually impossible.

The Good Friday Agreement – Where Others Failed

1998 was a watershed year in Irish-British relations and politics. From the very physical rubble of conflict came a real sense of stability in Northern Ireland not seen since the end of the Second World War. The passing of the GFA was a major step in the Northern Ireland peace process. Its effects towards an agreed peace settlement and a conclusive ceasefire between the Troubles’ fighters are still well alive today. Importantly, though:

“The Good Friday Agreement is neither the end nor the beginning of the peace process, although it is its major part. The main idea behind the Agreement is not to solve the conflict as such, but to establish democratic procedures and standards to deal with the conflict(s).”[9]

As Tony Blair stood in Belfast in 1999 talking of the success of the accord, he said triumphantly, “... the cease-fires are in place; fewer soldiers on the streets; fewer roadblocks; ordinary life returning to our streets and homes; new investment and economic development all around us.”[10] While Blair owed a great deal of notice to his predecessors – namely Margaret Thatcher and John Major – for travelling the rocky road to reach the settlement, his speech echoed the grand achievements of its implementation. A lengthy military and political campaign by weary belligerents had come to somewhat of a peaceful halt. The GFA is the main source of this halt, and we can dishevel and study its main features to see just how crucial it was at creating a fairly steady peace out of thirty years of meaningless killing.

Power-Sharing and Consociationalism

Power-sharing stands as a major component of the Agreement. Where previous attempts at Consociationalism primary failed in Northern Ireland, the GFA managed to bring the vying parties in Ireland – Sinn Féin, the Democratic Unionist Party (DUP), the Social Democratic and Labour Party (SDLP), among others – together under an executive, three stranded democratic process:

“... one strand prescribed [a] coalition government representing all significant parties ... one envisaged north-south executive bodies that would make policy for the whole island on some areas ... and a third east-west strand heralded the establishment of a ‘council of the isles’ composed of representatives from all parts of the British-Irish archipelago.”[11]

The idea of handing more power from the British Parliament to Northern Ireland so that it may pursue policy independently was widely perceived to be vastly important to the concurrent consolidation of democratic peace. With the devolved Northern Ireland Assembly and its elections came a necessity for parties to operate alongside each other. They were acutely aware of specific rights as an executive over their share of power wielded order to serve their population, who were undoubtedly tired of conflict.

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"[T]he need for power-sharing can be derived from demographic and political power balances in Northern Ireland. Not to include any provision for power-sharing ... would make it ... unlikely, if not impossible, that Nationalist and Republican representatives would sign up to any deal." [12]

From this setup leaders of republic and unionist parties were engaged in peacefully constructive cross-party talks to form a consensus on Northern Ireland's governance for greater national stability.

Increased trust between wary partners has resulted from these power-sharing arrangements that put aside the many previous ethnic and nationalist blockages in the way of political progress to forge a new landscape of allegiance in British and Irish politics. From the beginning of the deal, power-sharing had revealed its positive capabilities in garnering partisan agreement on public issues. "The elected Northern Ireland assembly has shown remarkable unity in opposing the privatisation of the port of Belfast. There is also cross-community agreement on the need to reform the local education system." [13] Though quoted from an article written over a decade ago, it resonates the aims that power-sharing sought to, and did, achieve. Even now with the ideologically opposed Sinn Féin (centre-left republicans) and DUP (centre-right unionists) making up the majority of Assembly seats, their respective leaders – Martin McGuinness, Northern Ireland's deputy First Minister and Peter Robinson, its First Minister – have been bound by an unthinkable coalition of common purpose with regards to economic sustainability and furthered peace. This is something that has lasted.

If we take into account the views of Benjamin Schwarz, then power-sharing is an almost meagre tool used by policymakers as an easier route to stop conflict. He writes that, "Policymakers seek benign, if ineffective, democratic and power-sharing solutions to internal conflicts around the world, because historically workable solutions are unpalatable." [14] To say that implementing power-sharing policy is merely a simple or ineffective means to an end is rather false, especially in the case of Northern Ireland. While his argument that power-sharing can emerge in divided societies after factions exhaust themselves from conflict is applicable to this case, the concept has proven itself worthy of continuation from the GFA's stipulation. Exhaustion from the Troubles was rampant – political exhaustion from the Irish and British Governments; combative exhaustion from unionist and republic terrorists and paramilitaries; and above all, civil exhaustion from Northern Ireland's population. Power-sharing was – is – a magnificent part of the Agreement used to remedy this exhaustion. It has guaranteed strengthened democracy and buttressed the island's stable peace. "Devolved institutions in Northern Ireland have brought power and accountability closer to its people and have demonstrated that the parties can work together effectively in the common interest." [15] Here, Schwarz's weakness in criticizing power-sharing as a nearly inadequate measure in conflict resolution becomes apparent.

Arend Lijphart's studies on consociationalism, too, relate profoundly to the GFA's democratic power-sharing model with his description of 'grand coalitions'. "The function of a grand coalition can also be clarified by placing it in the context of the competing principles of consensus and majority rule in normative democratic theory." [16] This structure has been tremendously effective, since a majority rule over government by Britain never produced stability and has allowed political compromise to foster between the governmental coalition's partners. Some setbacks, most notably suspension of the Northern Ireland parliament by Westminster on a handful of occasions due to "... deteriorating relations between the parties participating in the ... Good Friday ... Agreement ..." [17] can however question the Agreement's overall viability. These problems of relationship deterioration reiterate the notion that the Agreement's achievements are not totally irreversible. Power-sharing has been a huge part of its success, but Northern Ireland's political parties will always have inherent issues in their approach as they have suffered previously. This has at times resulted in deadlock. "Talks on policing have been going on for months, and the British government, like Sinn Féin, has grown increasingly impatient over the Democratic Unionists' failure to close the deal," [18] and, while this is not necessarily a cause for violence, can lead to political uncertainty in the future. The choppy decommissioning of the IRA's weaponry also lent to the British Government's impatience with slow development.

Overall, however, the power-sharing deal within the Agreement has succeeded in ending the days of zero-sum political violence which has caused even the majority of the guerilla tactician IRA to drop its destructive campaign.

"Mutual recognition and accommodation, rather than transformation of national and cultural identities is the order of

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the day ... the [Good Friday] Agreement – renegotiated, revised, reconfigured or not – appears to offer the only credible basis for lasting stability.”[19]

To put power-sharing to even greater effect in Northern Ireland, Arend Lijphart’s notion of ‘segmental autonomy’[20] could be used to continue devolution with small degrees of power-sharing trickled down to Northern Ireland’s ethnic communities. These communities could then utilize this authority over common concerns like youth services and local policing.

Decommissioning

The deployment of British troops to Derry and other areas – “... seen as a temporary measure, not as a permanent fixture.”[21] – would eventually become a famously protracted affair. What was once considered a ‘Honeymoon’ period for the soldiers in which they “... hoped to restore confidence in its [the army’s] impartiality and good intentions ...”[22] turned into a prolonged military presence wrought with civilian and military casualties. A swathe of murderous attacks by army personnel, the Irish Republican Army (IRA) – a fractured military group aimed at bringing about a full Irish Republic with Northern Ireland – and retaliations by unionist, loyalist subversives like the Ulster Defence Association (UDA) only served to prove that military involvement was not working. This failure to resolve Ireland’s crisis via supposedly impartial military intervention relates well to the ideas of Richard Betts and how attempts at impartial intervention ultimately cannot hold true to their purpose:

“Impartial intervention may end a war if the outsiders take complete command of the situation, overawe all the local competitors, and impose a peace settlement ... Trying to have it both ways usually blocks peace by doing enough to keep either belligerent from defeating the other, but not enough to make them stop trying.”[23]

Northern Ireland is a strong example of Betts’ argument in the relative failure to solve the Troubles via purely military means by avoiding an allegiance with Catholic or Protestant – and British or Irish – sides. The British military would come to be seen as a legion of harmful unionist occupiers rather than impartial peacemakers. Concurrently, Barbara Walter’s arguments also relate to the GFA’s decommissioning ability.

“Only when an outside enforcer steps in to guarantee the terms do commitments to disarm and share political power become believable. Only then does cooperation become possible.”[24]

The GFA contained crucial assurances on paramilitary decommissioning that were groundbreaking in forcing the end of conflict between unionist and republic armed groups, coercing them into peaceful means to seek their desires.

Nevertheless,

“Today, the Troubles are almost a thing of the past and guns have, in large part, been removed from Irish politics. In July 2005, the IRA called on its members to ‘dump arms,’ which traditionally has meant cease military activity.”[25]

Human Rights

A solid basis for human rights respect is also what made the GFA stand above its predecessors. A lacking, corruptive record for human rights epitomized Northern Ireland’s policing before 1998.

“The Special Powers Act (SPA) ... gave the security forces in Northern Ireland powers to arrest without warrant, detain without trial, search homes without warrants, prohibit meetings and processions, and hang and whip offenders.” [26]

Its repeal in 1973 with a replacement of an Emergency Powers Act (EPA) did nothing for human rights or social justice protection. This simply led to further violations without reversing those in the past.

Under the GFA human rights provided the much needed break away from violence and the retaliatory terrorist

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attacks previous legislation was responsible for. "The Agreement provided for a new statutory obligation ... to promote equality of opportunity ... for policy appraisals, public access to information, consultation ... monitoring and timetables." [27] Above and beyond this, it included fair employment legislation, an independent Human Rights Commission, protection for victims of violence via a Victims Commission and greater civil rights, policing, justice, and security safeguards through use of a Policing Commission. [28] The Agreement contained numerous other human rights defences, but these areas cover its bulk.

From these, mutual respect between Protestant and Catholic communities melded a sense of peaceful coexistence between their ethnic groups. The transformation of ethnic loyalty by the GFA which once precipitated violence and division has given those communities "... the motivation to explore and engage in the language and practices of human rights." [29] This owes its thanks to the Agreement's policies on this subject. Crucially,

"[T]he lessons from Northern Ireland suggest that a speedier move to effective anti-discrimination legislation might have been much more successful in undermining grievances and tackling violence." [30]

Unfortunately though, the GFA's human rights ratification has not been without its own problems – specifically 'underenforcement', whereby principles of accepted state responsibility do not become legal obligations by institutions. In simpler terms, this meant that demands in the Agreement were vaguely defined towards officials and new institutions that were unaware how to implement them. Dangerously, this left them open to renegotiation by political parties and elites. [31] This "... has particular consequences for ... the peace deal in Northern Ireland ..." [32] since these sensitivities could be misconstrued by groups for ill means. Despite the reversibility of the Agreement's success in this area for this reason, it is clear that the GFA's basis for human rights helped to bring civil and societal peace.

To improve the status of human rights abidance in the region, the signing of an already debated Northern Ireland Bill of Rights would further entrench the GFA's aims for human rights by removing the generic minority rights paradigm for ethnic communities while correcting "... imbalances in the way public bodies are ... repressive ... of national identity." [33] Rights education for security officials would also bring greater accountability and impartiality to the policing system, an excellent suggestion formed by Mary O'Rawe, who argues for specific training in this field. She states that, "... ethics, human rights, and diversity cannot be taught at a purely cognitive level." [34]

Conclusion

The GFA is a remarkable creation that has helped bring a degree of peace to a land which once appeared to be caving in on itself. Far from being perfect legislation, through power-sharing, implementation of human rights, and paramilitary decommissioning, it laid the foundations for real stability that has done away with military occupation, almost nonstop violence and disregard for human sanctity. While Northern Ireland is still not a place of ultimate sanctity, its future is now far brighter from the GFA's implementation, and the ways in which the legislation brought conclusive arrangements for peace are now being emulated in other conflicts across the world.

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