



The Price of Peace

An analysis of British policy in Northern Ireland

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CHAPTER ONE

INTRODUCTION

CRITICISM OF THE NORTHERN IRELAND peace process has become the closest thing in our secular society to blasphemy. Those politicians who have devoted themselves to advancing the programme of policies described, perpetually, and without qualification, as the “peace process” are allowed to claim for themselves a special state of grace. When Tony Blair arrived in Northern Ireland for a series of negotiations in 1998 he remarked, unblushingly, that he “felt the hand of history” on his shoulder. Thus blessed, he elevated himself above the realm of ordinary, fallible, politicians into the sphere of statesmen guided by fate. He was no longer pursuing one from a number of possible courses open to a leader in a democracy. His steps were guided by destiny. And his actions were thus immune to criticism.

The product of those negotiations, the Belfast Agreement of 1998, has itself become beyond criticism. It was the product of fallible men, working to an imposed deadline, susceptible to attack for “thwarting peace” if they jibbed at courses they might consider unwise. But since its conclusion the Belfast Agreement has enjoyed its own Assumption, the frailties and failings of its architects quite washed away. In the hours after its signing, it was consecrated as The Good Friday Agreement by the British Government. The choice of language, with its explicit Christian connotations of sacrifice and salvation, lent the document the status of Holy Writ. It was set apart from other deals between politicians, and established as a uniquely blessed concord, not a political fix.

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The health of any democracy depends, pre-eminently, not on a single method of election, nor any specific doctrine of the separation of powers but on the freedom to oppose. The energy with which this Government has sought to insulate its Northern Ireland policy from criticism should give any democrat cause to worry. Those who oppose the direction of ministers' actions are not considered honest dissenters exercising the right fundamental to democracy. They are held to be guilty of "opposing peace".

But surely there can be more than one path to peace? And surely what ministers think of as "peace" can be bought at too high a price? The men who opposed Munich found the Government of their time capable of manipulating the Royal Family to bestow a special sanction on a flawed policy. Those who warned of the consequences of appeasement in the Thirties were derided as glamour boys, renegades and war-mongers. But if it were not for their opposition then who would there have been to rescue the nation from folly?

CHAPTER TWO

THE TROJAN HORSE

ALTHOUGH THIS PAPER deals with Northern Ireland policy, the Belfast Agreement of 1998 is much more than a working out of the Irish peace process. Its genesis, framing, selling and implementation all have profound ramifications for the rest of the United Kingdom which go far beyond the creation of new bodies such as the chimerical “Council of the Isles”.

In the 1970s and early 1980s, it was fashionable on the Left to argue that the British State held on to Ulster primarily as a testing ground for new repressive policies. The police tactics which might be used against the workers in the event of class struggle were, according to the Left, pioneered in Ulster and then refined during the Miners’ Strike. The intelligence apparatus which would be used against radicals on the Left was tested and refined in Ulster. The curtailment of civil liberties which an embattled capitalist state would require to cling on to power were all tested in Ulster. It was, for the Left, a giant laboratory of reaction.

That perception was, as we shall see, flawed. The appetite to remain in Ulster among British élites has been waning since 1945. But the perception on the Left that Ulster could be used as a laboratory has now come true. And in the hands of New Labour.

For the 1998 Belfast Agreement is a Trojan Horse for a variety of tactics and measures which New Labour plans to implement across the rest of the United Kingdom. Not only does the Agreement introduce a form of proportional representation which inhibits democratic accountability, it also carries in its train much else that New Labour radicals wish to see entrenched across the UK.

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For example, it enshrines a vision of human rights which privileges contending minorities at the expense of the democratic majority. It supplants the notion of independent citizens with one of competing client groups. It offers social and economic rights: “positive rights” which legitimise a growing role for bureaucratic agencies in the re-distribution of resources, the running of companies, the regulation of civic life and the exercise of personal choice. It turns the police force into a political plaything whose legitimacy depends on familiarity with fashionable social theories and precise ethnic composition and not effectiveness in maintaining order. It uproots justice from its traditions and makes it politically contentious. It demeans traditional expressions of British national identity. And it privileges those who wish to refashion or deconstruct that identity.

What is more, it was implemented by means of a rigged referendum in which all the power of the State and the co-option of civil society was used to make opposition unrespectable.

Even though the Agreement is designed to lever Northern Ireland out of the United Kingdom, it also serves as a test-bed for ideas to be “rolled out” across the rest of the UK. In that respect Northern Ireland is perhaps less a laboratory and more a laboratory animal.

The specific ideas to be implemented across the UK will be discussed later. And their looming significance in the life of the rest of the UK will be explored. But first, it may be helpful to understand the background to the Good Friday Agreement.

CHAPTER THREE

THE CASE AGAINST “THE PEACE PROCESS”

THE POLICY OF THE current British Government towards Northern Ireland is built on flawed foundations. It embodies assumptions about nationhood, democracy and terror which have governed ministerial attitudes to Ulster since the 1970s and exacerbated the tensions they were designed to resolve. But the Blair administration has gone further, and faster, down a dangerous road than any previous administration. And it has introduced new policies which are inimical to the best traditions of liberal democracy, policies whose consequences will be felt well beyond Northern Ireland.

The first flawed assumption of the “peace process” is the belief that the 1922 partition of Ireland was an historic injustice, that Northern Ireland is inherently unviable as an integral part of the United Kingdom and that history demands the “greening” of Northern Ireland – that is to say the privileging of Irish nationalist demands, as expressed by the most militant voices in that tradition.

Allied to that flawed assumption is the belief that armed terrorists can be converted to democracy by re-shaping democracy to suit the terrorist. In Northern Ireland, the main aim of British policy in the 1990s has been the securing, and maintenance of an IRA cease-fire at a very high price indeed. Principles once proclaimed as inviolable and democratic safeguards once considered non-negotiable, have been progressively cast aside in order to keep the IRA on side. Terrorists have felt no need to prosecute a full-scale war because they have seen that the simple threat of an escalation of violence has delivered their goals. Terrorists have not gone legitimate. Terror has been legitimised.

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The third dangerous folly to be incarnated in the peace process is the belief that democracy is best guaranteed by departing from the democratic norms of the past. The detail of the Good Friday Agreement provides for a form of administration which makes coalitions involuntary, which is designed to stifle opposition, which codifies sectarian division and which entrenches arbitrary executive power with a licence to subvert liberal principles in the name of equality.

In pursuit of peace, a peace that still leaves hundreds beaten, mutilated or killed every year by paramilitary groups whose leaders draw salaries funded by the taxpayer, a series of fundamental errors have been indulged in for too long. Whatever the next steps taken, injustices will have been committed and perpetuated which need not have occurred had a different course had been taken.

The real causes of conflict in Northern Ireland

Few men have the capacity to have their every word repeated verbatim in Britain's broadsheets. It is an honour denied Popes, Prime Ministers and Presidents. But it is one regularly accorded to Mr P O'Neill.

P O'Neill is the pseudonym adopted by the IRA whenever it wishes to issue a statement. That the pronunciamientos of a terrorist organisation with a membership in the low hundreds should command such attention is itself a condemnation of the British State's inability to deal effectively with subversion. A fascist organisation which should have been marginalised, contained and combatted by a democratic Government has instead become its privileged interlocutor, the necessary partner in any re-ordering of the British State. This is a stunning advertisement for the efficacy of the use of force as a means of influencing our politics.

One of the subtler, but more significant gains made by the IRA has been the acceptance of their analysis of the "causes of conflict" in Northern Ireland. That phrase was repeated in one of the most notorious of P O'Neill's statements, his announcement of 6 May

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2000. In the course of outlining the IRA’s plans to permit inspection of its arms dumps, on its terms, it emphasised that arms would only remain silent if progress was made towards removing “the causes of conflict”. In republican theology, the causes of conflict in Northern Ireland are simple – the continuing constitutional position of Northern Ireland within the United Kingdom. In the words of Gerry Adams in his book, *The Politics of Irish Freedom*:

The British presence is the catalyst of armed struggle... the ingredients of armed struggle are inherent in the six county state.

For Irish republicans the conflict in Ulster can only end when the British presence ends. The conflict can only be de-escalated as the British identity of Northern Ireland is dismantled. Sinn Féin has developed this revolutionary objective into a military and political programme, a strategy known as TUAS – the Tactical Use of Armed Struggle. Violence and then the threat of violence are used to pressure the British Government into disengaging from Northern Ireland.

The logic of the Sinn Féin position, that a greener Ulster is a more peaceful Ulster, has become the guiding principle of the peace process. The British Government has responded to IRA cessations of violence with political moves to enhance the Irish nationalist cause within Ulster. From the establishment of cross-border bodies, to a variety of internal changes affecting the police, political and civil institutions, republican demands have been met. Albeit not always at the pace republicans have demanded.

The British Government has thus been seen to legitimise the IRA’s analysis and the justification for its violence. By equating peace with the dilution of Ulster’s Britishness, it has validated the Sinn Féin critique of the “Six County State”.

It has been observed that the British Government’s approach to the peace process has legitimised political violence more generally, by giving terrorists a central role in determining the future of part of a functioning democracy. It is certainly true that

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the attention lavished on loyalist terrorists, whose front organisations receive negligible political support, is out of all proportion to their ability to speak for any community. And that attention has led to the tragic conclusion that violence is the best method of advancing one's agenda in Northern Ireland. As John White, a convicted killer and representative of the Ulster Democratic Party (popular electoral support in the 1998 Northern Ireland Assembly elections: 1.1%) said on being invited to meet the Prime Minister:

I certainly felt very proud. It sort of justified the nature of loyalist violence.

But disturbing as the genuflection to loyalist terrorists may be, the abasement before republican terrorists is of profounder significance. For all the privileges accorded individual loyalist criminals, there has been no official acceptance of the "rationale" for their violence – that the British State was failing to defend the majority's interests and identity. There is, however, continuing official sanction and promotion of the republican "rationale" for violence – that Northern Ireland's British identity must be fundamentally transformed and effaced.

The process of transforming Northern Ireland's identity in response to republican violence reached a culmination in the 1998 Belfast Agreement. But it began well before then. Almost from the moment of Stormont's prorogation in 1972, there has been a series of attempts by British Governments to end republican violence by altering the constitutional position of Northern Ireland.

Each of these initiatives, from the Sunningdale Agreement of 1973, through the Anglo-Irish Agreement of 1985 and up to the Belfast Agreement of 1998, envisaged a place apart for Northern Ireland, increasingly detached from the United Kingdom. Each sought to remove the justification for republican violence by greening the Province, whether through Sunningdale's proposal for a Council of Ireland or the Anglo-Irish Agreement's formalising of a role for Dublin in the governance of Northern Ireland. But far from

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removing the justification for republican violence each agreement has further validated it. Constitutional upheaval on this scale, and in such a consistent direction, could never have come about without a capitulation to the goad of violence.

As Gerry Adams put it in *The Politics of Irish Freedom*:

The tactic of armed struggle is of primary importance because it provides a cutting edge. Without it, the issue of Ireland would not even be an issue.

And indeed the issue of Ireland had not been an issue before the late 1960s because there had been no concession to those who wished to continue with armed struggle. From 1922 onwards, militant republicans had tried to destabilise Northern Ireland and to end partition. But they had failed for two reasons: military and political. On a military level the republican threat was met with all the force the State could muster: thus the IRA border campaign of 1956-62 fizzled out. And, more importantly, on a political level no ambiguity was allowed to develop on the constitutional position of Northern Ireland. Its security within the UK was repeatedly confirmed. Thus the incentive for republican recruitment and activity was removed.

States repeatedly affirm that they will not make concessions at the point of a gun, for such concessions will inevitably lead to more guns being held to their head. The principle is honoured as much in the breach as the observance. But it holds nevertheless. If terrorists see no political concessions emerging as the consequence of their campaign then they will, eventually, falter. If the British State had always affirmed Ulster's inviolable position within the UK, then the IRA would have, as it did in the past, grown disheartened. As it was, by making Ulster's status negotiable, the British State provided a continuing practical justification in republican minds for continuing the armed struggle. The increasingly green tilt of successive British initiatives convinced the IRA that their violence was securing results. The real cause of

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conflict in Northern Ireland has not been the British presence but British policy to dilute that presence.

The Tactical Use of Armed Struggle

Northern Ireland has, however, enjoyed peace of a sort since 1994. The IRA's cessation of its armed struggle, although breached by a resumption of the bombing campaign in 1996 and dishonoured daily by the continuation of punishment beatings, does mark a change of tactics by militant republicanism. But there has been no moral disavowal of violence, no profound philosophic turn, and certainly no *mea culpa*.

The current IRA strategy is best understood with reference to an internal IRA document circulated before the cease-fire and entitled TUAS. The initials were initially interpreted by the Northern Ireland journalists Eamon Mallie and David McKittrick as standing for Totally Unarmed Strategy but it subsequently became clear that the four letters spelled out Tactical Use of Armed Struggle.

The IRA had become convinced by 1994 that the British State was ready to negotiate with republicans on terms congenial to them. The republican leadership believed the British were ready to enter a process of conflict resolution. The public pronouncement of Northern Ireland Secretary Peter Brooke in November 1990 that Britain had no "selfish, strategic or economic interest in Northern Ireland" had alerted republicans to the increasing willingness of the British State to enter into a dialogue on nationalist terms.

Private talks between IRA leaders and British intelligence figures reinforced the republican belief that Britain was ready to move towards conflict resolution. The British still publicly insisted on an end to the armed struggle before talks could take place, but the prospect now existed in republican minds that a cease-fire would not be exploited by the British to draw the IRA's teeth but used to feed its appetite.

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Throughout the early 1990s, the IRA maintained its bombing campaign with terrible ferocity. Yet the realisation dawned on the republicans that, in the words of Cardinal Tomas O’Fiaich, the British Government was trying:

...to sell the idea to them... that a United Ireland is attainable – but by peaceful means and by gradual advance towards it.

The 1993 Downing Street Declaration, with its 27 references to Irish unity and only two to the Union, and the 1995 Framework Documents, with their plans for cross-border bodies to give institutional expression to the dynamic of Irish unity were concrete indications that the British State was selling just that idea.

The calculation behind TUAS was, in its own way, quite prudent. A cessation of violence would be called, and the British Government given a chance to respond. The threat of violence would, however, remain whenever the British needed a nudge. That threat was, of course, made real in 1995 at Canary Wharf and has been issued again this April in talks with the British Government.

From a republican point of view, TUAS has been a stunning success, securing the gains in the Belfast Agreement, to be analysed more fully below, as well as helping to establish an electoral bridgehead in the Irish republic which could lead to participation in a Fianna Fail-led Government within two years.

TUAS is, however, predicated on the continuance of an army in being which can unleash violence if necessary. The scale of republican gains in negotiation with the British Government has allowed the threat to recede. But nothing in the pledge to allow the inspection of some arms dumps prevents the deployment of force in the future, and the live nature of the threat was underlined as recently as April 2000. P O’Neill emphasised in his May 2000 statement that movement towards the ending of the armed struggle was only possible in the context of the removal of the causes of conflict. In other words, we will only stand our army down once we know, beyond doubt, that we have won.

CHAPTER FOUR

THE ROAD NOT TAKEN

AS WELL AS THE political factors which influenced the IRA's decision to call a tactical cease-fire, there was also a military consideration.

The British Government's desire to enter into negotiation with the IRA was partly governed by their realisation that militant republicanism was losing its long war. By the early 1990s, the IRA had been severely restricted in their operations, even in their traditional strongholds like East Tyrone and Belfast. Effective intelligence work by the RUC Special Branch and the deployment of lethal force, most notably by the SAS at Loughgall in May 1987, had given the British security forces a decisive advantage over the IRA. The recollections of security personnel, as recorded by Jack Holland and Susan Phoenix in their memoir of Detective Superintendent Ian Phoenix, *Policing the Shadows*, point to a realisation that the IRA were only capable of operating effectively in South Armagh. The republicans were slowly being pushed back to the position they faced in the failed border campaign of 1956-62.

The continuation of a security strategy based on effective intelligence, counter-insurgency and containment could have progressively reduced the republican military threat. If such a policy had been matched by a political willingness to deny the IRA any purchase on the future constitutional position of Northern Ireland, then the resulting demoralisation could have aided the work of the security forces. The prospect of an effective defeat of terror could have existed.

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But the British Government chose not to take that path. From 1989 onwards restrictions were placed on the operations of the most effective counter-terrorist measures. In *Policing the Shadows* the authors note that in 1990

The operational restrictions which (Detective Superintendent Ian) Phoenix had complained about were tightened, limiting the use of HMSU (Headquarter Mobile Support Unit) and SAS units. After Loughgall and Drumnakilly, the Government had become cautious, worried about shoot-to-kill accusations. But there were other, more expedient reasons for the changing political climate. The British Government had started making behind-the-scenes moves in an effort to reach an accommodation with the Provisional IRA.

In other words, the British State deliberately held its security forces back from inflicting military reverses on the IRA because it preferred to negotiate. To consider what might have happened if those restraints had not been placed is to engage in a counter-factual. We cannot know if the IRA could have been defeated. We only know that road was not taken for political reasons, and the decision not to take it came as Margaret Thatcher fell from power.

CHAPTER FIVE

A PATTERN OF BEHAVIOUR

HAVING CHOSEN NOT TO ATTEMPT to defeat the IRA, the British Government was set on a course of appeasement. Of all the issues which show just how that appeasement has proceeded throughout the 1990s, none is easier to understand than decommissioning. And none better illustrates the moral failure of the British Government.

Decommissioning is, at heart, a simple principle. Is it morally right to sustain a system of democracy where one side reserves the right to use lethal force if its will does not prevail? And is it practical to have such an arrangement and call it democracy? How can a power-sharing executive possibly work when parties are asked to share power with political opponents who have kept the option of a recourse to weaponry if words fail them? In what other circumstances would a wise man consent to negotiate with a gun at his head?

The current British Government proposal that the IRA be allowed to hold onto their weaponry while their representatives in Sinn Fein exercise executive power is a clear disavowal of the democratic principle which underlies the requirement for decommissioning.

Under the proposals currently advanced by the British Government, the IRA would permit occasional visits to some of what could be very many arms dumps, while retaining full control of its entire arsenal and accepting no obligation to provide a full inventory of its weapons. The IRA would retain the right to use its weapons for any purpose it saw fit and would reserve the option of ending this arrangement at any point if it felt that progress

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were not being made to resolving “the causes of conflict” on its own terms. This is not decommissioning. It is the spider inviting the fly to inspect the parlour fittings before dinner. And it is deeply dangerous for our democracy.

The requirement that paramilitaries decommission embodies a basic democratic principle, a principle which no Government has a right to abrogate. A state which agrees to give executive power to men who are members of an armed body is undermining the rule of law on which its stability rests. That principle seemed to be understood by the British and Irish Governments at the beginning of the peace process. But they have been so anxious to appease terror that they have progressively diluted that principle. The history of how decommissioning has been handled demonstrates more clearly than any other aspect of the peace process its profoundly appeasing character. And its lack of any practical or moral bottom line.

The original terms of decommissioning

When the British and Irish Governments signed the Downing Street Declaration on 15 December 1993, the two Governments upheld the necessity for decommissioning as a precondition for entry into political negotiations. Paramilitary organisations had to give up their arms before they could even enter talks about the future shape of government.

Paragraph 10 of the Declaration stated:

The British and Irish Governments reiterate that the achievement of peace must involve a permanent end to the use of, or support for, paramilitary violence. They confirm that, in these circumstances, democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead.

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The Downing Street Declaration was written in advance of, and in expectation, of a cease-fire. But it demanded more than just that guns be silent. It required a “permanent” cessation, and a commitment to exclusively peaceful means; no punishment beatings, no retention of military hardware just in case.

For anyone inclined to misinterpret the Declaration, the Irish Foreign Minister Dick Spring provided helpful clarification. Speaking in the Dail on the day the Declaration was promulgated he said that:

We are talking about the handing in of arms and are insisting that it would not be simply a temporary cessation of violence to secure what the political process offers. There can be no equivocation in relation to the determination of both Governments in that regard.

But equivocation was the defining characteristic of both Governments thereafter. In the immediate aftermath of the Declaration there was an escalation of terrorist violence from both republican and loyalist paramilitaries. It was as though the rival terrorist organisations wished to emphasise that they would respond to overtures with bangs, not whimpers. Having displayed their strength, they then, particularly the IRA, sought to probe the Government’s weakness.

Incessant dilution of the terms of the cease-fire

The IRA announced a “complete cessation of military operations” on 31 August 1994. They deliberately refused to categorise their cease-fire as permanent. But the IRA’s failure to meet even the first condition for entry into the political process by permanently ceasing all military operations was instantly excused by Governments only too eager to appease.

The British Government decided to proceed on the “working assumption” that the cease-fire was permanent, an assumption encouraged by the Irish Government but given no foundation by the IRA, and an assumption proved within months to be mistaken.

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The belief that the cease-fire was permanent was daily undermined by the insistence on the IRA's part that it be rewarded for their forbearance in declining to kill, or else. The nature of the terrorist threat gave the lie to the politicians' illusions. How could the IRA now be committed to democratic means if it required concessions to maintain its cease-fire? The IRA was still engaging in the use of violence for political ends. It had merely switched tactically from waging war to threatening war, from mugging to blackmail.

Less than four months after the cessation was declared, the politicians were themselves making excuses for the terrorists. The Taoiseach, Albert Reynolds, directly contradicted his Government's earlier solemn requirement that weapons be handed over before talks could begin when he said that decommissioning was no longer a "sensible precondition" for entry into full negotiations. His Foreign Minister, Dick Spring, followed by arguing that the "decommissioning of arms should not be allowed to become an obstacle to talks in the North". The logic of the peace process seemed to dictate that when terrorists did not conform to democratic demands then democrats would bend to terrorists.

The British Government soon joined the Irish in this retreat. The Framework Documents on the future of Northern Ireland, published in 1995, designed to lay the foundations for multilateral talks, softened the language which governed entry to those talks.

It read:

The issues set out in the Framework Document should be examined in the most comprehensive attainable negotiations with democratically mandated parties in Northern Ireland which abide exclusively by peaceful means.

There was now no reference to the permanence of cease-fires. There was now no reiteration of the previous precondition that decommissioning take place before talks.

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In the place of past certainties, the Northern Ireland Secretary, Sir Patrick Mayhew, introduced new ambiguities. Speaking in the United States in March 1995, he lowered the bar to entry to talks. Acceptance of decommissioning was still a condition of entry to talks, but it now became a qualified one. In what became known as the “Washington Three” set of requirements, Sir Patrick asked for:

...the acceptance of decommissioning in principle; an understanding of what was involved in practice [and] the actual decommissioning of some arms as a tangible confidence-building measure.

An unequivocal demand for the hand-over of all arms as proof of peaceful intentions had descended to a request for a token. It was a request denied by every terrorist group in Northern Ireland. The IRA, UVF and UDA all refused to budge.

In the face of paramilitary intransigence the British and Irish Governments buckled further. In November 1995, London and Dublin unveiled a new approach. Political negotiations would now be separated from decommissioning. While the Governments entered talks about talks with all the political parties, including those who spoke for the paramilitaries, the question of weapons was to be subcontracted to a new creation, the International Body on Decommissioning (IBD), chaired by Senator George Mitchell.

It was a remarkable moral abdication. The British and Irish States were formally declining to take responsibility for disarming criminal organisations on their own territory. But there was also a deliberate, dishonourable sleight of hand in this manoeuvre. The two Governments now washed their hands of responsibility for decommissioning, because they wished to extend a welcome to paramilitaries to enter full negotiations.

The IBD reported in January 1996. Its report marked yet another retreat from the original principles which both Governments upheld in the Downing Street Declaration. The report stated as a fact, with which there could be no argument, that:

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The paramilitary organisations will not decommission any arms prior to all-party negotiations.

The reluctance of armed terrorist gangs to surrender illegal weaponry was not condemned as it should have been; nor was any responsibility placed on these criminal organisations to reform before they could be expected to enjoy entry to talks. Their intransigence was described as “the reality with which all concerned must deal”. The deliberate amoral calculation of terrorists was now elevated to a “reality”, like gravity or the weather, which was a simple fact of life. By this token, the desire of paedophiles to ensnare children is a “reality” which must be accepted rather than confronted. The criminal is absolved of all moral responsibility for his actions and the law-abiding must alter their behaviour, and expectations, to accommodate him.

The IBD recommended that talks begin forthwith, placing international pressure on impeccable democrats to negotiate with still-armed terrorists. It conceded, however, that decommissioning might proceed in tandem with talks to help “build confidence one step at a time”. It goes without saying that as talks proceeded not a single step was taken to decommission any weapon by any terrorist group. This was not confidence building. It was a confidence trick.

The acceleration of appeasement

The two Governments accepted the report of the IBD on 8 February 1996. London, however, retained at the time an insistence on some token decommissioning. The Provisional IRA’s response to this request was bloody and direct. On 9 February, a bomb was detonated in London’s Docklands killing two people and injuring scores more. The republican movement was affirming its insistence that it would never decommission. It had demonstrated that it retained the freedom, and the power, to kill unless it got its way at its pace. It did not have very long to wait.

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The election of the Labour Government in May 1997, with a majority of 165, was the consummation the republicans most devoutly wished. A Prime Minister with no parliamentary brake on his powers, from a party with no emotional attachment to the Union, was now in a position to deliver to republicans the concessions they wanted.

Tony Blair withdrew the requirement for even a token act of decommissioning from the IRA before Sinn Fein could enter talks. In its place he stated simply that a restoration of the cease-fire (with no requirement that it be permanent) would see Sinn Fein back in talks within six weeks. The IRA duly declared its second cease-fire on 19 July 1997.

The British Government could not, however, decree that every other party to talks in Northern Ireland agree with its appeasement. When it announced that Sinn Fein and the parties representing loyalist paramilitaries would enter talks without any hand-over of arms, and an Independent International Commission would oversee “parallel” decommissioning, the democratic pro-Union parties all objected.

Under the rules of the talks, the support of a majority within each community, “nationalist” or “Unionist”, was required for any proposal. The invitation to Sinn Fein and the loyalist parties to enter talks without decommissioning did not enjoy majority support among Unionists, but nevertheless the British Government ignored the rules on which the talks were based and invited Sinn Fein and the loyalists anyway. The Democratic Unionist Party and the UK Unionists then left the talks, on the principle that there was no point in staying in negotiations when the rules were changed so cavalierly to suit parties with guns.

Tony Blair’s intervention in the peace process had dramatically accelerated the appeasement of Sinn Fein. In the first four months of the Labour Government, Sinn Fein was able to enter talks without a single IRA weapon handed over. Sinn Fein had forced the British and Irish Governments to change their positions, as enshrined in international declarations, without compromising

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one whit on republican requirements. Sinn Fein had, furthermore secured a bending of the rules in talks which blatantly discriminated against constitutional democrats and indulged terrorists. For anyone who wondered what might now emerge from the talks there was a clear pattern already observable – government statement, republican intransigence, government weakness, republican gain.

The pattern was demonstrated again in the British Government's policing of the "Mitchell Principles" of democracy and non-violence. Participation in the talks was held to depend on assent to these six principles, principles which included a commitment to the disarmament of paramilitary organisations and an end to punishment beatings. Sinn Fein agreed to abide by these principles while the IRA rejected them. Sinn Fein justified the dichotomy by pretending it was an independent political party which held no arms itself and engaged in no paramilitary activity. Therefore it could happily sign up to the Mitchell Principles. The IRA, however could not. In a statement on 11 September 1997, the IRA said it "ruled out any disarmament during the peace negotiations". Even the notion of parallel decommissioning to build confidence had been blown out of the water.

The British Government could have told Sinn Fein that its casuistry was unacceptable, that it was integrally related to the IRA as the hand is to the brain, and that the IRA must accept the Mitchell principles before its political representatives could enter talks. But, instead, the British Government preferred to ignore the IRA statement and accept Sinn Fein on its own, bogus, terms.

Sinn Fein remained in the talks until the conclusion of the Belfast Agreement in April 1998, save for one brief suspension when the British Government held the party briefly accountable for a particularly vicious IRA punishment killing in which a man was left to bleed to death in a lift-shaft. The price Sinn Fein had to pay for the republican movement's insistence on maintaining violence as an option was a few days outside negotiations. They were given seventy-two hours for murder.

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More concessions

Sinn Fein's temporary exclusion from the talks did not prevent the party from achieving a series of enormously significant concessions in the negotiations which produced the April 1998 Belfast Agreement. The scale of these concessions is analysed elsewhere. But the surrender on decommissioning is perhaps the most striking of all.

In the Decommissioning section of the Agreement, Clause 3 states:

All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations. They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.

In plain terms, the parties which were once required to surrender arms before they could enter talks about political change were now free to enter government, and to exercise power over their fellow citizens, without any hand-over of weaponry.

All the parties such as Sinn Fein and the loyalist paramilitary groupings had to do was to "use any influence they may have" to achieve decommissioning. It would be difficult to be more disingenuous. Sinn Fein, the PUP and the UDP, had not suddenly become autonomous independent groupings which just happened to have an insight into, or influence over, the thinking of paramilitaries. They remained the front organisations for terror, the tools of paramilitaries. The PUP are no more independent of the UVF and Sinn Fein no more independent of the IRA than the so-called "war veterans" of Zimbabwe are independent of ZANU-PF. If it suits an organisation to give its separate arms differing identities, that does not require us to fall in with the deception.

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Thus the Prime Minister allowed republican and loyalist killers to evade their responsibilities by hiding behind puppet parties. Why ask Sinn Fein politician to “use any influence they have” when its leaders are also the IRA’s leaders? Why provide Sinn Fein with an alibi for republican failure to decommission? Why not simply make decommissioning an absolute requirement of Sinn Fein’s participation in democratic structures? For, under the terms of the Agreement, Sinn Fein can say they have met their obligations simply by talking about decommissioning, “using their influence”, without having to surrender a single bullet. What a tangled web we weave when first we practise to appease.

The two year time limit under which paramilitaries are supposed to have decommissioned has now passed, again without any hand-over of weapons, save for a token surrender from the loyalist grouping the LVF. It is worth briefly noting that the LVF is a tiny, politically insignificant, criminal gang driven purely by sectarian hatred and gangsterism. Its surrender of weapons was designed specifically to allow its prisoners to take advantage of the early release terms of the Belfast Agreement. That means that at the time of writing the sole gain from the Government’s application of its decommissioning policy has been the premature return of violent drugs dealers and bigoted killers to our streets.

The British Government has subsequently emphasised that decommissioning, while not a legal obligation, is a political necessity. But the terms of the Belfast Agreement deprive London of the power to determine how decommissioning should take place. Not only do the Agreement’s terms provide paramilitary groups with alibis, it also affirms that the British Government surrenders responsibility for policing any decommissioning to an International Body under the Canadian General John de Chastelain.

It is, as already stated, a remarkable abdication of moral responsibility for any democratic power to delegate the handling of illegal weaponry on its territory to an outside body. The internationalisation of this aspect of the conflict, in itself a key Irish nationalist objective, amounts to a declaration that State

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power has no legitimacy in an area over which the British Government still claims sovereignty. It also removes from the British Government a political lever which could be used to facilitate decommissioning. The creation of the International Body robs the British Government of the power to oversee decommissioning and thus signals a fatal lack of intent to marshal all available force to secure that end.

In the immediate aftermath of the signing of the Agreement, Tony Blair wrote a side letter to David Trimble in which the Prime Minister stated that the British Government understood that decommissioning “should begin straight away”. In the referendum which gave effect to the Agreement, Mr Blair gave a hand-written pledge to the people of Northern Ireland that the representatives of paramilitary organisations would exercise power only if “violence was given up for good”. That was defined not just as decommissioning illegally held weapons but ending punishment beatings and dismantling paramilitary structures. This intervention was widely seen as crucial.

On that basis a majority of voters gave their backing for the Agreement. To underpin that guarantee, the Ulster Unionists campaigned for the new Northern Ireland Assembly on the principle of “no guns, no government”. They sought a mandate for the position that power would only be shared if decommissioning took place, and became the biggest party in the Assembly on those grounds.

In the aftermath of the Assembly elections talks continued to help bring about the creation of an executive, but they foundered on the intransigence of a republican movement that refused to decommission. Faced with IRA negativism, and compromised by the weakness of the Agreement itself, the Prime Minister sought ways to fudge the issue.

The British and Irish Governments issued a joint communiqué on 1 April 1999 stating that on a set date the parties should establish an executive and within one month:

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..a collective act of reconciliation will take place. This will see some arms put beyond use on a voluntary basis, in a manner which will be verified by the Independent International Commission on Decommissioning.

Even this offer of government first, and then guns one month later was spurned by the IRA. The statement was rejected by the republican leader Brian Keenan in surreal terms as an “Easter Bunny” in which no one could believe.

Once again, instead of sticking to its guns, the British Government bowed before the IRA's. Yet another new approach was outlined by the Prime Minister in *The Times* on 25 June 1999. On this occasion Mr Blair argued that an executive be set up on the basis that Sinn Fein give a general guarantee on decommissioning with a “cast-iron, fail-safe device that if it didn't happen according to timetable, that executive wouldn't continue”. He was now arguing for government first and guns not one month later but at some indeterminate future point.

The Ulster Unionists rejected these proposals on two grounds. Firstly, they would be reneging on their own mandate. Second, how could they take seriously a “cast-iron” promise from a Prime Minister who had already resiled from his hand-written pledges given in the 1998 referendum campaign? Having buckled before in the face of republican intransigence, what guarantee was there that he would not break in the future?

Nevertheless, the Prime Minister attempted to cajole Unionists into an acceptance of his plan, by convening new talks in Northern Ireland, during which he claimed, on the basis of private understandings with Sinn Fein figures, that there had been a “seismic shift” in republican thinking on decommissioning. The same day that the Prime Minister made that claim the Sinn Fein Vice-President Pat Doherty emphatically ruled out any hand-over of arms. The desire on the part of the British Government to interpret any private hint, however opaque or deceitful, as evidence that decommissioning would take place had become quite ludicrous. Even Government supporters were reduced in private to describing its interpretation as a necessary fiction.

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At the end of this round of talks the London and Dublin Governments published a new set of proposals, entitled *The Way Forward*. The document envisaged the creation of an executive on 15 July 1999, with power devolved three days later. The International Body on Decommissioning would then state when disarmament would begin. If no weapons were handed over by a particular point then all institutions would be suspended.

The Way Forward was, in essence, a re-statement of the Prime Minister's plan outlined in his article *The Times* of 25 June. It was merely another exercise in postponing the requirement that paramilitaries decommission. It is not surprising that Unionists could not accept another dilution of basic democratic principle. Nor should it now appear surprising that the Government proceeded to concentrate its efforts on changing the Unionist position rather than challenging the republican one.

In the summer of 1999 the British and Irish Governments asked George Mitchell to conduct a review of the peace process. The review was emphatically not an open-ended exercise in considering all options – it was designed to secure Unionist acceptance for Sinn Féin participation in Government without any prior decommissioning.

David Trimble eventually agreed, in his own words, to “jump first”. He did so on the basis that Sinn Féin had given him sufficient assurances of its good faith in the Review to take the republican leadership on trust. The Ulster Unionist Party membership, however, were, rightly, concerned that a movement which had shown no interest in decommissioning before could not be given carte blanche now. They consented to Mr Trimble sharing power with the proviso that he should withdraw if no disarmament had occurred by the end of January 2000. Without that democratic check, Mr Trimble might not even have secured a symbolic concession on decommissioning. As it was, the failure of the republicans to decommission compelled the Secretary of State for Northern Ireland, Peter Mandelson, to suspend the executive in February 2000. If Mr Mandelson had not suspended Stormont

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then, Mr Trimble would have been left with no option by his party but to resign.

The suspension of the executive has been presented as a resolute act on London's part in facing down the republicans. But it is better seen as a rare check on the process of appeasement as a consequence of democratic pressure. Had the Ulster Unionist Council not asserted itself then there would have been no brake on the continuation of the executive.

The strength of the British Government's resolution became apparent in the weeks following the suspension of the executive. The Secretary of State was battered by pressure from Dublin, Washington and Sinn Féin to restore the executive as quickly as possible.

London explored the possibility of a "day of reconciliation" in which terrorist arms and those of the British army might be "put beyond use" at the same time. The creation of "equivalence" between the arms of the legitimate sovereign authority and terrorist organisations was too much for the Army and the proposal was never publicly tabled. But the principle that the British State should deliver more concessions in order to secure some movement on paramilitary arms was reinforced.

That principle became enshrined in the deal which the IRA and the British and Irish Governments eventually reached in May 2000. The deal was based, as the entire peace process has been, on the threat of IRA violence. As the Dublin *Sunday Business Post* of 14 May and the *Sunday Telegraph* of the same date confirm, republicans informed the British Government in April that they were ready to return to armed conflict if their wishes did not prevail. In the words of the *Sunday Business Post*, there was a threat of "bombs in London" during the general election campaign. Faced with this threat, the pattern of appeasement reached its culmination.

The British Government accepted "peace" on the IRA's terms. No arms were to be surrendered, and only a token number to be open for inspection – and even this by international figures acceptable to the Provos. Those arms were to remain under the

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control of the IRA, and the only guarantee that they remain silent was the progressive removal of what the IRA term “the causes of conflict”. In other words, the silence of IRA arms depended on the visibility of British withdrawal from Northern Ireland.

As both Dennis Kennedy of Queen’s University, Belfast, and Professor John A Murphy of University College Cork pointed out, the formal recognition of the IRA’s right to retain control of its arms inherent in the deal was an illegal breach of Article 15.6 of the Irish constitution. It states that:

1. The right to raise, and maintain military or armed forces is vested exclusively in the Oireachtas (the Irish State).
2. No military or armed force, other than a military or armed force raised and maintained by the Oireachtas shall be raised or maintained for any purpose whatsoever.

The simple act of accepting the IRA’s offer of “peace” on its terms is subversive of the basic law of the Irish Republic. And subversive of the position of Northern Ireland within the UK.

For, in return for the IRA’s “concession”, the British Government invited Sinn Fein back into executive power, pledged to press ahead with the dismantling of the RUC, press ahead with the human rights and equality agendas which advance republican aspirations, accelerated the demilitarisation of Northern Ireland, agreed to privilege the Irish language and expedited the removal of those symbols which affirmed Northern Ireland’s continuing British identity. In the analysis of John Lloyd, a journalist close to David Trimble, in the *New Statesman* of 15 June 2000, we must now accept that Northern Ireland is being prepared for absorption into the Irish Republic.

CHAPTER SIX

THE BELFAST AGREEMENT – UNIONIST GAINS?

IN THE DUBLIN *Sunday Independent* on 2 April 2000, Geoffrey Wheatcroft recalled a question posed to David Trimble by a schoolboy from Ballyclare, County Antrim, during the referendum on the 1998 Belfast Agreement:

Mr Trimble, you say you are recommending your followers to vote Yes because the Agreement will strengthen the position of Northern Ireland in the United Kingdom. Gerry Adams says he is recommending his followers to vote Yes because it will lead to a United Ireland. Can you both be right?

Politics is not, like physics, a science. But just as in physics no two objects can occupy the same space so, in politics, no two mutually incompatible conclusions can be reliably drawn from the same statement. Ambiguity may be a creative exercise in verse, but in a legally-binding agreement it can only prove destructive. And so it has proved with the Belfast Agreement.

Hollow gains?

Unionists who initially supported the Belfast Agreement saw specific gains in the document, which they believed would underpin, or “copperfasten” the Union. But those gains have proved illusory or insubstantial.

The first gain listed by Unionist supporters of the Agreement is formal recognition of the Union, with acceptance of the principle of consent, by which the majority within Northern Ireland will be allowed to determine the Province’s constitutional future. This

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recognition of the Union was held to be underlined by the Irish Republic's forswearing of Articles 2 and 3, which embodied Dublin's territorial claim to Northern Ireland.

But what sort of "gain" was a new acceptance of the legal and political reality of the Union? Peter Brooke stressed in his speech of November 1990 that the "British presence" in Northern Ireland, the concrete expression of the Union, was embodied in four things. They were British troops, the machinery of direct rule, the annual financial subvention and the:

...paramount reality that the heart and core of the British presence is... the reality of nearly a million people living in that part of the island of Ireland who are, and who certainly regard themselves as, British.

Under the terms of the Agreement the machinery of direct rule would wither, as noted in Clause 32 of the Section dealing with Democratic Institutions in Northern Ireland. The presence of British troops would also diminish, as noted in Clause 2 (i) of the Chapter dealing with Security.

For anyone concerned about the need to defend the majority's wish in Ulster to remain British, the slow demilitarisation of the Province is worrying. In May 2000, troop levels in the Province were at their lowest since the 1960s, observation points were being dismantled and battalions slowly removed. The visible evidence of the State's willingness to defend its rule was daily waning.

The financial subvention remains unaffected by the terms of the Agreement, as, obviously, does the number and temper of the population who consider themselves British. But, in strict terms, the Agreement dilutes the British presence, the concrete expression of the Union as defined by Mr Brooke.

As for the consent principle, outlined in the Section of the Agreement which deals with Constitutional Issues, the "gains" are even more problematic. In the first place, why should securing assent to the contention that the future of Northern Ireland is for its people to decide be contentious in the first place? Why should

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re-affirming a basic democratic principle be a gain? As Dean Godson noted in the *Times Literary Supplement* on 24 April 1998:

Consent was also bought in 1973 at Sunningdale and has had to be bought repeatedly at an ever higher price.

But the manner in which consent is defined in the Agreement is peculiar. In Clause 1 (iii) of the Section of the Agreement on Constitutional Issues it is noted that:

The present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union.

But Clause 1 (iv) affirms that:

If in the future the people of the island of Ireland exercise their right of self-determination... 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.

The Agreement notes as a fact the present position, but envisages a future imperative movement to a United Ireland. While any change is always subject to “the consent of a majority of its people”, the direction of any change is all one-way. While a majority is in favour of the Union, preparation must be made for Irish unity, but if there is ever, even momentarily, a majority in favour of Irish unity then that becomes an accomplished finality, “a binding obligation”.

The Agreement also formalises the disinterest, or neutrality, of the British Government in the future constitutional position of the million or so citizens who give it their allegiance. In Clause 1 (ii) of the Section of the Agreement on Constitutional Issues, it is recognised 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”.

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In other words Dublin has the right and freedom to press for Irish unity but London specifically abjures any right to argue for the benefits of the Union.

The consent principle as outlined in the Agreement is not a declaration of a desire to defend the wish of the majority. It is an acceptance of their views as a current reality to be transcended at a future date. It is an abandonment of the willingness of the State to defend with any vigour its citizens rights to membership.

And it is not even as though the consent principle is accepted by all the parties in Northern Ireland. Peter Mandelson, writing in *The Times* on 10 May 2000 declared that all parties involved in the peace process, including Sinn Fein, accepted consent as defined by the Belfast Agreement. He was mistaken. Although Sinn Fein urged its supporters to vote for the Agreement, for tactical reasons, it did not sign the Agreement and has never affirmed its provisions. Even the qualified definition of consent which the Agreement offers was too much for Sinn Fein, which, alone of all the parties in the peace process, remains committed to its revolutionary principle that self-determination can only be exercised by the people of the island of Ireland as a whole.

Another aspect of the Agreement which some Unionists point to as a concrete gain strengthening the Union is the abandonment of Dublin's territorial claim to Ulster embodied in Articles 2 and 3

Of its constitution. But, as Dean Godson pointed out in the *Times Literary Supplement* of 24 April 1998:

Why should Unionists pay any price at all for the abandonment of an illegal and unenforceable constitutional imperative?

What is worth noting about Articles 2 and 3 is not the generosity of the Irish Government in amending them, but their amazing durability. How could a neighbouring democracy, and fellow member of the EU, whose citizens have the right to work and vote within the United Kingdom, possibly have maintained an irridentist claim on British territory for so long and have been

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allowed to get away with it? And why should it now be a cause for gratitude when the claim is withdrawn?

Is it really a Unionist gain when Irish nationalists give up one illegal expression of a continuing aspiration?

Especially when Unionists give up concrete benefits in return?

If the physical expressions of the Union are diluted in the terms of the Agreement, the consent principle is fungible and contested, and the amendment to the Irish constitution merely an overdue recognition of international law, then where are the substantive gains for Unionism?

David Trimble has argued that the Belfast Agreement marks a gain for Unionism in that it sets aside the Anglo-Irish Agreement. In his speech to supporters on the steps of Stormont on the eve of Good Friday 1998, it was one of his proudest claims. In formal terms the AIA is set aside, but while the forms of the AIA may have been superseded, the principle of the AIA – increasing Dublin involvement in the governance of Northern Ireland – has been maintained and extended.

The Agreement Section on British-Irish relations emphasises Dublin's formal role in the running of Northern Ireland. Clause 5 of the Section dealing with the new British-Irish Inter-Governmental Conference states:

In recognition of the Irish Government's special interest in Northern Ireland, and of the extent to which issues of mutual concern arise in relation to Northern Ireland, there will be regular and frequent meetings of the Conference concerned with non-devolved Northern Ireland matters.

Devolved matters, the nature of the cross-border bodies answerable to the devolved Northern Ireland Assembly and their consequences for the Union are dealt with in the next section of this paper. But the range of non-devolved matters on which Dublin can intervene is formidable, and set out in Clause 6 of the Agreement Section on the British-Irish Intergovernmental Conference.

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

So, even though the AIA is set aside, Dublin is given a formal role in core sovereign issues, including fundamental questions of security. The release of paramilitary prisoners, the shape of the justice system, the development of a new legal structure through human rights legislation and the future of the RUC are all issues in which Dublin was given a formal say. And a say which will “intensify” over time.

The final Unionist gain listed by advocates of the Agreement is the restoration of devolved power to an assembly in which the Province’s democratic majority can once again wield power.

The prorogation of Stormont in 1972 is a scar on the Unionist psyche. But devolution between 1922 and 1972 must be accounted a failure. Although the discrimination practised during that period has been exaggerated it was real. The consequence of Stormont rule, rather than full integration of Northern Ireland into the UK, was a diminution of the citizenship of Ulster voters. Unionist advocates of devolution who have been nostalgic for Stormont have placed the restoration of an imperfect expression of the Union above the reality of strengthened links between Northern Ireland and the rest of the UK.

The context, however, in which devolution was proposed in 1998 was different, with devolved bodies in Scotland and Wales. It could be argued, in general terms, that devolution in Northern Ireland was a bringing of the Province into line with changed realities across the UK. That case had been made, coherently and plausibly, by David Trimble.

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But the precise nature of the devolved assembly for Northern Ireland contained in the Belfast Agreement of 1998 does not bring Ulster into line with the UK. Whatever the consequences of devolution to Wales and Scotland, the devolved bodies in England and Wales were designed to underpin the Union. The PR system introduced in Scotland, for example, is designed to make it more difficult for the Scottish National Party to win a parliamentary majority and then negotiate independence. But the devolved assembly in Belfast has not been designed to underpin the Union, it has been framed to facilitate a cross-border dynamic. And during its brief operation, it has given Irish republicans room and incentive to advance their goals without allowing Unionists the means to entrench, let alone enhance, Ulster's Britishness.

The voting system in the Northern Ireland Assembly

One point should be made, briefly, about the voting system in the Northern Ireland Assembly. Clause 6 of the Section of the Agreement, which deals with the new Assembly, states that:

Members of the Assembly will register a designation of identity – nationalist, unionist or other – for the purposes of measuring cross-community support in Assembly votes.

The intention of this provision is to ensure that any proposition secures at least 40% support from each community. But this apparent safeguard has other malign consequences. It entrenches sectarianism, inhibits the development of Northern Ireland politics in a British left/right direction, and forces parties to think of themselves in communal terms first. Far from promoting normality, and aligning Northern Ireland politics more closely with the rest of the UK it perpetuates the very divisions which have fuelled the conflict.

The North South Ministerial Council

The sectarian voting arrangement clearly inhibits the effective operation of the assembly as a purposeful corporate body but,

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looking at the cross-border context in which the assembly and its executive is embedded, it is apparent that the Assembly's purpose is as much to develop a cross-border dimension as to exercise power within Northern Ireland.

In the Section of the Agreement which deals with cross-border activity the North/South Ministerial Council is encouraged in Clause 5:

- (i) to exchange information, discuss and consult with a view to co-operating on matters of mutual interest within the competence of both Administrations, North and South;
- (ii) to use best endeavours to reach agreement on the adoption of common policies, in areas where there is a mutual cross-border and all-island benefit, and which are within the competence of both Administrations, North and South making determined efforts to overcome any disagreements;
- (iii) to take decisions by agreement on policies for implementation separately in each jurisdiction, in relevant meaningful areas within the competence of both Administrations, North and South.

The role of Northern Ireland Ministers drawn from the new Stormont Assembly is clear – to work for harmonisation in the governing of Ireland, North and South. The balance of the power within the North/South Ministerial Council can only accelerate that harmonisation. While ministers from Northern Ireland will be split between representatives of Unionist and nationalist parties, those from the Irish Republic will, naturally, all be formally nationalist. The in-built majority within the North/South Ministerial Council ensures that it will be nationalist in its dynamic.

Although Ministers in the executive are formally answerable to an assembly in which a majority of representatives are currently Unionist, they will operate within a legal framework where they must “use best endeavours” and make “determined efforts” to overcome disagreements. It is also notable that while Ministers in

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the North/South Council must answer to their respective assemblies, the approval of each assembly is only necessary when Ministers go “beyond the defined authority of those attending”. The authority of individual Ministers in the Northern Ireland executive is still hazily-defined and the potential for exploitation of powers great.

Unionist advocates of the Agreement argue that cross-border bodies to develop co-operation are limited at the outside to 12 relatively uncontentious areas such as Aquaculture and Tourism. But the areas listed in the agreement are only those initially operative. The Agreement states that “others” are to be considered by the North/South Council. And the Agreement does not place any limit to the extent of “common policies” which may be adopted.

The North/South Ministerial Council, it should be noted, is also “to be supported by a standing Joint Secretariat, staffed by members of the Northern Ireland Civil Service and the Irish Civil Service.” In other words, an all-Ireland bureaucracy is created with a natural appetite, like any bureaucracy, for enhancing its scope and reach.

The capacity of the Northern Ireland Assembly to act as a brake on the cross-border dynamic is, of course, as yet untested. Even though the terms of the Agreement indicate that the North/South Ministerial Council has a clear role and majority for greater harmonisation the power of the assembly to hold that process to account is still uncertain. But the portents are not encouraging for those who wish to see the wishes of Northern Ireland’s democratic majority respected.

Restraining powers of the Northern Ireland Assembly?

During the 72 days of the assembly’s full functioning, before Peter Mandelson suspended it, the capacity of individual republican ministers to pursue their aims unhindered suggested the scrutiny and restraining powers of the assembly are less than many Unionist supporters of the agreement envisaged.

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Although the assembly has been given a committee structure which is supposed to institutionalise a check and balance on ministerial power, nothing within the Agreement could prevent Sinn Fein ministers in the last executive removing the Union flag from their offices, placing a convicted terrorist murderer on their payroll and closing hospitals on a blatantly sectarian basis. The Sinn Fein Health Minister, Barbre de Brun, re-ordered health priorities in Belfast in a manner which discriminated against the Unionist population. Yet no effective restraint could be placed on her.

Ministers are, theoretically, constrained not just by the committee structure of the assembly but also by the collective responsibility of shared executive power. Yet no collective responsibility inhibited the Sinn Fein ministers in the 72-day executive. And the very structure of the Northern Ireland executive raises profound questions about the viability, and aims, behind the method of devolution employed.

Enforced coalitions

The D'Hondt system of allocating ministerial portfolios guarantees a place within the executive for all Ulster's major parties, from the DUP to Sinn Fein. It automatically creates an involuntary coalition. There is no intrinsic reason why differing parties from contrasting traditions might not be able, if given the freedom and time to negotiate, to agree elements of a common platform. But the executive created by the terms of the Agreement does not envisage careful coalition building on the basis of assent freely-given. It yokes unlikely elements together in an inherently unstable coalition.

The creation of that coalition, it should be noted, deprives Northern Ireland's people of the most fundamental civil right of all – the right to an Opposition. The automatic inclusion of all major parties in power means there is no, can be no, alternative Government to vote into power if things go wrong. It is the threat of eviction from office which acts as a goad to efficiency in government and a guard against corruption. Take it away and you create an immovable oligarchy unresponsive to public anger or sentiment.

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While this is deeply troubling from a liberal democratic point of view, because it makes the operation of stable government within the current constitutional dispensation difficult, it is curiously convenient for Sinn Féin. It is a basic republican contention that Northern Ireland is inherently ungovernable within the United Kingdom, however the UK is reformed. By giving Sinn Féin a guaranteed place in government they can exercise their power irresponsibly, in such a way as to render the process of government so painful and confused that their initial contention becomes a self-fulfilling prophecy. The Agreement's mechanism which places Sinn Féin ministers in office does not house-train or "Stormontise" republicans. In truth, it allows them to render Northern Ireland increasingly ungovernable, except on their terms.

The inherent instability of the executive underlines the perception that the Agreement is not a settlement, merely a staging-post. A staging-post on a motorway without an exit. On a motorway which leads to the separation of Northern Ireland from the United Kingdom.

CHAPTER SEVEN

THE BELFAST AGREEMENT – REPUBLICAN GAINS

WHILE UNIONIST GAINS from the Agreement are either nugatory, contingent, provisional, non-existent or even counter-productive, republican gains from the Agreement are clear, decisive, accelerating and dynamic.

There are a variety of gains, some more visible than others, but three of the most striking can, briefly, be listed as Prisoners, Policing and Culture.

Prisoners

Prisoner releases are, understandably, the most controversial aspect of the Agreement. From the moment the Agreement was concluded, before any other of its provisions were implemented, paramilitary prisoners were being released early from the Maze.

Some of the most morally culpable criminals in the British Isles, including Patrick Magee, the terrorist responsible for bombing the Grand Hotel during the Conservative Party Conference in 1984, were granted their liberty. The decision was not only offensive to the victims of that, and other terrorist crimes. It was profoundly subversive of the rule of law.

What signal does it send when a man guilty of an assassination attempt against the British Government is set free for reasons of political expediency? Faith in the justice system in a liberal democracy depends on the principle that legal decisions cannot be overturned for political reasons. To imprison, or release, individuals to satisfy a policy imperative is a dangerous departure from the solid ground of the rule of law to the quicksand of arbitrary power.

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Even on a strictly cynical reading of events, the prisoner release programme has been a cause of profound concern. The releases have continued steadily, and without impediment, whatever other progress has been made in the political arena. No attempt was made to use the pace or scale of prisoner releases to place pressure on recalcitrant paramilitaries to decommission or alter their political position. The programme was seen to have neither moral underpinning nor realpolitik justification. It could only be understood as danegeld paid to ensure the fragile integrity of terrorist cease-fires.

One point that should be borne in mind in considering how the rule of law has been suspended for political reasons is the treatment of “the disappeared”. One of the most traumatic aspects of the Troubles has been the refusal of the IRA to acknowledge responsibility for the disappearance and murder of some of their victims. Legislation was introduced in the wake of the Agreement to allow IRA killers immunity from prosecution if they gave information on the location of the burial grounds of “the disappeared”. Although no remains have been unearthed to allow grieving relatives a sense of closure, the immunity from prosecution remains. The amnesty for murder so offended one Fine Gael TD in the Irish Parliament that he accused the New Labour Government of putting homicide on a par with “riding a bicycle without lights”. The accusation may have been heightened rhetoric but it was not hyperbole. For, in what circumstances other than the Northern Ireland peace process would killers be granted immunity for terrible crimes simply by dint of giving questionable information about the whereabouts of their victims? Justice is not just mocked but subverted.

Policing

If prisoner release has been a clear republican gain pocketed – with the IRA’s most effective operatives at liberty and their constituency rallied and refreshed – policing is a significant victory now within grasp.

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The future of policing in Northern Ireland was dealt with only in outline terms in the Belfast Agreement. Responsibility for reform was delegated to a Commission, subsequently chaired by Chris Patten. The scope of the Patten Report is extensive and it would require another lengthy paper to do it justice. And at time of writing the legislation to give effect to the Patten Report is still under discussion, so treatment of specifics must come with caveats. But the overall effect of the changes envisaged by Patten are clear. The operational effectiveness, morale and accumulated experience of Britain's most important shield against terrorism will be compromised. Its Britishness will be effaced, its officers held accountable to politicians who were once trying to kill them and the memory of its fallen dishonoured.

The Patten Report recommended, among other provisions, the termination of the RUC Special Branch's distinct status. It has been the element of this force, as noted in the quotations from *Policing the Shadows* above, which has been most effective in combatting terrorist activities. Special Branch will be collapsed into CID, the culmination of a process noted by Ian Phoenix in drawing the teeth of terror's most effective adversary.

Patten also proposes changes to the RUC Reserve which would see the departure of thousands of the most experienced officers, and their replacement with recruits, some of whom may even be from paramilitary backgrounds, selected to make up numbers in a sectarian headcount rather than on merit alone.

One of the contentions of this paper is that, even as the Agreement levers Northern Ireland out of the United Kingdom, it acts as a laboratory for policy developments which New Labour wishes to introduce across the UK. And in arguing that the validity of a police force depends on its ethnic composition, the Patten Report is of a piece with the Macpherson Report. It is paradoxical that Mr Patten, who now supports appointment to the EU Commission on merit and not on nationality or ethnicity, should wish the RUC to adopt the methods the Commission has had to abandon because they encouraged corruption.

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Patten argues that, because the RUC is seen as a Unionist force, his reforms are designed to “take the politics out of policing”. Yet his own research argues against such a perception. Opinion polling demonstrates that support for and satisfaction with the RUC among both Catholic/nationalist and Protestant/Unionist communities is higher than the ratings enjoyed by most continental police forces. It is true that the RUC has encountered problems in recruiting Catholic officers. But the reason for that is nothing to do with institutionalised prejudice and almost everything to do with the IRA policy of targeting Catholic RUC officers as “traitors” and the refusal of moderate nationalist politicians such as John Hume to encourage their constituents to join the RUC. It is notable that the level of Catholic applications to join the RUC rose sharply following the IRA cessation of violence.

Not only was Patten’s analysis of the politicisation of the force wrong. His supposed remedy actually ensures the politicisation of policing. The RUC’s successor will be answerable to a Police Board with Sinn Fein representatives who have, as noted above, no interest in making Northern Ireland securely governable within the UK. Day-to-day control of the police is also to be delegated to Partnership Policing Boards, some of which, certainly as envisaged by Patten, could enjoy an effective Sinn Fein dominance. These Boards could “buy in” supplementary policing from outside agencies – effectively subcontracting security to groups which could be run by paramilitaries.

All these changes will take effect on a police force which has been deprived of its identity, and made ashamed of its record. Because of IRA and loyalist terrorism the RUC has been the most dangerous police force in the Western hemisphere for any officer to serve in. Its hundreds of dead and wounded officers made their sacrifices for the Crown out of inspirational loyalty. But the Patten report dishonours that sacrifice by stripping the RUC of its name and insignia, effectively stating that the force’s badge is a mark of shame. The effect on morale of this change is incalculable. But what of the effect on the United Kingdom’s honour? What signal

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does it send to our servicemen that the bravest men and women in British uniforms can have their sacrifice dismissed?

For republicans the Patten report is, in the words of the author, a “double whammy”. Firstly, it weakens the very force that impedes their terrorist operations and racketeering activity. And second, it marks another stage in the progressive hollowing-out of Northern Ireland’s British identity. The Republican ambition to see the Crown’s authority in Northern Ireland diminish to vanishing point is affirmed in the grim fate of the RUC.

Culture

The hollowing out of Northern Ireland’s Britishness is a progressive process, whereby the British State divests itself of responsibilities and strips the Province of evidence of its British character. Whether or not the IRA’s military war is over there is a culture war raging in Ulster, and in this war Britain is at best neutral, and much more often, an objective ally of republicanism.

The cultural manifestations of British retreat are now everywhere, as a consequence of the Agreement. The Review of the Criminal Justice System inaugurated by the Agreement calls for “the inside of courtrooms to be free of symbols” such as the Crown, and recommends that “the practice of declaring God Save the Queen when judges enter some courts should end”.

Oaths for public office make no reference to loyalty to the British State. The Agreement’s Pledge of Office enjoins on any new Northern Ireland minister only the obligation “to serve all the people of Northern Ireland equally”.

The Section of the Agreement which deals with cultural issues makes a passing reference to the prevailing Northern Ireland dialect, Ulster-Scots, but then goes on to make a series of provisions “in particular in relation to the Irish language”.

The British Government pledges in Clause 4 of this Section to:

...take resolute action to promote the language... to place a statutory duty on the Department of Education to encourage and facilitate Irish

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medium education... to explore urgently... the scope for achieving more widespread availability of *Telifis na Gaeilge* in Northern Ireland... [and to seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland.

In other words the British State will use public money to privilege one language, and one expression of cultural identity, above others. The cultural goal of Irish republicanism, the diminishment of the British identity of Northern Ireland and the coercive promotion of Irishness, is embraced and financially underwritten by the British Government in the Agreement.

CHAPTER EIGHT

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THE COINCIDENCE OF APPROACH between the Patten report on the RUC and the Macpherson report's recommendations for the Metropolitan Police Force has been noted above. Both argue that the efficacy of a police force depends on it hitting targets for ethnic composition as much as targets for crime clear-up.

There is everything to be said for making recruitment to any police force as broad, open and meritocratic as possible. But both Patten and Macpherson, by recommending quotas, abjure meritocracy in favour of affirmative action. And, as American experience shows affirmative action causes resentment among those who lose out, insecurity among those who benefit and uncertainty among those charged with managing it. It also offends against the liberal conception of justice, which holds that fairness depends on due process, not pre-ordained outcomes.

But even before Patten, affirmative action had become a feature of life in Northern Ireland. Ulster is pioneering a series of policies destined to roll out across the UK. These are policies which have been conceived as a consequence of republican pressure on the British State. And like affirmative action they envisage a growing role for bureaucracies at the expense of individuals and regulation in place of freedom.

The Equality Agenda

The sections on Equality and Human Rights in the Agreement envisage, in the words of Beatrix Campbell in the *Guardian* of 24 February 2000:

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...a new *modus operandi* for joined-up government, more defined and determined than anywhere else in these islands, inscribing equality in the duties of public authorities – including the police.

Ms Campbell is not engaging in wishful thinking. Clause 3 of the Section of the Agreement which deals with Rights, Safeguards and Equality of Opportunity states:

The British Government intends, as a particular priority, to create a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation. Public bodies would be required to draw up statutory schemes showing how they would implement this obligation...

Equality of opportunity is an unarguable good. But the intention of the framers of this Clause goes far beyond creating a purer meritocracy. The requirement that public bodies draw up statutory schemes “showing how they would implement this obligation” points in one particular direction. It should be considered in tandem with the British Government’s pledge in Clause 2 (iii) of the Section of the Agreement on Economic Social and Cultural issues to:

..make rapid progress with measures on employment equality... covering the extension and strengthening of anti-discrimination legislation.

The extension of anti-discrimination legislation and the drawing up of statutory schemes are intended, together, to force public and private bodies to prove they do not discriminate, by conforming with outcome-based, quota-driven employment targets. Companies and public bodies which cannot demonstrate that they did not discriminate in a particular case, and have a nominal imbalance in recruitment at any point, face legal sanction.

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Under the terms of the Agreement disappointed employees or job-seekers could use their age or sexual orientation as a pretext for claiming discrimination, placing a potentially huge cost on the employer, who has to prove his own innocence and have his openness to equality judged on the make-up of his workforce at any given point. It is a profoundly illiberal intrusion into the right of individuals to form their own judgements about employee suitability. And it makes windows of men's souls in which sensitivity to difference is elevated to the status of an ideological imperative.

The experience of anti-discrimination legislation in employment matters has already exacerbated social division and placed new burdens on business and taxpayer-funded public bodies. The provisions of the Agreement envisage a broadening and strengthening of the trend. It has already been leapt on by the most radical elements of British opinion as a model for advance.

As Lee Jasper, the racism adviser to Ken Livingstone, who claimed he would have the Met "tearing their hair out," was quoted as saying in the *Guardian* of 24 February 2000:

Our equality strategies have been enriched by our contact with Northern Ireland. The equality section of the agreement is beautiful. This offers instruments of policy implementation and consultation on a principled, ethical basis.

Mr Jasper's principles include the embodiment in law of "indirect discrimination", by which the existence of prejudice can be proved, and legal remedies deployed to combat it, on the basis of differential employment outcomes. Indirect discrimination or institutional racism, is a concept developed by the black radical Stokely Carmichael after the US had introduced full civil rights for all its citizens. It was used to explain the violence of inner city rioters whose protests came after their full enfranchisement. Their actions were excused as anger at the failure of every institution of the state to exactly reflect the ethnic composition of the nation.

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But, as the Jewish American author David Horowitz notes, the requirement that the state intervene to ensure equality of employment outcomes in every area applies only when specified minorities are perceived to be excluded. There is no agitation for legislative action, Horowitz points out, to “correct” the preponderance of visible ethnic minority athletes in the US Olympic team. And so, as Horowitz argues, those who wish to extend state power and curtail individual liberty cultivate grievance, and excuse violence.

Thus, in Northern Ireland, violence has been excused as a consequence of perceived discrimination, even though full civil equality has already been guaranteed all citizens. And now the gains made by radicals in Northern Ireland are being implemented in the rest of the United Kingdom.

Ms Campbell notes in her *Guardian* article of 24 February that:

Provisions adapted from Northern Ireland emerged in amendments (to the race relations bill) filed by the Lords and their potential was finally grasped by the Home Secretary. Mr Straw reversed his earlier refusal to include indirect discrimination and agreed to incorporate public bodies, including the police.

A definition of “discrimination” which is anti-liberal and outcome-based has become the model across the UK, as a consequence of pressure from, as Ms Campbell notes “the Progressive Unionist Party and Sinn Féin”. So the Belfast Agreement has not just legitimised terror. It has allowed illiberal terrorists to write the illiberal laws which will govern our police.

The Human Rights Agenda

The equality agenda in Northern Ireland cannot be disentangled from the new Human Rights culture to be developed in the Province. On one level, the development of Human Rights legislation in Northern Ireland is part of the broader project of enmeshing Ulster into the Irish republic. But, as with the equality agenda, there will be ramifications for the rest of the UK.

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The Agreement created a specific new Northern Ireland Human Rights Commission (NIHRC) which will work on an all-Ireland basis. Clause 10 of the Section dealing with Rights, makes provision for:

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

Thus the NIHRC acts as another body to harmonise arrangements across the island of Ireland, helping create new structures and institutions, committees and charters, to incarnate the spirit of Irish unity. But as well as acting as an agency of unity, the NIHRC will have an effect on the rest of the UK while the Union still, just, endures.

The NIHRC is the vanguard of a new human rights culture, charged with broadening the scope and reach of the legal revolution heralded by the incorporation of the European Convention on Human Rights (ECHR) into British law.

The incorporation of the ECHR, although not triggered until this autumn, has already marked a decisive change in the balance of power in Britain. It empowers judges to rule that legislation passed in the previously sovereign UK Parliament should be changed if it is not in conformity with judicial interpretations of Human Rights. As such it marks a profound shift in power away from elected representatives, directly accountable to the people, and into the hands of judges. Matters of legitimate ideological and moral debate on which different parties campaign will no longer be decided by the people in elections, nor by the votes of MPs in Parliament, but by the deliberations of judges in private.

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The Human Rights culture is already spreading in our society, uprooting conventions on which our stability has rested, allowing female soldiers to sue for unfair dismissal when pregnant and prisoners to sue for injuries sustained in escape attempts. It supplants common sense and common law, and erodes individual dignity by encouraging citizens to see themselves as supplicants and victims to be pensioned by the state. And the effects of the ECHR, sweeping as they may be, will be exacerbated by the NIHRC.

The NIHRC, according to Clause 4 of the Belfast Agreement Section on Rights, will:

...be invited to consult and advise on the scope for defining in Westminster legislation, rights supplementary to those in the European Convention on Human Rights to reflect the particular circumstances of Northern Ireland.

In their draft Strategic Plan, the NIHRC set out an ambitious programme of new rights. It plans new children's rights and wishes to act "as an independent watchdog for children's rights" having special regard for "the additional difficulties which may arise due to the sex, race, disability or sexual orientation of a child or its carers".

The NIHRC also accords a special chapter to the rights of ex-prisoners (a growing minority in Northern Ireland thanks to the Agreement) and laments the fact that they "face discrimination when seeking employment, travel documents, welfare benefits, financial assistance, access to compensation for criminal injuries, the adoption of children or general community acceptance."

The NIHRC also takes up the cause of transsexuals and argues that no-one should "be discriminated against on the basis of... gender reassignment". It backs up this sentiment by pledging to spend public money preventing others forming independent judgements about the suitability of transsexuals for specific posts, stating that:

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Where appropriate the Commission may also pursue proceedings in court to try to vindicate the rights of people adversely affected because of their sexuality.

Writing in the April 2000 issue of the Belfast magazine *Fortnight*, the NIHRC Development Worker Miriam Titterton listed those areas where the Commission was looking at special guarantees. They included, as well as the areas listed above:

Provision for a legally enforceable guarantee of equality of treatment for members of all the main communities of Northern Ireland, education rights, language rights, cultural expression, victim's rights, social and economic rights...

The huge raft of new "rights" envisaged by the NIHRC, if enacted, would apply to every body, state or private, which operated in Northern Ireland. Which would mean, in effect, that bodies from the Department of Social Security and the Army to Marks & Spencer would be covered. The operation of all these bodies, across the UK, would thus be affected by the NIHRC.

And, as with the Equality Agenda, radicals elsewhere in the UK are looking to the NIHRC to pioneer developments which will then be adopted formally across the UK. Beatrix Campbell in the *Guardian* of 24 May quotes Courtney Hay of the Bradford-based Northern Complainants Aid Fund enthusing over Northern Ireland's Rights Culture:

You've got to have vigorous enforcement. And you've got to make sure that when you have a breach of rights, the people have the means and the right to take their case to court and say "I accuse."

What will "vigorous enforcement" of the rights offered by the NIHRC mean? What will giving people "the means and the right to take their case to court" involve?

On the basis of the programme the NIHRC has outlined it would involve a potentially massive outlay of taxpayers' money for a variety of supplicants in disputes which would be revolutionary in scope. Creating a culture of children's rights would allow sons

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to sue fathers and mothers pursue daughters for slights real or imagined, turn families into litigants' battlegrounds, bring legal conflict into the home and institutionalise domestic disputes.

Creating new rights to eradicate "disablism" would mean that institutions such as the police, fire service or army would no longer be able to discriminate in favour of the able-bodied. Campaigners against sex discrimination have already ensured that the fire service cannot discriminate against women. The price, however, of this equality, has been that those in danger are forced to depend on fire-fighters who lack the physical strength to discharge their duties.

It is a situation which can only get worse.

Creating new rights for ex-prisoners would prevent employers making a proper judgement about the fitness of an individual for any vacancy. The necessary discretion an employer needs to safeguard his employees, investment and plant is forbidden him.

Creating new rights for transsexuals again allows common sense to be supplanted by legal intrusion. Will new rights to marry, adopt and enter any job of their choosing be extended? And if so, at what cost to the dignity, stability and durability of our tested notions of married life?

Of all the new rights listed by Ms Titterton, the idea of "social and economic rights" is particularly dramatic. The creation of social and economic rights would make welfare benefits, access to a job, or even a minimum income legally justiciable entitlements, marking again a significant transfer of power and resources to the State.

How the NIHRC operates in practise remains to be seen, but the values which guide the organisation do not bode well. So far, in its casework and investigation, it has tended to champion those seeking to subvert the legitimate authority of the State rather than those who have been the victims of the greatest abusers of human rights in Northern Ireland – the paramilitary terrorist organisations. The NIHRC's creation, existence and growth is not a triumph for those who fought terrorism, it is a clear strategic gain for those who dislike the British way of doing things and wish to fundamentally re-construct the social order and erode traditional liberties.

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CHAPTER NINE

IT IS A MORAL ISSUE

IN LISTING SOME OF THE DEFECTS in the Agreement which both Sinn Fein and Tony Blair are so anxious to have implemented I have sought to identify several faults. My analysis is based on the belief that a liberal democracy owes certain duties to its citizens.

It has a duty to uphold the right of a majority to live in the jurisdiction they choose – the basic principle of self-determination. Having embraced that duty, it must use all legal measures to defeat criminal subversion designed to overthrow that settlement. The State must also ensure that its law, culture and security forces reflect its willingness to defend the identity of its citizens.

The Belfast Agreement undermines the freely expressed wish of the people of Northern Ireland to remain part of the United Kingdom. The Agreement creates a situation that has been described by Irish Foreign Minister Brian Cowen, in a leaked NIO document:

Beyond the constitutional acceptance that Northern Ireland remained part of the UK, there should be no further evidence of Britishness in the governance of Northern Ireland.

And even that constitutional acceptance is built on quicksand.

The Belfast Agreement poses a threat not just to the Britishness of Northern Ireland but the British way of doing things in law, equality of opportunity, policing and human rights. In every area it creates unhappy precedents, likely to divide our society, burden the taxpayer and bloat the State.

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The Belfast Agreement has, at its heart, however, an even greater wickedness. It is a capitulation to violence, a validation of terrorism which has led “demilitarisation” – the removal of the British Army from our sovereign territory – to be rendered as the equivalent to “decommissioning” – the placing beyond use of illegally-held criminal arsenals. The moral stain of such a process will prove hard to efface. It is a humiliation of our Army, Police and Parliament. But, worse still, it is a denial of our national integrity, in every sense of the word. Surely, is the Belfast Agreement not the greatest achievement of this Government, but an indelible mark against it?

CHAPTER TEN

CONCLUSION

THIS PAMPHLET OPENED WITH the contention that the surest guarantee of the health of a democracy is opposition. It has noted the absence of effective opposition within Ulster's new devolved institutions and the potentially harmful effects on democracy as a consequence of this.

There is merit in opposition for its own sake. No case is so virtuous it cannot benefit from testing. There is nothing wrong, and much to be said, for issuing a simple warning against a clearly disastrous course. On one level it is enough simply to counsel against a clearly disastrous course. The best alternative to joining the Gadarene swine is simply to say no. But there is also an obligation on those providing that opposition to offer a positive alternative.

This pamphlet has set out to prove that current policy to Northern Ireland is flawed, and should be abandoned. In pointing out those mistakes, it seeks to perform a service. But if current policy were to be abandoned, what then?

In the words of the old Irish saw, "you wouldn't want to start from here". But given the conditions which do prevail, certain principles can still be usefully asserted.

Ulster's future lies, ultimately, either as a Province of the United Kingdom or a united Ireland. Attempts to fudge or finesse that truth only create an ambiguity which those who profit by violence will seek to exploit. Therefore, the best guarantee for stability is the assertion by the Westminster Government that it will defend, with all vigour, the right of the democratic majority in Northern Ireland to remain in the United Kingdom. Ulster could then be governed

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with an Assembly elected on the same basis as Wales, and an administration constituted in the same way. Minority rights should be protected by the same legal apparatus which exists across the UK. The legislative framework which has guaranteed the rights and freedoms of Roman Catholics and ethnic minorities in Liverpool and London should apply equally in Belfast and Belleek.

Office should be denied to anyone who was a member of a party linked to a paramilitary organisation that had not decommissioned its weapons and ceased all military activities. In short, all parties should adhere to the principles outlined by Tony Blair in the referendum on the Good Friday Agreement.

Reform of the RUC would concentrate on operational improvement. Recruitment should be monitored over the next five years to see what effect the IRA cease-fire may have on allowing Catholic applications to rise before any further legislation should be contemplated.

Prisoner releases should be halted while punishment beatings go on. And Special Branch activity should be concentrated on the drug networks which still sustain paramilitary groups.

It might be argued that such a policy would trigger an upsurge in terrorist, especially republican, violence. But this only reinforces the point that Britain is in danger of transforming the government of part of our democracy to appease a terrorist threat. And it begs a question: is it preferable either to acquiesce in the fulfilment of terrorist aims, or to defend a democratic majority with all the means at our disposal?

Were the IRA foolish enough to resume its armed campaign, and make use of the weapons it has been trying to smuggle in as well as the many which remain hidden from view, then it would face considerable strategic difficulties. Its electoral appeal would diminish, especially in the Irish Republic. Its operational capability in England, already compromised after the first cease-fire, will have weakened further. Its leadership would be in turmoil, its cynical tactics shown up for what they are.

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In such circumstances, resolute security action, the use of existing antiterrorist legislation and the careful application of intelligence could reduce the IRA to operating as it did in the fifties and sixties. Combining such security measures with a political determination not to allow Ulster's constitutional status to be altered by force of arms would rob the republicans of hope.

It can be done. But does any Government have the will?

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