THE GOOD FRIDAY AGREEMENT: A STUDY IN LOOSE ENDS

By Clem McCartney

[May 15, 1998] It may be foolhardy to comment on the Agreement reached by most of the political parties in Northern Ireland on Good Friday, 10 April 1998. It is the beginning of a complex process. The Agreement was approved by referenda in Northern Ireland and the Republic of Ireland on 22 May. The next step is the election on 25 June for a Northern Ireland Assembly to establish the structures and arrangements envisaged in the Agreement. If that Assembly is able to establish its rules of procedure and create the North/South Ministerial Council then, and only then, will powers be transferred to the new structures and the new system will become operational.

The structural details, designed to meet Northern Ireland’s particular circumstances, may not be relevant to other conflicts. However, the process by which the politicians reached this stage and the nature of the process envisaged in the future are significant.

The referendum was only the first hurdle. In the June election people may choose candidates whose main aim is to make the Agreement unworkable. Even if the Assembly becomes fully functioning, there is plenty of scope for division and hostility to be refocused and the tensions to become impossible for the system to contain.

On the other hand the experience of the people and the politicians in reaching this stage encouraged new understandings to develop. New positive working relationships between the communities emerged.

The need for inter-party trust and cooperation

Reaching an agreement is an undeniable achievement. It has given the public some hope that this progress can be continued. However, the parties did not quite reach the level of understanding that conflict resolution theories advocate and that will be needed if all sides are to withstand the easily evoked competitive and communitarian tendencies.

Ideally, parties in negotiation will recognize that their opponents are serious about achieving a fair inclusive settlement as the only hope of bringing the conflict to an end. Further, they will also recognize that they have become mutually dependent on each other in reaching an acceptable outcome and making it work, politically and militarily.

In Northern Ireland the parties did not seem to reach this stage. They were not sure of the motivation of some of the parties. Unionists questioned whether Sinn Fein was only seeing the Agreement as an interim arrangement which they would undermine later. They were unsure of the stance of the Social Democratic and Labour Party (SDLP) and the Irish Government on these matters. The unwillingness of the SDLP to challenge Sinn Fein over matters such as their expulsion from the Talks in February gave them cause for concern about the SDLP’s willingness to challenge Sinn Fein in any new structures.

On the other side Sinn Fein in particular, but also the SDLP, were concerned that the Unionist Party wanted an agreement but would then try to use their majority to marginalize nationalist views. Their concerns were fuelled by the Unionist refusal to talk directly to Sinn Fein. Ironically, as is often the case, the concerns of each side are reciprocal, making it difficult for them to make the changes that would have helped to remove the reservations of the other side and encourage them to reassuring behavior changes.

Not only did the parties never really reach a stage of recognizing the good faith of the other side, but even more seriously, they never
reached a stage of acknowledging their mutual dependence. The parties were only able to bargain with each other for concessions, which was an achievement, but they were not able to progress to feeling mutual ownership of a shared agreement.

The need for a time limit

Because of the difficulty of reaching a stage of genuine confidence, the idea of a time limit was adopted to try to force the pace of negotiations. Without some kind of pressure to reach a conclusion parties who lack confidence in each other will find it safer to put off ending the negotiations as long as possible. So in September 1997 when Sinn Fein joined the talks, a time limit of the end of April 1998 was imposed. However the time-limit had no apparent effect on the pace of progress and so with only weeks to go a new imperative had to be injected into the situation: that was British Prime Minister Tony Blair's personal intervention, supported by Irish Prime Minister Bertie Ahern.

It is doubtful if these pressure tactics would have worked apart from two other factors. Firstly the parties had reached a point where they would have suffered severe damage to their political credibility, either locally or internationally, if they had been responsible for ending the talks. They were now locked into the process, a fear of all negotiators, and could not walk away unilaterally. Further, they had reached a stage where they did feel that a settlement was possible, but they were still not willing to reveal their positions. They needed someone else to take the initiative.

We will not know whether, without the time limit they would have reached a more inclusive and joint settlement. The political pressure might have encouraged them to find some other way. But the limitations of the type of negotiations which ensued, the type of agreement which resulted and limited level of common understanding achieved, are loose ends that continued into the next phase the campaign to achieve a "yes" vote.

The need for a popular mandate

Popular support is not a necessary condition for a settlement to be implemented but many recent conflicts have depended on the expression of the public will, through elections rather than a referendum. A successful appeal to the electorate gives greater legitimacy to the settlement and weakens opposition. Often, it is necessary to elect politicians who will operate the new system.

However, the campaign tactics of the parties supporting the Agreement were to distance themselves from each other. Opinion polls correctly predicted strong support for a "yes" vote, but this made candidates more cautious. It was only when the polls began to show support slipping on the Unionist side that the pro-Agreement politicians began to take some risks. Unionist and Nationalist politicians began to appear together and state their willingness to cooperate. The positive popular response has given some encouragement to continuing that approach into elections.

In so far as there is debate about the Agreement, it is taking place separately in each community. Unionists are arguing about whether the Agreement protects their interests, and nationalists are arguing about whether it protects their interests. The debate was fiercer in the unionist community as there was a strong "no" campaign, led by the Rev. Ian Paisley, which is claiming that it is an abandonment of unionist interests. Missing from most of the campaigns was the argument that it is good for each side because it satisfies the concerns of the other side.

The need for confidence building

This campaign reminds us again of the need for the parties to be able to find a more positive way to deal with each other, and demonstrate this to the electorate. The lack of trust in other parties' intentions is one of the major threats in the Agreement. Some voters were worried that the other community could destroy the Agreement and that raised cautions about voting "yes." For unionists decommissioning of weapons is one
sign of the good faith of republicans, and this is one reason why their objections to the Agreement have been mostly around decommissioning and release of prisoners even though the Agreement contains other provisions which traditionally have been anathema to Unionists.

Equally there are fears on the nationalist side about the good will of unionists. So voters want to know if the other parties can be trusted. They need to hear the politicians from their own community saying that they have been able to do business with their opponents and are confident that they will make the new arrangements work.

These fears show up at the polls when electing people to implement the agreement. Each community tends to want their most uncompromising politicians to represent their interests. The explanation is simple. They would trust the compromises such leaders make because of their demonstrated commitment to their own community. People who think like this have voted for the Agreement because they want a settlement, but would then vote for the people that they think will protect their interests in that settlement - the "no" campaigners who appear to want to destroy the new structures. Some of those supporting the Agreement seem almost reconciled to such an outcome. Perhaps the best way to challenge that view is to demonstrate a confidence that the "yes" group and the other parties with whom they negotiated can make the Agreement work for the benefit of the whole community.

The need for inclusivity
One of the uncertainties during the negotiations was the failure to achieve a fully inclusive agreement. Not all parties took part in the talks. The Democratic Unionist Party and the United Kingdom Unionist Party, representing almost half the unionist population were unwilling to negotiate with Sinn Fein while the IRA retained its weapons. For their part the IRA would not voluntarily relinquish its weapons and Sinn Fein would not condemn that decision. Priority was given to bringing Sinn Fein into the talks and the DUP and the UKUP left. The negotiators adopted the rule of sufficient consensus.

That means that an attempt will be made to take decisions by consensus. However, if that cannot be achieved then if the majority of each community's representatives approve, the provision is deemed to be adopted. This method had been used effectively in South Africa to stop smaller extreme parties from holding up the negotiations. It allowed the Northern Irish talks to proceed without either the DUP/UKUP or indeed Sinn Fein. Unfortunately, if the excluded party should wish to exercise its veto, it may choose to do it outside in the public arena. This is the fundamental weakness in the kind of trade-off agreement we have. However, if we had waited for all parties to agree to negotiate, the prospects of a settlement at this time would have been very slim.

Need for alternative futures
The settlement leaves the future open. It is in the hands of the people to decide, and it attempts to shift the debate about the future into a political process rather than a military struggle. This is a trend in peace agreements. They have not tried to settle the constitutional questions finally but move them to the political arena.

Institutions were created to satisfy the aspirations of one or other community. In deference to unionists, a Northern Ireland Assembly indicates Northern Ireland's separate status from the rest of Ireland and the link with the United Kingdom. In deference to Nationalists the North/South Ministerial Council signifies the island of Ireland as an entity with common concerns.

The Agreement also indicates how the status can change. It requires the consent of the majority, so nationalists can work to convince the majority that their interests are best served by a United Ireland while unionists can demonstrate to nationalists that the present link with Britain is the best option.

Need for safeguards
The parties have built in a variety of safeguards to try to ensure that the other community cannot use the new structures for its exclusive benefit.
It is a complex and unwieldy system. One politician said that they will have to deal with more bodies than a funeral director.

Ultimately the future lies in the hands of the people, rather than safeguards, and the new arrangements will only function with the goodwill of the politicians. That depends on the level of mutual confidence.

Need to deal with the past

The settlement is future oriented, but there are many unresolved issues from the past, which will exert a strong, often negative, influence on the present. These include what to do with the large stockpiles of weapons. The future of a heavily militarized police force which does not have the confidence of the nationalist community and which will be much too large for a conventional policing role if the violence is removed. How to treat unconvicted and convicted prisoners, unidentified ex-combatants, and the victims and their friends and relatives.

Most of these issues are identified in the Agreement, but only in general terms that leaves them to be dealt with later. However they are handled, they will probably lose their potency over time. But the prospect of a settlement gives them a heightened relevance now when the situation is fragile and could be destabilized by a failure to find a satisfactory solution. Many voters and politicians are saying they are unable to support the Agreement because it is unclear on these matters or because they are dissatisfied with what is proposed.

We can dissect and analyze the Agreement to see if it is likely to facilitate a peaceful future. However the real test of the future is the desire for a settlement. That desire is there in substantial sections of the population, but it must be set against the fear of a settlement which is evident in many sections of the community.

Clem McCartney is an independent consultant on conflict and community issues. Contact: “Annacolone” 621 Seacoast Rd, Benone LIMAVADY, Northern Ireland. Tel: +44 1265 40917, Fax: +44 1265 44141, E-mail: C.McCartney@ulst.ac.uk

THE 4TH EUROPEAN CONFERENCE ON PEACEMAKING and CONFLICT RESOLUTION

Belfast, Northern Ireland October 9 – 13, 1998

Information is now available on the 4th ECPCR, to be held Belfast, Northern Ireland. The main venue will be the Wellington Park Hotel. Organizers envision a healthy mix of panels, workshops, visits to projects in progress, sightseeing tours, and films. While the invitation to present suggests workshop sessions will be broad based – covering family disputes to civil wars, the primary objective of the conference is to focus on the potential of activists/practitioners in local communities to contribute to peaceful, democratic development.

How to get information:

- The conference brochure is available in five languages at the new ECPCR website. That is http://dsfip.dial.pipex.com/town/close/rci39/ecpcr Those who have been monitoring the old site (with “umut” in the address) ought to switch to this new one.

- Contact Project Planning International. Tel: +44 1238 561 993, Fax: +44 1238 565 073, Email: 101455.1521@compuserve.com

- English language paper copies of the brochure are available from our office, Conflict Resolution Center International. We encourage you to send a small donation to cover copying and postage.

Finances

Registration for the conference (which includes lunches, etc.) is £200 to £250. Since it is possible to pay by credit card, avoiding difficulties converting currencies, we at the Conflict Resolution Center International will not be handling the finances for American attenders. You may register directly on the website.