

Context and Content: Sunningdale and Belfast Compared.

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Introduction

Since the re-escalation of the Northern Ireland conflict in the 1960s, several attempts have been made to arrive at an inclusive settlement satisfying the conflicting parties in the province as well as the Republic of Ireland and the United Kingdom. At the heart of each of these attempts has been the recognition by the majority of the parties involved in the conflict that there are at least two dimensions to any potentially successful settlement – an internal dimension providing for the more equal political participation of both communities and the protection of their identities; and an external dimension taking account of the relationship between the Nationalist community in Northern Ireland and the Republic of Ireland. Since the first introduction of direct rule in 1972 only two initiatives found, at least for some time, sufficient support in both communities to lead to formal agreements and the implementation of negotiated institutional structures. These were the Sunningdale Agreement of 1973 and the Belfast Agreement of 1998.

Both agreements are, in essence, consociational settlements with a strong cross-border dimension (see O’Leary, this volume). However, there are also significant differences between them, both in terms of content and the circumstances surrounding their negotiation, implementation, and operation. These differences are important since they shed light on why the Sunningdale Agreement failed whereas the Belfast Agreement seems to have a reasonable chance of success. In order to provide a structure for the analysis of these differences, I will initially outline the criteria that determine whether or not a consociational settlement with a strong cross-border

dimension can provide long-term stability and peace in situations of intense inter-group conflict. This will be followed by a brief comparison of the content of the two agreements and a more detailed examination of the reasons for the failure of Sunningdale and the apparent success of the Belfast Agreement.

The Stability of Consociational Settlements

In the context of ethnic conflict management, consociations are ideally characterised by four features: a grand coalition between parties representing the main ethnic communities, minority veto rights, proportionality in public sector employment and expenditure, and segmental autonomy.¹ While these aspects were all present in the Sunningdale and Belfast Agreements, another had been added to take account of a specific feature of the Northern Ireland conflict. What is at stake in this conflict, to a significant extent, apart from access to resources, equal opportunities, and political participation, is the issue of *national belonging*. This manifests itself in the competing aspirations of the unionist and nationalist communities: to either maintain the constitutional links with the United Kingdom, or to sever them and establish alternative links with the Republic of Ireland. As a consequence, the Northern Ireland conflict, unlike many other ethnic conflicts, not only involves ethnic groups and the institutions of their host-state, but also the kin-state of one of the groups. In this sense, Northern Ireland has not only been a disputed territory between the two communities living there, but also between Great Britain and the Republic of Ireland. This inter-state dimension, as well as the fact that an influential Irish diaspora lives in the United States, and that both the United Kingdom and the Republic of Ireland have actively participated in the European integration process since 1973, adds a fourth dimension to the Northern Ireland conflict; namely the role of international actors (see Guelke,

this volume). The stability of any settlement reached in such a conflict will, therefore, always depend on factors that can be found on four levels: the disputed territory, the kin-state, the host-state, and the international context.² The individual factors that are associated with each of these levels in the context of the Northern Ireland conflict – including the policy agendas and policies of, and their perception by, each of the conflicting parties; the relationship between the two communities and the political elites representing them, and between them and the British and Irish Governments; the internal and external constraints under which all parties act; and the institutional set-up of the social and political system in Northern Ireland – supply the guidelines for the following analysis.

The Content of Sunningdale and Belfast Compared

Before analysing the breakdown of the Sunningdale Agreement and the success, to date, of the Belfast Agreement, it is necessary to give a brief overview of the content of each of the agreements. As the following table reveals, there are very few differences in relation to core issues addressed by the agreements reached in 1973 and 1998.

Table I: The content of the Sunningdale and Belfast Agreements compared

	Sunningdale Agreement	Belfast Agreement
Signatories	United Kingdom, Republic of Ireland, SDLP, APNI	UK, RoI, UUP, UDP, PUP, NIWC, L, APNI, SF, SDLP
Consent principle	X	X
Self-determination	O	X
Reform of the policing system	X	X
Prisoners	X	X
Bill of Rights	X	X
Abandonment of violence	X	X
Security co-operation	X	X
Cross-border co-operation	X	X
Recognition of both identities	O	X
Inter-governmental co-operation	X	X
Institutional role for the RoI	X	X
Power-sharing	(X)	X
Inter-island co-operation	O	X
Devolution of powers	X	X

Key to abbreviations:

X – issue addressed; (X) – issue implicitly addressed; O – issue not addressed

UK – United Kingdom of Great Britain and Northern Ireland, RoI – Republic of Ireland, UUP – Ulster Unionist Party, UDP – Ulster Democratic Party, PUP – Progressive Unionist Party, NIWC – Northern Ireland Women’s Coalition, L – Labour, APNI – Alliance Party of Northern Ireland, SF – Sinn Féin, SDLP – Social Democratic and Labour Party

Despite the similarities there are also a number of significant differences, primarily related to contextual factors and procedural regulations. The latter relate to three main issues: d'Hondt-proportionality in the Executive, reflecting the relative strengths of the parties in the Assembly; complex voting procedures in the Assembly ensuring virtual veto rights for each of the two communities; and the fact that the implementation of decisions taken by the North-South Ministerial Council has been made dependent upon their approval by both the Irish Parliament and the Northern Ireland Assembly. This reflects the commitment, in particular by the British and Irish Governments, to assure the unionist community that no decision can be made without their consent. The Belfast Agreement is also distinct from the constitutional arrangements put in place in 1973 in that it does not require a formal grand coalition, although it 'created strong incentives for executive power-sharing.'³ Moreover, the 1998 Agreement was the outcome of a more inclusive process that involved representatives of paramilitary organisations alongside the mainstream constitutional parties.

The Failure of Sunningdale and the Success of Belfast: A Contextual Analysis

A Short Background to the Sunningdale Agreement

As a result of severe inter-communal violence and the inability of the authorities in Northern Ireland to address this and the underlying problems, the British Government suspended the parliament and government in the province early in 1972. The Conservative Government, elected two years earlier, relied initially on a policy of economic and social reform in Northern Ireland it had inherited from its Labour predecessors. However, the new Government faced new challenges: the fragmentation

of the Unionist party system⁴ and the rise to political prominence and influence of loyalist diehards like William Craig, the founder of Vanguard, and Ian Paisley, the leader of the Democratic Unionist Party (DUP); a radicalisation of sections of the nationalist community; a resurgence of IRA violence and a continuation of loyalist violence; and a worsening of relations between nationalists and the British army.

A first attempt to start an inclusive dialogue among the constitutional parties in the province failed after only three of the seven parties⁵ in the Northern Irish parliament accepted the first Secretary of State's, William Whitelaw's, invitation to a three-day conference in September 1972 to discuss the future direction of constitutional reform in Northern Ireland. Despite the fact that no formal agreement was reached between Unionists, the Alliance Party, and the Northern Ireland Labour Party (NILP), Whitelaw presented a Green Paper in October 1972, entitled *The Future of Northern Ireland: A Paper for Discussion*,⁶ which also included a policy paper by the Social Democratic and Labour Party (SDLP) reflecting its demands for the creation of power-sharing arrangements as an interim solution on the path to eventual Irish unification.⁷ What was crucial in the Government's new approach to the situation in Northern Ireland was its acknowledgement of an 'Irish dimension' and a reaffirmation of the principle of consent in matters regarding Irish unification.⁸ After a referendum had been held in Northern Ireland on the constitutional status of the province, the so-called 'border poll', which had shown a clear majority in favour of continuing links with the United Kingdom,⁹ the British Government put forward its constitutional proposals in a White Paper, entitled *Northern Ireland Constitutional Proposals*. These proposals became law in the Northern Ireland Constitution Act of 1973 and detailed the legislative powers of the Assembly¹⁰ and the competences and

structure of its executive arm,¹¹ the funding of the new arrangements, the procedures for a Human Rights Bill, and the establishment of a Council of Ireland.

Based on an STV (PR) electoral system which returned between five and seven candidates in each of the parliamentary constituencies (and on a turnout of 72.5 per cent), the elections on 28 June 1973 returned 78 representatives from eight parties to the new Assembly. The Ulster Unionists won 29.3 per cent of the vote and sent 24 members to the Assembly, followed by the SDLP with 22.1 per cent and 19 successful candidates. Together with the Alliance Party, which won 9.2 per cent of the vote and 8 seats, they formed a coalition government, the Northern Ireland Executive, initially supported by 51 of the 78 members of the Assembly. Subsequently, representatives of the British and Irish Governments and of the parties involved in the designated executive met at Sunningdale and discussed and agreed the setting up of the Council of Ireland.¹² The conference also agreed on closer co-operation in security-related matters, on inviting the Council of Ireland to draft a human rights bill, and on the possibility of a future devolution of powers from Westminster to the Northern Ireland Assembly and the institutions of the Council of Ireland. As of 1 January 1974 all these new arrangements took effect.

A Short Background to the Belfast Agreement

After almost fifteen years during which the settlement of the Northern Ireland conflict, despite a variety of initiatives, was no nearer to resolution, the situation began to change for the better. In October 1988, the Ulster Unionist Party (UUP), the DUP, the Alliance Party, and the SDLP had met in Duisburg, West Germany without, however, achieving any breakthrough. Talks had also been held between the SDLP and Sinn Féin (SF) in the first half of 1988. These developments, coupled with the

public acknowledgement by the then Secretary of State for Northern Ireland, Peter Brooke, that the IRA could not be defeated militarily, that he would not rule out talks between the Government and SF should IRA violence cease, and that the British Government had no selfish strategic or economic interests in Northern Ireland, paved the way for the Brooke/Mayhew¹³ talks, involving the UUP, the DUP, the Alliance Party, and the SDLP. These talks were held between March 1991 and November 1992 during a break in the operation of the Anglo-Irish inter-governmental conference to ensure the participation of the unionist parties. With no major progress made, and a decreasing willingness to co-operate on the part of the DUP, the talks eventually collapsed when the resumption of the Maryfield secretariat¹⁴ prompted the unionists to withdraw from the talks.

After further talks between John Hume and Gerry Adams had become public knowledge, they issued two joint statements, in April and September – dubbed collectively as the ‘Hume/Adams initiative’ - outlining nationalist and republican views of the ‘road to peace.’ At the end of the year, following a series of meetings, the Irish Prime Minister Albert Reynolds and British Prime Minister John Major issued their *Joint Declaration*. Further confidence-building measures followed early in 1994 when the broadcast ban on SF was lifted in the Republic of Ireland, Gerry Adams was granted a visa to enter the USA, and the Northern Ireland Office issued a statement in which it addressed questions by Sinn Féin concerning the *Joint Declaration*. Although Sinn Féin remained critical of the Declaration, a secret meeting was held between the then Secretary of State for Northern Ireland, Patrick Mayhew, and a SF delegation in August, which was followed by the IRA’s announcement of the ‘complete cessation of all military activities’ on 30 August. On 13 October 1994 the Combined Loyalist Military Command announced its cease-fire. At the end of the year the British

Government, represented by officials of the Northern Ireland Office, began a series of talks with those political parties affiliated to paramilitary organisations, namely with SF on 9 December 1994, and with the Progressive Unionist Party (PUP) and the Ulster Democratic Party (UDP) on 15 December 1994. Thus, within a year of the *Joint Declaration*, cease-fires had been announced by the major paramilitary organisations that, unlike those of the past, seemed, if not permanent, at least longer-term. In addition, the British Government had entered into official and formal talks with representatives of the paramilitary organisations of both communities.

The British and Irish Governments then developed *A New Framework for Agreement*, which proposed structures for north-south (Northern Ireland – Republic of Ireland) and East-West (British-Irish) institutions and sought to integrate the earlier suspended three-strand talks with a new effort at peacemaking.¹⁵ The British Government also proposed its own ideas for a possible solution of the conflict within Northern Ireland in *A Framework for Accountable Government in Northern Ireland*, in which a separation of powers between legislature, executive, and judiciary was recommended to the political parties of Northern Ireland.

Despite the setback caused by the end of the first IRA cease-fire in February 1996, the British and Irish Governments announced the beginning of all-party talks, following elections in May, for June 1996. Although Sinn Féin polled a record 15.5 per cent of the vote in these elections, the party was not allowed to take its seats at the negotiating table because IRA violence continued and the party did not sign up to the Mitchell principles of non-violence.¹⁶ The subsequent multi-party talks commenced as planned but did not bring about any significant results in their first year. The election of a Labour Government in May 1997, the emphasis Labour put on reaching a settlement in Northern Ireland and the perception, especially among the nationalist

community, that there was a new approach to Northern Ireland opened up new possibilities. In July 1997, the IRA renewed its cease-fire. After Sinn Féin had signed up to the Mitchell Principles the party was allowed into the talks at Stormont, precipitating a walk-out by the DUP and the UK Unionist Party. After more than six months of intensive negotiations, punctuated by several setbacks, eight political parties in Northern Ireland and the British and Irish Governments reached the Belfast Agreement.

Failure and Success (I): The Conditions in Northern Ireland

The balance of power in the Assembly after the 1973 election seemed to provide a promising and strong basis in favour of the new arrangements, since those who campaigned on an anti-White Paper platform were in an overall minority, despite having secured a majority of first preference votes and seats for Unionists.¹⁷ Even before the conference at Sunningdale opposition on the Unionist side started to grow. On 5 December 1973, five of the seven Westminster MPs of the Unionist Party allied themselves with Harry West, who had headed the anti-White paper campaign within the Unionist Party. This seriously weakened the stance of its then leader and Chief Executive designate, Brian Faulkner. His grip on the leadership of the party was undermined further when, on 6 December 1973 (the first day of the Sunningdale Conference), six hundred representatives of constituency associations of the Unionist Party, Vanguard, the DUP, and the Orange Order joined forces in the United Ulster Unionist Council (UUUC). The UUUC perceived the Sunningdale Agreement as signalling the end of the union with Britain, in particular as there was no adequate assurance by the Irish Government recognising Northern Ireland as part of the United Kingdom.¹⁸ On 4 January 1974, the Ulster Unionist Council, the governing body of

the Unionist party, rejected the proposed Council of Ireland by 427 votes to 374. Faulkner resigned as leader of the party, but remained in place as Chief Executive. West succeeded Faulkner as Party Leader on 22 January, and the paradoxical situation arose whereby the head of the Executive was opposed by a majority in his own party.

So far, David Trimble has avoided a similar fate by skilful manoeuvring and has remained in control of his UUP. The Ulster Unionist Council has until now supported Trimble's course of supporting the Belfast Agreement, but the support figures have become narrower, declining to 58 per cent in the crucial vote on 27 November 1999 on the compromise reached after the Mitchell Review of the Belfast Agreement. At the same time the Unionist community as a whole remains similarly divided over whether to support the peace process in its current form or not. Ian Paisley's Democratic Unionists are the main force of opposition, yet even they have decided to nominate ministers and committee members for the Northern Ireland Executive, Paisley himself chairing the Agriculture and Rural Development Committee. It is not clear yet whether the DUP will pursue a similar course as in 1974, setting out to 'wreck the assembly', or whether they will form some kind of constructive opposition. More important, however, is the fact that the political representatives of loyalist paramilitaries, the PUP, which has two members in the Assembly, and the UDP have thus far supported the peace process and distanced themselves from the opponents to the Belfast Agreement. With the Alliance Party and the Women's Coalition also in support of the Agreement – and prepared to re-designate themselves as members of the unionist bloc in the Assembly rather than as 'others' - the political basis for its opponents is far narrower than it was in 1974.

A further aspect of the situation in Northern Ireland that proved to be one of the causes for the failure of Sunningdale was the continuation of IRA violence

throughout the brief existence of the power-sharing executive in 1974.¹⁹ In combination with the absence of the hoped-for co-operation of the Irish Government in security matters, the rising death toll diminished the chances of unionists being persuaded by the usefulness of the Sunningdale arrangements – especially since the price they were supposed to pay for an improved security situation was the ‘Irish dimension’. Yet, violence did not only originate from republican paramilitary groups but also from their loyalist counterparts. The perceptions and fears among the radical sections in each community found deadly expression in the two major violent incidents of the period during which the Sunningdale Agreement was operated. On 4 February 1974, 12 people were killed in an IRA bomb attack on a British army coach on the M62 in Yorkshire, England, costing the lives of nine soldiers and three civilians. On 17 May 1974, 33 civilians were killed in car bomb explosions carried out by loyalist paramilitaries in Dublin and Monaghan in the Republic of Ireland. The escalation of violence also had a further effect on the prospects for success of the Sunningdale Agreement. The mutual infliction of pain legitimised the radicals in each community, thus further diminishing the ground on which moderates could seek and reach agreement.

By the time the Belfast Agreement was negotiated the situation had fundamentally changed. While the goal of a united Ireland is undiminished among nationalists and republicans and though unionists and loyalists remain attached to the union with Great Britain, this discord manifests itself no longer in violence to the same degree as it did in 1974. Since the beginning of the final round of the negotiation process in the autumn of 1997, all the major paramilitary organisations have upheld their cessations of military activities. This has created a climate of relative calm and peace, enabling the major parties to the conflict to arrive at an

agreement.²⁰ The apparent sincerity with which the accommodation has been reached has also manifested itself in the constructive participation of political parties representing paramilitaries on either side of the sectarian divide, signalled by their endorsement of the Mitchell Principles of non-violence.²¹

For the unionist community, the primary focal point of opposition to the Sunningdale Agreement was its Irish dimension, i.e., the Council of Ireland and the competences that it had been assigned in the agreement. However, the nationalist community also became increasingly disaffected with the Sunningdale process, the more it became clear that some of its concerns were not sufficiently well addressed, especially in the area of social and economic policies. Although the Northern Ireland Executive had published a policy paper on these issues, entitled *Steps to a Better Tomorrow*, in January 1974, there was neither the time nor the political willingness to implement policies aimed at an improvement of the situation of the minority community.

It was all the more important in these circumstances for nationalists, and for the SDLP as their political representative, to preserve those parts of the Sunningdale Agreement that they considered to be in their favour. This brought the SDLP into opposition with those Unionist parties which, although in favour of the power-sharing arrangements in Northern Ireland, argued against the ratification of the Sunningdale Agreement as long as the Republic of Ireland continued to uphold its claims to the whole of the island in Articles 2 and 3 of the Irish Constitution. Such a 'watering down' of the agreement, however, was unacceptable for the SDLP, especially as the all-Ireland institutions, in the words of one leading SDLP member, were hoped to 'produce the dynamic that could lead ultimately to an agreed single State for Ireland.'²²

This rift between the two main parties supporting power-sharing also sheds light on the difficulties each faced within their own communities and even within their parties. After Faulkner had lost the support of the Unionist Party, he also began to face opposition to his course of action from among the unionists within his governing coalition after the Ulster Workers Council (UWC) had called for a general strike.²³ Roy Bradford, Minister of the Environment in the Executive, openly defied Faulkner, the then Secretary of State for Northern Ireland, Merlyn Rees, and British Prime Minister Harold Wilson, by publicly arguing for negotiations with the strike leaders.²⁴ Within the SDLP, its leader Gerry Fitt faced different problems. Not only was there the dilemma of the continuation of internment, but there was also the issue of the rent and rates strike, which the SDLP, instrumental in starting it, was determined to end now that the party had joined the Executive. These intra-party problems increased the opportunities for radical elements within each community to outflank the moderates, thus crucially undercutting their support. In the case of the Unionists, this became evident in the Westminster elections called for 28 February 1974 which were seized upon by the UUUC and turned into a referendum on the new constitutional status of Northern Ireland. Opponents of any change in the *status quo* won 51 per cent of the vote and eleven of the twelve parliamentary seats in Northern Ireland, with the remaining seat going to the SDLP. This was so obvious a difference compared to the results of the Assembly election less than a year earlier that the UUUC considered itself as having been given a popular mandate to continue and stiffen its opposition.

Whereas the 1973 arrangements were implemented by government decree, the Belfast Agreement was endorsed by electorates in both the Republic of Ireland and Northern Ireland *via* referendum, thus giving the people a sense of 'ownership' over

the outcome. The wave of support for the Belfast Agreement in both jurisdictions, and within the communities in Northern Ireland, was unprecedented. Already in 1996, a survey on the attitudes of relevant publics in Northern Ireland towards negotiations and negotiated settlements concluded that, if a settlement based on the 1995 framework documents was to work, unionists would have to be persuaded that such an agreement would offer ‘them the best long-term insurance they can get’ and that there would be no better alternative.²⁵ It seems that among a small majority of unionists such a consensus exists, but it is now up to the Executive and the Assembly elected in June 1998 to deliver in order to maintain and increase this majority. The same survey concluded that nationalists should not be told, nor maintain, ‘that they have established all the necessary stepping stones to achieving a unified Ireland within a decade.’ The extent to which this latter condition has been achieved is more difficult to assess. While the SDLP’s leader, John Hume, has on several occasions expressed his unqualified satisfaction with the structures of the Belfast Agreement,²⁶ Sinn Féin President Gerry Adams has made it equally clear that his party’s ‘goal remains the establishment of a united free and independent Ireland. We believe the Good Friday Agreement is the transitional structure that will allow us to achieve that legitimate objective.’²⁷ However, what distinguishes the situation from that 25 years ago is the fact that there is a more realistic view among leading republicans who acknowledge that the Belfast Agreement is a necessary prerequisite for the goal of Irish unification. While this entails support for the implementation process at present, their interpretation of the Agreement as a mere stepping stone towards a united Ireland bears the seeds of conflict with the SDLP as well as with the pro-Agreement Unionist parties. The republican project also complicates the relationship between the SDLP and pro-Agreement Unionists. The situation may well arise in which the SDLP

has to ethnically outbid SF at subsequent elections, especially if the constitutional arrangements now in place do not deliver quickly and visibly enough the benefits expected by either community. This would, as in 1974, do little to help encourage compromise over the more fundamental divide between the two communities over the issue of national belonging.

Failure and Success (II): The Role of Great Britain and the Republic of Ireland

Although the elections to the Northern Ireland Assembly in 1973 seemed to be a clear vote in favour of the new constitutional arrangements, the reality of the situation in the province betrayed this superficial impression. While the co-operating elites had a secure two-thirds majority *in* the Assembly, their influence and control over their (former) electorate was far less permanent and stable; this was evidently the case of pro-Sunningdale Unionists and the bi-national Alliance Party.²⁸ Apart from this lack of popular support for the settlement, there was also an essential lack of institutional support and a failure of politicians in London and in Dublin to counter-act the increasingly ominous threats to the survival of Sunningdale. In order to work, the constitutional arrangements envisaged for Northern Ireland would have required substantial support from London and from Dublin for the parties forming the Northern Ireland Executive who were vulnerable to pressures from within their own communities. That this support for pro-agreement politicians was not forthcoming was one of the major reasons for the failure of this early attempt to resolve the Northern Ireland conflict.

When a motion against power sharing and the Council of Ireland was defeated in the Assembly by forty-four to twenty-eight votes on 14 May 1974, the UWC called for a general strike. Once the strike was under way, the minority Labour Government,

which had come to power only after general elections on 28 February 1974, made a number of serious political errors. Buoyed by the failure of earlier strikes, such as those by the Loyalist Association of Workers in 1973, the Government fundamentally misjudged the nature and potential strength of the UWC. A broad coalition of loyalist trade unionists, politicians, and paramilitaries, the UWC had a single-issue agenda with great mobilisation potential ('wrecking Sunningdale'), and the resources and determination to see the strike through to the end. As a consequence of its miscalculations, the British Government lacked almost completely in resolve to either break the strike in its early days, when many moderate unionists were still undecided, or to take decisive steps to restore essential services and law and order. This inactivity persisted even after a state of emergency had been declared on 19 May 1974, following, among others, the explosion of four car bombs in the Republic of Ireland two days earlier. The Executive, facing an increasingly desperate situation, realized that only a combined military and political initiative could save the Sunningdale Agreement. Yet, lacking in the resources to deliver on the former,²⁹ its announcement on 22 May 1973 that the implementation of the Council of Ireland would be postponed proved counter-productive. The strikers interpreted this as a sign of weakness, while tensions between Unionists and Nationalists in the Executive grew.

To complicate the situation even further, Harold Wilson, the Labour Prime Minister, condemned the strike in a TV broadcast as a 'deliberate and calculated attempt to use every undemocratic and unparliamentary means for the purpose of bringing down the whole constitution of Northern Ireland'. He also accused the strikers of 'sponging on Westminster and British democracy',³⁰ a remark which both broadened and deepened the alienation of the unionist community. Even after this statement on 25 May 1974, no decisive steps were taken to end the strike, either by

entering into negotiations with the UWC, as Faulkner demanded, or by deploying and using enough security forces, as the SDLP requested. In these circumstances the Executive as a whole lost its confidence in the willingness and ability of the British Government to preserve the constitutional arrangements put in place at the beginning of the year.

The situation in the Republic of Ireland, too, did little to help ensure the success of Sunningdale. Not only was the Sunningdale Communiqué vague in its wording, in particular it lacked a guarantee by the Irish Government concerning the constitutional status of Northern Ireland. This was further aggravated by a ruling of the Irish Constitutional Court on the compatibility of Article 5 of the Sunningdale Communiqué³¹ with Articles 2 and 3 of the Irish Constitution on 16 January 1974. The Court declared that Article 5 was merely a statement of policy, but that any attempt to implement it might be in violation of the constitution.³² Realising the potential dangers for the situation in Northern Ireland, the Dail rejected Neil Blaney's motion against partition on 25 February; and on 13 March, Cosgrave gave further assurances stating that 'the factual position of Northern Ireland is that it is within the United Kingdom' and that his 'government accepts this as a fact.'³³ Yet, in the eyes of loyalists, this was too little, too late.

The effects on the situation in Northern Ireland were devastating. As neither the Northern Ireland Executive nor the British Government sought clarification from the Irish Government on this issue, the SDLP's interpretation of the new constitutional arrangements – that they were merely transitional on the road to Irish unity – was significantly strengthened. Correspondingly the fears within the unionist community fears about the constitutional future of Northern Ireland were compounded.

In addition, the Labour Government under Harold Wilson also did little to assure loyalists of its genuine desire to find a settlement acceptable to all parties. Instead, British policy statements increased loyalist fears of a sell-out. In a speech in Newcastle-under-Lyme, the then Secretary of State for Defence, Roy Mason, acknowledged the pressure put on the government to set a date for the army to be withdrawn from Northern Ireland in order to increase the leverage on politicians in the province to seek a solution to their differences.³⁴ Even more difficult to explain was a letter by the Secretary of State for Northern Ireland, Merlyn Rees, which was presented at an IRA press conference on 13 May 1974, in which Rees had stated, 'We have not the faintest interest to stay in Ireland and the quicker we are out the better.'³⁵

By the time of the Belfast Agreement, these lessons had been learnt. The Irish Government took a more flexible and conciliatory approach in its attempts to accommodate the unionist community and has thus made a significant and positive contribution to the progress of the peace process. Equally, the British Government consistently argued the case of consent, that is, no change in the constitutional status of Northern Ireland without the consent of a majority of its population. The most significant step, however, was the preparedness of the Irish Government to withdraw its constitutional claim to Northern Ireland, subject to the approval of such a move by a referendum in the Republic. As anticipated, the Irish electorate voted in favour of the constitutional amendment in 1998, and the Irish Prime Minister, Bertie Ahern, signed the amendment, formally repealing Articles 2 and 3 of the Republic's constitution, after the Northern Ireland Secretary, Peter Mandelson, and the Irish Foreign Minister, David Andrews, had signed the new Anglo-Irish Treaty on 2 December 1999. The Treaty put formally in place the North-South Ministerial Council, the British-Irish Intergovernmental Conference and British-Irish Council, as

constituent elements of strands two and three of the Belfast Agreement. It is also noteworthy that, in sharp contrast with the situation in 1973-74, the British Government has placed Northern Ireland high on its agenda³⁶ and that Prime Minister Blair has made several personal interventions to prevent a breakdown of the peace process.³⁷

Apart from the discrete efforts made by both the British and Irish Governments, it has also been vital that the two have acted in concert. This partnership has demonstrated a commonality of purpose, thereby eliminating the possibility that the gap between the parties in Northern Ireland might widen as they sought the patronage of either of the two governments. It was equally important that the joint efforts of the British and Irish Governments were endorsed publicly by leading politicians in the United States, including President Clinton, and that, as British, Irish, and US politicians took responsibility for the success of the Belfast Agreement, they included politicians in Northern Ireland.³⁸ In contrast to 1973-74, the front of supporters of the new agreement is not only broader, it is also less likely to crack under pressures that have their source in political quarrels and difficulties elsewhere, as was the case with the Westminster elections of February 1974.

Finally, the role of Great Britain and the Republic of Ireland is also vital with regard to the question of what alternative arrangements would be put in place should the Belfast Agreement fail. A comparison with the situation that existed after Sunningdale reveals that the incentives for both communities to find a *modus vivendi* within the Agreement structure are more compelling than they were before. The failure of Sunningdale meant the re-introduction of direct rule, an outcome that many in the unionist community preferred to power-sharing. A failure of the Belfast Agreement, however, could mean that the United Kingdom and the Republic of

Ireland may move towards joint sovereignty over Northern Ireland or a similar arrangement according to which the two governments would make decisions regarding the province largely on their own. Clearly, this is not an outcome that unionists would welcome. Nationalists, however, would also lose out. Not only would the influence of both communities on policy and decision making in Northern Ireland be immensely diminished, but the British presence in Northern Ireland would be maintained, even extended.

Failure and Success (III): The International Context

The pre-negotiation and negotiation stages of the Belfast Agreement as well as the period since Good Friday 1998, in which steps towards its implementation have been taken, underline the importance of the international context (see Guelke, this volume). This context, especially the involvement of the United States, has been a critical factor in the success to date of this latest effort to settle the Northern Ireland conflict. In particular, the international mediation of the talks process and the simultaneous and subsequent American pressure on, and incentives for, all parties in the process to come to an agreement and to implement it has played a significant role in the maintenance of the peace process. The Irish Foreign Minister, David Andrews, acknowledged the vital role of former Senator George Mitchell in brokering the Belfast Agreement in 1998 and in overcoming the decommissioning impasse in 1999, as well as the support of other member states in the European Union at the signing of the new Anglo-Irish Treaty.³⁹ The early endorsement of the post-Agreement peace process in the form of the award of the Nobel Peace Prize to John Hume and David Trimble was similarly important. It assisted in encouraging the pursuit of a long-term and stable peace in Northern Ireland and in putting the spotlight on the developments

in the province in which the major protagonists could less and less afford to fail in their efforts to seek accommodation.

Conclusion

Despite the fact that the conditions for success are much more favourable in relation to the Belfast Agreement than they ever were for the Sunningdale Agreement, the current peace process has experienced several set-backs. Most have their sources in three issues: the different expectations and interpretations of the Belfast Agreement by the conflicting parties; the decommissioning of paramilitary weapons; and the reform of the policing system. Each of these, and potentially other, problems has the capacity to bring the implementation of the Belfast Agreement to a stand-still, of creating serious impasses during its operation, and eventually of destroying the peace process as a whole through 'post-Agreement bargaining and legalism.'⁴⁰

In summary, the resolution of the conflict in Northern Ireland, in all its different aspects and dimensions, and in its dependence on factors that can be influenced only to a limited degree by political actors in Belfast, London, and Dublin, is not certain. However, it is not too unlikely to imagine that it may be resolved within and by the institutional framework set out in the Belfast Agreement. The content of the Agreement is more acceptable to a wider spectrum of political groups in Northern Ireland, and the context in which the supporters of this new accommodation seek to implement it has also greatly improved in comparison with the situation in 1973-74.

Yet, a degree of uncertainty over the eventual success of the current peace process remains. The reason for this uncertainty is that the Belfast Agreement, as the agreement reached in 1973, is dependent upon the continuing co-operation of two communities that still have fundamentally different political aspirations and identities.

These, of course, may alter over time provided that the opportunities and incentives for such change exist.

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¹ Cf., for example, Arend Lijphart, *Democracy in Plural Societies* (New Haven, CT, and London, UK: Yale University Press, 1977), 25-52, and John McGarry and Brendan O'Leary, 'Introduction. The Macro-Political Regulation of Ethnic Conflict', in John McGarry and Brendan O'Leary (eds.), *The Politics of Ethnic Conflict Regulation* (London: Routledge, 1993), 36-38.

² I have explored these issues more fully in: Stefan Wolff, 'Managing External Minorities, Disputed Territories, and the Stability of Conflict Settlements', Ph.D. thesis (London, 1999).

³ Brendan O'Leary, 'The Nature of the British-Irish Agreement', *New Left Review* no. 233 (1999), 66-96, 73.

⁴ In 1970, a general process of party realignments took place in Northern Ireland that affected not only the Unionist community. In April 1970, the cross-communal Alliance Party of Northern Ireland (APNI) was founded, and in August of the same year, the Social Democratic and Labour Party (SDLP) was established in an effort to unite nationalist, left-wing, and civil rights activists.

⁵ The March 1969 elections had returned only four political parties to Stormont (Unionists, Nationalists, the Northern Ireland Labour Party, and Republican Labour). As a consequence of the changes in the party system, three more parties had representatives in Stormont – the Alliance Party, the SDLP, and the DUP (Paisley had won an April 1970 by-election).

⁶ Northern Ireland Office, *The Future of Northern Ireland: A Paper for Discussion* (London and Belfast: HMSO, 1972).

⁷ Social Democratic and Labour Party, *Towards a New Northern Ireland*, (Belfast, 21 September 1972), reprinted as Annex 7 in Northern Ireland Office, *The Future of Northern Ireland*.

⁸ Northern Ireland Office, *The Future of Northern Ireland*, paragraphs 76-8.

⁹ This border poll had been promised by Edward Heath at the suspension of the Stormont system in 1972. Boycotted by the Nationalist community, the turnout was under sixty per cent. Of those participating less than one per cent voted in favour of Irish unification, thus leaving approximately fifty-eight per cent of the electorate opposed to a union with the Republic of Ireland.

¹⁰ The Northern Ireland Constitution Act created three categories of legislative powers – excepted matters (those matters of 'national importance' exclusively dealt with by the parliament in Westminster), reserved matters (those normally handled by the parliament in Westminster, but where the Northern Ireland Assembly could, with consent of the British Government and parliament, obtain the right to pass legislation on a case by case basis), and transferred matters (all non-excepted and non-reserved matters for which the Assembly enjoyed unrestricted legislative powers). Reserved and excepted matters were detailed in Schedules 2 and 3 of the Northern Ireland Constitution Act of 1973, and it was understood that all matters not listed in either of the two schedules would be considered as transferred.

¹¹ Although not directly demanding a power-sharing executive, Section 2 of the Northern Ireland Constitution Act required that the devolution of legislative powers to the new Assembly be withheld until the Secretary of State for Northern Ireland was satisfied 'that a Northern Ireland Executive can be formed which, having regard to the support it commands in the Assembly and to the electorate on which that support is based, is likely to be widely accepted throughout the community.' The collective membership of the Executive was composed of the Heads of Departments of Northern Ireland (chaired by a Chief Executive), who, at the same time, were to chair functional committees in their area of responsibility reflecting the party balance in the Assembly.

¹² The provisions foresaw a Council of Ministers with executive, harmonising, and consultative functions, consisting of an equal number of delegates from the Northern Ireland executive and the Irish Government, and a Consultative Assembly of thirty members from each of the parliaments, chosen by proportional representation on the basis of the single transferable vote system within each parliament. The Council, operating on the basis of unanimity, was to have executive functions in the fields of the environment, agriculture, co-operation in trade and industry, electricity, tourism, transport, public health, sport, culture, and the arts. Cf. *Communiqué issued by the British and Irish Governments and the parties involved in the Northern Ireland Executive (designated)* on 9 December 1973.

¹³ Patrick Mayhew succeeded Brooke in 1992.

¹⁴ This was part of the permanent institutional framework set up by the Anglo-Irish Agreement.

¹⁵ Cf. Brendan O'Leary, 'Afterword: What is Framed in the Framework Documents', *Ethnic and Racial Studies*, vol. 18, number 4, October 1995, 862-72, here 867.

¹⁶ Former US Senator George Mitchell who later co-chaired the negotiations process recommended 'that the parties to such negotiations affirm their total and absolute commitment: (a) To democratic and exclusively peaceful means of resolving political issues; (b) To the total disarmament of all paramilitary organisations; (c) To agree that such disarmament must be verifiable to the satisfaction of an independent commission; (d) To renounce

for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations; (e) To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and, (f) To urge that “punishment” killings and beatings stop and to take effective steps to prevent such actions.’ Cf. George J. Mitchell, John de Chastelain, and Harri Holkeri, *Report of the International Body on Arms Decommissioning* (22 January 1996).

¹⁷ DUP – 11% (8 seats); Vanguard – 11% (7seats); West Belfast Loyalists – 2% (3 seats); Unionists who had not committed to the White Paper – 9% (8seats).

¹⁸ Article 5 of the *Communiqué* reads: ‘The Irish Government fully accepted and solemnly declared that there could be no change in the status of Northern Ireland until a majority of the people of Northern Ireland desired a change in that status. The British Government solemnly declared that it was, and would remain, their policy to support the wishes of the majority of the people of Northern Ireland. The present status of Northern Ireland is that it is part of the United Kingdom. If in the future the majority of the people of Northern Ireland should indicate a wish to become part of a united Ireland, the British Government would support that wish.’ In terms of the Irish declaration, this was clearly short of the sort of change in the Irish constitution that would be made in 1998/99 in relation to Articles 2 and 3.

¹⁹ By the end of May 1974, the death toll among British soldiers in Northern Ireland had increased to 214, with an additional 52 RUC members and 45 UDR men killed. Cf. Tim Pat Coogan, *The Troubles. Ireland’s Ordeal 1966-1995 and the Search for Peace* (London: Hutchinson, 1995), 168.

²⁰ One major exception must be made in this context: On Saturday 15 August 1998, 29 civilians were killed in a bomb attack in Omagh, which was carried out by the Republican splinter group ‘Real IRA’.

²¹ Sinn Féin, for example, had voted against standing in the 1973 local council and assembly elections as well as against contesting the 1974 Westminster elections, with the rationale all political activity was merely a distraction from the war for a united Ireland. Cf. Patrick Bishop and Eamonn Mallie, *The Provisional IRA*, (London: Corgi Books, 1987), 265.

²² Paddy Devlin, SDLP member of the Assembly and head of the Department of Health and Social Services of the Executive. Quoted in Bishop and Mallie, *The Provisional IRA*, 266. Without defending the all-Ireland institutions, the SDLP would also have faced a likely decline in its support with the more committed Nationalists turning to the Republican movement. Cf. Coogan, *The Troubles*, 175.

²³ The UWC was founded earlier in 1973 in the course of a strike that had broken out after the internment of Loyalists.

²⁴ ‘The Secretary of State should be encouraged to open lines of communications with the Ulster Workers Council before the province is allowed to slide into chaos.’ Quoted in Coogan, *The Troubles*, 171.

²⁵ Cf. Geoffrey Evans and Brendan O’Leary, “Frameworked Futures: Intransigence and Flexibility in the Northern Ireland Elections of May 30 1996” in *Irish Political Studies* 12, 1997, 23-47, here 45f.

²⁶ Hume stated that ‘we, alone of all the major parties, were able to welcome the Agreement unreservedly.’ Cf. John Hume, ‘Address to the 29th SDLP Party Conference’, 6 November 1999, source: <http://sdlp.ie/>. In his address to the SDLP’s 28th Annual Conference on 14 November 1998, Hume said: ‘Our party needs to make no apology for our aspiration to the unity of our people. But let us consider our definition of unity.’ He went on to outline his definition of unity as follows: ‘At this point in our history, we have achieved a truly valuable unity: the unity of purpose across all previous boundaries of party and tradition that suffuses, informs and directs the institutions and principles of the Good Friday agreement; the unity of purpose that directs the new politics on behalf of all of the people in this society; the unity of purpose undertaken on behalf of all the people of these islands, north and south, east and west.’ John Hume, ‘Address to the 28th SDLP Party Conference’, 14 November 1999, source: <http://sdlp.ie/>.

²⁷ Gerry Adams, ‘Address to Assembly’, 29 November 1999, source: <http://sinnfein.ie/>.

²⁸ The votes both received in the 1974 Westminster elections were reduced to one third of the results they had achieved in the 1973 Assembly elections. Part of the explanation lies in the different voting systems applied in both elections – PR for the Assembly and plurality rule for the Westminster elections.

²⁹ According to the Northern Ireland Constitution Act 1973, security was one of the matters over which the British Government retained exclusive competence. The Northern Ireland Executive was thus entirely dependent upon Westminster in the defence of the constitution against the UWC strike.

³⁰ Quoted in Patrick Buckland, *A History of Northern Ireland* (Dublin: Gill and Macmillan, 1981), 172.

³¹ Cf. above, n. 18.

³² Cf. Kevin Boyle and Tom Hadden, *Northern Ireland. The Choice* (London: Penguin Books, 1994), 120.

³³ William Cosgrave in the Dail Debate on 13 March 1974, quoted in Coogan, *The Troubles.*, 169.

³⁴ Cf. J. Bowyer Bell, *The Irish Troubles. A Generation of Violence, 1967-1992* (Dublin: Gill and Macmillan, 1993), 409.

³⁵ Quoted in Bell, *The Irish Troubles*, 410.

³⁶ The replacement of the first Secretary of State for Northern Ireland, William Whitelaw, was a result of ‘domestic’ problems of the British Government at the time (Whitelaw was recalled to London to head the Department of Social Security and ‘deal’ with the miner strike). The replacement of Mo Mowlam in 1999 was a concession to the UUP.

³⁷ These have come at crucial junctures of the peace process, for example, at the eve of the Belfast Agreement in the form of an eleventh hour personal participation in the negotiations, or during the decommissioning impasse in

the form of the *Draft Declaration* issued together with Irish Prime Minister Bertie Ahern at Hillsborough Castle on 1 April 1999.

³⁸ A *Joint Statement* by Bertie Ahern, Tony Blair, and Bill Clinton on 18 March 1999 emphasised: ‘The Agreement ... must be implemented in all its aspects and the remaining difficulties must be resolved. We, as leaders, bear that responsibility and that means all of us whether we live in Northern Ireland, the Republic, Britain or the United States.’

³⁹ ‘We have benefited throughout from the support of the international community and in particular our partners in the European Union and our friends across the Atlantic.’ David Andrews, Speech at the signing ceremony of the new Anglo-Irish Treaty on 2 December 1999. Source: http://news.bbc.co.uk/1/hi/english/uk/northern_ireland/newsid_546000/546378.stm.

⁴⁰ O’Leary, *The Nature*, 68.