

I. BACKGROUND

A. FROM PARTITION TO DIRECT RULE 1921 - 1972

1. The Creation of Northern Ireland

The creation of Northern Ireland was the result of the settlement of the Anglo-Irish War (or the War of Independence; from 1919 to 1921) through the Government of Ireland Act and the subsequent Anglo-Irish Treatyⁱ, which was signed on 6 December 1921. It partitioned the island of Ireland and established two parliaments, one in Dublin and one in Belfast.

The decision to partition the island led to bitter civil conflict in the South (the Irish Civil War) between those nationalists who accepted partition and those who rejected it. In 1923, those who accepted partition achieved a victory that led to the official formation of the Irish Free State. The new Irish Constitution of 1937 adopted the title “Eire” and in 1949 the state declared itself independent and became the “Republic of Ireland”.

In the North, the settlement of 1920 created a devolved parliament (the so-called Stormont parliament, named after its location in a suburb of Belfast). Whereas the Catholic/ nationalist population made up the majority of citizens in the South at the time of the partition of the island, the Protestant/ Unionist population had a two-third majority in Northern Ireland.

2. Home Rule and the Civil Rights Movement

The two-third Protestant majority in Northern Ireland guaranteed a one-party Unionist rule that (with the help of gerrymanderingⁱⁱ) excluded the Catholic minority from political participation. This dominance of one community over the other was accompanied by discrimination against Catholics in housing and jobs. Many Unionists believed that such discrimination was due to the fact that the Catholic community did not want to co-operate with the Northern Irish state, but were hostile to it; this was perceived by the Unionist community as a threat to their very existenceⁱⁱⁱ.

This discrimination and the existence of a police reserve force (the Ulster Special Constabulary) that was solely recruited from the Protestant population, together with the formation of ghettos

and the religious division of the province became the central focus of the civil rights campaign that started in the second half of the 1960s. The campaign was modelled on the civil rights campaign in the United States. In 1967, the **Northern Ireland Civil Rights Association (NICRA)** was formed to demand a number of reforms one of which was 'one man, one vote', that is, a universal franchise for local government elections. The association also pressed for an end to the gerrymandering of electoral boundaries. Other reforms demanded included: the end to "perceived" (cf. the endnote number 2) discrimination in the allocation of public sector housing and appointments to, in particular, public sector employment; the repeal of the **Civil Authorities (Special Powers) Act** of 1922^{iv} (that gave the police special rights, e.g. allowed internment without trial) and the disbandment of the '**B-Specials**' (**Ulster Special Constabulary**) which was a paramilitary style reserve police force entirely Protestant in its makeup.

The start of what is called the "Troubles" can be dated to 5 October 1968 when a civil rights march took place in Londonderry/ Derry^v. This escalated into violence and clashes between marchers and the police force. The eruption of violence on the streets as the moderate civil rights movement degenerated into violent protests due to the hostile and brutal reaction of the state and the whole-scale movement of populations in urban areas into separate Protestant and Catholic communities led to the formation of local vigilantes. This, in turn, led to the resurgence of paramilitaries in the local communities. The increasing intensity of sectarian strife was followed by the deployment of the British Army in Northern Ireland in August 1969.

The events of the so-called **Bloody Sunday** on 30 January 1972 when 14 civilians were killed by British paratroopers^{vi}, led to the **suspension of the Stormont parliament** and the introduction of direct rule by the Conservative Heath government at Westminster on 30 March 1972.^{vii}

The first reforms and policy initiatives were announced towards the end of 1968 and the following years saw a number of provisions introduced to address allegations of discrimination and malpractice on the part of public agencies and government departments in Northern Ireland. Some of the reforms involved merely a change in legislation and quickly achieved the desired effect, such as those reforms related to universal adult suffrage in local government elections. Other reforms proved more problematic and appear to have had less impact. For example, despite several pieces of legislation aimed at achieving fair employment, the level of Catholic male unemployment has remained much higher than the Protestant level.^{viii}

The series of reforms were opposed by a large section of unionist opinion. Indeed, the issue of reform was to see the fragmentation of the Unionist Party, which had ruled Northern Ireland for 50 years. There was also violent opposition in working-class Protestant areas to some of the measures.

B. FROM DIRECT RULE TO THE PEACE PROCESS: 1972-1998

The period after the suspension of the devolved government was followed by a series of policy initiatives by the British government designed to bring the conflicting parties together at the talks table and to reach an agreement on new devolved institutions for Northern Ireland. All these various attempts failed to reach a settlement. What is commonly known as the “peace process” started with the Hume-Adams talks (which commenced on the initiative of John Hume, the then leader of the SDLP and the main protagonist of non-violent nationalism, in January 1988 until August 1988 when the talks were broken up and only resumed in 1993) and resulted in the so-called **Hume-Adams document** on 23 April 1993. The document was groundbreaking in the sense that it culminated Hume’s efforts to bring the Republican movement on board and to persuade Sinn Fein to agree to the peace process (“nationalist understanding”). An alternative definition of the start of the peace process is to date it back to the signing of the Anglo-Irish Agreement.

1. The Anglo-Irish Agreement (Hillsborough Agreement) 1985

The Anglo-Irish Agreement 1985 (AIA) signed on **15 November 1985** by the British and Irish Prime Ministers, Margaret Thatcher and Garret FitzGerald, was a compromise between both governments. London agreed to confer with the Irish government on all matters that affected the rights of the nationalist minority within Northern Ireland^{ix} and committed itself to making ‘strenuous efforts to overcome any differences’ between the two governments.

The Agreement established a permanent, institutionalised co-operation between the two governments dedicated to achieving a durable settlement for the Northern Ireland problem:

Article 1 of the AIA declared that the constitutional status of Northern Ireland was based upon the consent of the people in Northern Ireland and that this would remain unchanged until a majority of the people consented to such a change (the consent principle)^x. To fulfil Dublin’s desire for co-operation on matters regarding the nationalist minority, an Intergovernmental Council was established under the provisions of Article 2 of the AIA^{xi}.

2. The Downing Street Declaration 1993

The Downing Street Declaration (DSD) was signed on **15 December 1993** by the British Prime Minister John Major and his Irish counterpart Albert Reynolds.^{xii} It recognised that “... it is for the people of Ireland alone.. ... to exercise their right for self-determination”. At the same time, however, the **principle of consent** was confirmed as meaning that any change in the status of Northern Ireland could only occur with the consent of the majority of its citizens.

The document proved to be the “catalyst” for the peace process and was followed (after a period of “clarification”) by the first IRA ceasefire on **31 August 1994**. The IRA ceasefire was followed by a ceasefire of the CLC (**Combined Loyalist Command**; umbrella group of the loyalist paramilitaries) on **13 October 1994**^{xiii}.

However, the issue of **decommissioning** (see also under Current Situation section) became a major stumbling block for further progress after the ceasefires and prevented all-party talks that included Sinn Fein, the political arm of the Irish Republican Army (IRA). John Major’s weak Conservative government at Westminster was divided over the issue of Europe and had to rely on the votes of the UUP MPs to ratify the Maastricht Treaty. It was the comfortable position the UUP had in the Westminster Parliament (The “understanding” with Major) that prevented Major from making any concessions towards Sinn Fein. Sinn Fein was banned from the talks table unless the IRA decommissioned its weapons. As a result of this precondition, the IRA ceasefire ended with a bomb explosion in the docklands area of London on 9 February 1996^{xiv}.

The victory of Tony Blair in May 1997 ended the comfortable position of the UUP at Westminster and led to a change in policy regarding decommissioning as an aspiration and no longer as a precondition for talks. The **IRA renewed its ceasefire** on 19 July 1997 and, subsequently, Sinn Fein were allowed to attend the talks table.

An agreement was finally reached on 10 April 1998 and approved by a referendum on 22 May 1998^{xv}.

The agreement got a majority “yes”-vote of 71.12 percent overall (28.88 percent voted “no”) in Northern Ireland^{xvi}. This confirmed the early polls on the agreement, which had indicated a 73 percent vote in favour^{xvii}. The agreement got a majority of 94.4 percent in the Republic of Ireland.

3. The Good Friday Agreement (Belfast Agreement), 1998

The Good Friday Agreement (GFA) was based upon the **formula of the three strands** (Strand One: Relations within Northern Ireland; Strand Two: North-South structures; Strand Three: Relations within the United Kingdom and Ireland), a formula that talks participants had been familiar with ever since the Brooke/ Mayhew initiatives which lasted from March 1991 to November 1992 (“talks about talks”) but failed to reach a settlement.^{xviii}

The Good Friday Agreement deals with the constitutional question and the three strands. Other issues involved are the **release of paramilitary prisoners, the demilitarisation of the country, the safeguarding of minority rights (Gaelic language and Ulster-Scots), the reform of the police force, the parading issue, and the treatment of the victims of the civil conflict.**

a) The Constitutional Question

What had become known as the "**Corfu test**"^{xix} played the essential part in dealing with the constitutional issue in the Agreement. It was in 1994 at the European Union summit in Corfu when the then Prime Minister Major pressed his Irish counterpart on two points: Was the Irish government prepared to amend their constitution to the point where they would state that their constitutional claim over the North had been removed, and would they publicly recognise the legitimacy of British rule in Northern Ireland as long as it reflected the wish of the majority?^{xx}

The outcome of the Agreement was a reinforcement of the consent principle: it recognised the right of the majority of people in Northern Ireland to remain part of the United Kingdom, but also pledged legislation to make possible a united Ireland if the majority so chose. Again, with the help of constructive ambiguity the irreconcilable was reconciled: both contradictory aspirations found expression - an amendment of Articles 2 and 3 of the Irish constitution ("yes" to the Corfu test) and the provision in British legislation for "border polls" (at intervals of no less than seven years)^{xxi}.

b) Strand One: The Northern Ireland Assembly

The established Northern Ireland Assembly's main institutional feature is based on executive power sharing.^{xxii} O'Leary argues that the Agreement establishes two quasi-presidential figures, a First Minister and a Deputy First Minister with identical powers, in a devolved Assembly^{xxiii}.

“Presidentialism” means an executive that cannot be destroyed by an assembly except through “impeachment”. Both positions can only be deposed if enough Nationalists collude with enough Unionists to enforce it. This is because the voting procedure in the Assembly works according to the Agreement, i.e. on the basis of **parallel consent**. Members of the Legislative Assembly (MLAs) have to register whether they are Unionist, Nationalist or neither. A decision can only be enforced once it receives cross-community support (a majority within the Unionist MLAs *and* within the Nationalist MLAs) or with so-called "weighted majority", that is an overall majority of sixty per cent of all the MLAs, including at least forty per cent of both the nationalist and unionist blocs.

The terms of the Agreement suppose that Nationalists have succeeded with their demand for power-sharing, since on a symbolic level this meant the "end" of Unionist dominance and majority-rule. But in practical terms, the parallel consent principle established a mutual veto that can block any progress of the working of the Assembly. So, if Gerry Adams' Sinn Fein party were to overturn the SDLP as regards the number of Assembly seats (or in other words, if the results of the general election 2001 were to be confirmed by the next Assembly elections), Unionists could still block his election as Deputy First Minister. This provision also led to the quite curious position that after Trimble's resignation as First Minister on 1 July 2001, Seamus Mallon of the SDLP also *had* to resign as Deputy First Minister.

c) Strand Two: The North-South Ministerial Council

The most problematic and contentious part in the "endgame" of the talks was the design of Strand Two. Executive power sharing was *not* the bone of contention for Unionism. This became evident as early as January 1987 when the UDA think tank "Ulster Political Research Group" published their paper entitled **Common Sense**. The philosophy of the paper was that in any intelligent settlement there must be seen to be no winners or losers in the constitutional game^{xxiv}. The central phrase was "co-determination" which meant a mutually acceptable resolution of two opposing ideas of self-determination within Northern Ireland^{xxv}. The Irish dimension was *the* bone of contention for Unionism and not power-sharing.

The terms of the Agreement attempt to address the wishes of both communities: Nationalists were not granted a free-standing body; instead the GFA lays much more formal stress on the accountability of the NSMC^{xxvi}. The NSMC *itself* was not given executive power. It functions very much like the Council of Ministers in the European Union^{xxvii}: While the NSMC would be established initially by legislation at Westminster and Dublin, the Northern Ireland Assembly would decide in what areas implementation bodies would subsequently be established^{xxviii}. Nationalists and the Irish Government were reassured that the NSMC would have a credible function by the fact that the Assembly would have to accept that there would be cross-border implementation; they got their desired separate, institutional expression of their all-Ireland identity. The NSMC and the Northern Ireland Assembly are mutually interdependent, one cannot function without the other^{xxix}: Unionists cannot destroy the NSMC while retaining the Assembly, and Nationalists cannot destroy the Assembly while keeping the Council^{xxx}.

d) Strand 3: The British-Irish Council

The design of the third Strand of the Good Friday Agreement is the creation of a confederal East-West relationship symmetrical to the North-South relationship. This meant a totally novel institutional structure, which comprises representatives of the British and Irish Governments and representatives of the devolved institutions in Northern Ireland, Scotland and Wales^{xxxi}. But Unionists did not succeed in their demand for a British-Irish Council as an umbrella for North-South co-operation. Instead, the East-West relationship was established on a weaker basis and on a consultative basis. The established British-Irish Council is legally empowered to set up modes of co-operation parallel to the North-South co-operation but is not required to do so^{xxxii}.

C. POLITICAL PARTIES IN NORTHERN IRELAND AND LATEST ELECTION RESULTS

1. Unionist Parties

Ulster Unionist Party (UUP)

The UUP is the largest Unionist party and is led by David Trimble. The UUP has close links with the Orange Order, with many of the political leaders and members of the UUP also being members of the Orange Order or one of the other loyal orders. The Ulster Unionist Party was also known as the Official Unionist Party during the 1970s because of the fact that it represented the remnants of the Unionist Party, which governed Northern Ireland at Stormont between 1921 and 1972. When the then Prime Minister of Northern Ireland, O'Neill, began to introduce reforms in the late 1960s to meet some of the concerns of the Civil Rights Movement, the Unionist Party came under strain and split between those who supported O'Neill and those who opposed him. Some O'Neill supporters left to form the Alliance Party of Northern Ireland (APNI). Some of those who were opposed to O'Neill left to join the Democratic Unionist Party (DUP).

As a party, the UUP is divided over the peace process and the Good Friday Agreement. Whilst a majority of the currently six UUP MPs are opposed to the GDA, virtually all of the UUP's MLAs support it. The ruling body of the party, the Ulster Unionist Council (UUC), is equally split over the Agreement.

In recent elections the UUP received between 24 and 28 per cent of the total votes cast.

Democratic Unionist Party (DUP)

The DUP was formed in September 1971 by Ian Paisley, currently leader of the DUP, and Desmond Boal who was then Member of Parliament for Shankill. Its foundation can be traced back to the opposition to O'Neill and his efforts to accommodate the Catholic community in Northern Ireland.

The DUP is strongly opposed to every policy initiative from the Anglo-Irish Agreement to the Good Friday Agreement; but nevertheless has taken up their two ministerial seats in the Northern Ireland Assembly. The party currently has five MPs at Westminster

Progressive Unionist Party (PUP)

A small Loyalist political party which has links with the Ulster Volunteer Force (UVF). The party was formed in 1979 out of the Independent Unionist Group which had been set up the previous year. Hugh Smyth was one of the founding members. The PUP became more prominent during the 1990s when the party emerged as the political voice of the UVF. The party attracts roughly 3 per cent of the vote. The PUP was one of the 10 political parties which won places at the Northern Ireland forum and the multi-party talks at Stormont. The party is currently led by David Ervine. It has two MLAs in the Northern Ireland Assembly (David Ervine and Billy Hutchinson).

Ulster Democratic Party (UDP)

The UDP was formed in 1989 from the Ulster Loyalist Democratic Party (ULDP) which had been set up by the Ulster Defence Association (UDA) in 1981. The first chairman of the ULDP was John McMichael who was killed by the Irish Republican Army (IRA) in 1987. The ULDP had no real success in elections. The UDP seeks to present itself as a distinct and separate organisation from the UDA, much in the same fashion as Sinn Féin (SF) views its relationship with the IRA. The UDP would however say that it provides political advice to the UDA. In the 1996 Forum Elections in Northern Ireland the UDP polled 2.2 per cent of the vote. The current leader of the UDP is Gary McMichael (son of John McMichael who was the principal author of the groundbreaking document "Common Sense" in 1989; see above). The party, however, did not succeed in getting any MLAs at the Northern Ireland Assembly. It split itself over the judgement of the Good Friday Agreement and dissolved itself on 28 November 2001.

Northern Ireland Unionist Party (NIUP)

The Northern Ireland Unionist Party (NIUP) was formed when four Assembly members broke away from the United Kingdom Unionist Party (UKUP) following disagreements. The NIUP is one of the more hard-line Unionist groupings and rejects the Good Friday Agreement. It was launched in January 1999 by former Democratic Unionist Party (DUP) activist and UKUP co-founder Cedric Wilson (leader) and consisted initially of himself and three other Northern Ireland Assembly members elected for other parties, namely Paddy Roche (deputy leader), Norman Boyd and Roger Hutchinson, with Clifford Smith as party secretary. Hutchinson was expelled from the grouping in December 1999 on accepting membership of two Assembly committees, which Wilson and the others had decided to refuse; thereafter he sat as an Independent Unionist and later joined the DUP.

United Kingdom Unionist Party (UKUP)

The UKUP was founded by Robert McCartney in 1996 after his expulsion from the UUP. McCartney became a MP for North Down in the same year, but lost his seat against Lady Hermon (UUP) in the general election in 2001. The UKUP received 4 MLAs at the Assembly elections, but split after disagreements.

United Unionist Assembly Party

Founded on 21 September 1998, the party includes the three members of the new Assembly elected as Independent Unionists in 1998 on an anti-Agreement ticket. Its leader is Denis Watson MLA. The party got 0.3% of the votes in Northern Ireland in the 2001 local government election. Its MLAs are William Agnew (Belfast North), Boyd Douglas (Londonderry East) and Denis Watson (Upper Bann) who appears to be a key figure in the Drumcree dispute.

2. Nationalist Parties

Social Democratic and Labour Party (SDLP)

The party was formed on 21 August 1970 and its first leader was Gerry Fitt. Many of those who were members of the Nationalist Party joined the SDLP. The party receives about 22 per cent of the vote in elections and its support comes from middle-class and working-class Catholics. The SDLP is a constitutional democratic party, which wants to see the reunification of Ireland by consent. In September 1972, the party proposed a form of joint sovereignty over Northern Ireland. The proposals were contained in the document “*Towards a New Ireland*”^{xxxiii}. The party took part in the power-sharing Executive (**Sunningdale Agreement**), which lasted from January to May 1974. The party took part in the **Constitutional Convention** election in May 1975 and secured 23.7 per cent of the votes. In 1977 Paddy Devlin was expelled from the party following his criticism that the SDLP had moved away from socialist principles. In 1979, John Hume, then deputy leader of the party, took 25 per cent of the vote in the European election to win one of the three Northern Ireland seats. In 1979, Gerry Fitt resigned from the party saying that it was renouncing its socialist principles and was becoming more 'green Nationalist'. John Hume replaced Fitt as party leader. In 1982, the party was against the plan for 'rolling devolution'. In the 1983 Westminster general election, the party refused to enter an electoral pact with Sinn Féin (SF) and fought all 17 seats. However the party won only one seat when John Hume took the Foyle constituency. The party took part in the New Ireland Forum and many of its ideas were incorporated in the **New Ireland Forum Report** of 1984. During 1988, John Hume held a series of talks with Gerry Adams, then President of SF, in an attempt to persuade SF that the IRA should call an end to its campaign of violence. Further talks between Hume and Adams in 1993 produced strains within the SDLP. The party supported the Downing Street Declaration in December 1993. Although the party was critical of the election to the Northern Ireland Forum in May 1996 it did nonetheless take part and join the multi-party talks. The SDLP left the Northern Ireland Forum on 13 July 1996 in protest at the handling of the events surrounding the 'stand-off' at Drumcree.

At the most recent annual SDLP conference on 9 November 2001, John Hume stepped down as party leader. He was succeeded by Mark Durkan.

Sinn Fein

This is a political party which represents the view of Republicans in Northern Ireland. The party is dedicated to the achievement of a united Ireland. Sinn Fein (SF) supports the Irish Republican Army (IRA) and is viewed as the political wing of the IRA. The party has consistently refused to condemn the use of force by the IRA, but it has on occasion said that it regretted the loss of innocent life that occurred in some IRA attacks. The party was formed as a result of the split in the IRA in January 1970 when the original SF split into the Official SF and the Provisional SF. The party began to take part in elections following the success in Westminster by-elections by Republican prisoners who took part in the 'Hunger Strike' of 1981. In the Assembly election in October 1982, SF obtained 10 per cent of the vote, which represented a major breakthrough for the party. In the Westminster election of 1983, SF attracted 13.4 per cent and Gerry Adams won the West Belfast seat. The standing of SF in the polls, and the fear that it would surpass the Social Democratic and Labour Party (SDLP) as the main voice of Nationalists in Northern Ireland, was one of the reasons why the British government signed the Anglo-Irish Agreement in 1985. At the SF Ard Fheis on 2 November 1986, the party decided to end its abstentionist policy and to take any Dáil seats won in the future. The new policy led to a number of members leaving to form Republican Sinn Féin (RSF). In 1993, the party entered into renewed talks with the Social Democratic and Labour Party (SDLP), these meetings marked the beginning of the current Peace Process.

At the general election 2001, the party succeeded for the first time to become the largest Nationalist party and overturn the electoral votes of the SDLP.

3. Other Parties

Alliance Party of Northern Ireland (APNI)

This political party is based in Northern Ireland. Formed in April 1970. Currently aligned with the Liberal Democrat Party in Britain. Supports union with Britain but would accept formal links with the Republic of Ireland. Described as being moderate and attracts much middle-class support from the two main communities in Northern Ireland.

Northern Ireland Women's Coalition (NIWC)

The Northern Ireland Women's Coalition was formed in the spring of 1996. It draws members and support from the two main communities in the region. The NIWC put forward an agenda of "reconciliation through dialogue, accommodation and inclusion". Within a very short period of its formation the party nominated 70 candidates in the Northern Ireland Forum elections on 30 May 1996 and had two people elected; Pearl Sagar and Monica McWilliams. This entitled the NIWC to representation at the multi-party talks at Stormont. More recently the party had two candidates elected (Monica McWilliam and Jane Morrice) on 25 June 1998 to the Northern Ireland Assembly.

4. Election results

The election results of Northern Ireland since 1973 demonstrate clearly that nationalist and unionist political parties have remained dominant, and indeed that the share of the vote won by parties outside of the two ethnonational blocs has decreased.^{xxxiv} Reliable demographic sources report that there is a record low number of Protestants at 53% of the population, while Catholics now make up almost 44% of the population.^{xxxv} Since the majority of Protestants vote for unionist parties, whilst the majority of Catholics vote for Irish nationalists or republicans, this narrowing population gap carries great significance politically. These demographic statistics point to the following expected trend: nationalist and republican voting strength will continue to rise parallel to the growth of the Catholic population.

It is well worth mentioning that electoral malpractice in Northern Ireland has posed such a serious problem over the years that recently special legislation has been passed in an attempt to dampen its influence. This includes the Elections (Northern Ireland) Act 1985 as well as the Electoral Fraud (Northern Ireland) Act 2002, the latter of which is planned to be implemented before the

scheduled Northern Ireland assembly election now scheduled for 29 May 2003.^{xxxvi} Reliable sources have confirmed that more than 130,000 voters, amounting to 11% of the electorate, were removed from the electoral register in Northern Ireland following the introduction of the recent anti-fraud measures. It is not surprising that the greatest drop in the numbers of those registered was in West Belfast, where vote fraud has often been alleged. The sitting MP here is Gerry Adams of Sinn Fein. In West Belfast nearly 11,000 voters “vanished” and just 81% of those canvassed registered. Under the new legislation voters are required to provide personal identification such as date of birth and National Insurance Number before registering. In addition, the new legislation requires each individual voter to fill in a form and sign it in person. This is in contrast to the previous procedure in which the head of household was allowed to file for all residents. In conclusion, the new anti-fraud electoral legislation has been demonstrated to be effective in ensuring that those entitled to do so can be properly included on the register and exercise their right to vote without fear of losing their vote through fraud. As Northern Ireland minister Des Browne has noted, the new anti-fraud legislation “should ensure that the democratic wishes of the people of Northern Ireland are expressed in a fraud-free environment.”¹

¹ Cited in: Graham, Ian, “Anti-fraud measures wipe 130,000 from electoral register”, in: The Newsletter, 2 December 2002, at: <http://www.newsletter.co.uk/fullnews.asp?DJID=7242>, accessed 5 March 2003; see also “News in Brief: 130,000 deleted from N. Ireland electoral register,” in: Electoral Bulletin of the Electoral Reform Society, November-December 2002, at: <http://www.electoral-reform.org.uk/publications/NovDec02.pdf>, accessed 5 March 2003.

II. CURRENT SITUATION

A. The Implementation of the Good Friday Agreement

1. Summary and latest developments

The entire period after the signing of the Good Friday Agreement has been marked by successive crises in implementing the terms of the Agreement. Although the Agreement was endorsed by a referendum in the North and in the Republic of Ireland, its overall success in terms of transforming the ethnopolitical conflict between Nationalism and Unionism still remains doubtful.

The Unionist community remains divided over the agreement. Polls indicated that about 45 per cent of the Protestant/Unionist population voted “no” in the referendum on the Agreement; a poll conducted for the “Belfast Telegraph” in February 1999 showed a drop in support for the Agreement with almost a quarter of the UUP voters saying that they would change the way they had voted in the referendum, whereas another poll carried out for “The Irish Times” in April 1999 showed a slight increase. On the other hand, a “post-Patton Report” poll in September 1999 revealed a significant drop in Unionist support to around 39 per cent¹.

As of March 2003, the most recent suspension of the power-sharing agreement took place in October 2002. The imposition of direct rule from Westminster was the result of a police raid on Sinn Fein's Stormont offices, as it was suspected that an IRA spy ring was operating within the party. First the Democratic Unionist party withdrew its two ministers, refusing to share power with Sinn Fein. Ulster Unionist members threatened to pull out if Sinn Fein was not excluded from the power-sharing executive.¹ However, while Tony Blair and a senior Bush administration official joined the Northern Ireland Secretary in laying sole blame on Sinn Fein for not containing the IRA, similar spying by Protestant groups and the violence of the Protestant loyalist paramilitaries was at that time not singled out for denunciation by Tony Blair or by the Bush administration. Examples of this are the throwing of pipe-bombs at four-year old girls on their way to attend Holy Cross school by the Ulster Freedom Fighters (UFF) and the Loyalist Volunteer Force (LVF), as well as the gunning down of journalist Marty O'Hagan by the Red Hand Defenders, who have been characterized as the “hit squad” of the Ulster Defense Association (UDA).¹ It is clear from all this that a lasting peace will require the laying down of arms not only by the IRA, but also of all paramilitary groups operating within Northern Ireland, as well as a system of police and justice that does not turn a blind eye to such acts of violence and intimidation.

Round table talks involving the British and Irish governments and Northern Ireland's political parties have been taking place in line with the Suspension Order on reviewing implementation of the Agreement since November 2002.¹ British Prime Minister Tony Blair and his Irish counterpart Bertie Ahern made clear in February 2003 that the key to any successful peace package must be the IRA's renunciation of violence. If this could be accomplished, then the leaders of Britain and Northern Ireland foresaw the conclusion of a new Belfast peace package in the weeks following February 12, 2003. In March, the Northern Ireland Assembly elections were postponed from May 1 to May 29 in order to give all parties more time to resolve the issues left outstanding by the latest talks, including such areas as policing, human rights, and criminal justice. However, the peace process suffered when police in March found an arms cache containing what they characterized a "large amount"¹ of ammunition linked to the Provisional IRA, the Republican splinter group.

As of February 2003 the Northern Ireland assembly had been suspended four times (February 2000; August 2001; September 2001 and October 2002) since its creation. David Trimble only succeeded fairly recently (6 November 2001) in being re-elected as First Minister (with the help of the re-designation of the MLAs of the non-confessional Alliance Party of Northern Ireland, which secured the required parallel consent) together with Mark Durkan (who succeeded John Hume as SDLP party leader on 11 November 2001) who was elected Deputy First Minister. Trimble only marginally survived another challenge by the anti-Agreement wing of his party on 1 December 2001 by a vote of 56 per cent in his favour.

Trimble has already threatened further sanctions due to the lack of progress in decommissioning. As of March 2003, the date for the next Assembly elections has been set for 29 May 2003.

Beyond the elite level of institution-building (the three strands of the Agreement), the bottom-up peace process at grassroots level appears to be on hold:

The most visible focus of the ongoing violence became the area of North Belfast, most notably a Catholic primary school in the Nationalist Ardoyne road next to the Protestant Glenbryn estate. The problems were instigated by an incident surrounding the hoisting of a loyalist flag at the edge of the area where the attacks started. The Catholic school children's route to school, which led directly along a predominantly Protestant road was hijacked by both sides (by Sinn Fein and

loyalist hardliners) and led to a massive increase in violence. The loyalist residents began to block the children's path on 19 June and started a protest, which continued for 14 weeks (with a break during the exam period) until it was suspended on 23 November 2001. The school children had to be protected on their way to school by heavy-handed policemen in riot gear. On 5 September 2001, a blast bomb was thrown at them. Politicians from both sides attempted to hijack the protest ("Alabama Ardoyne") until, with the direct intervention of David Trimble and Mark Durkan, a settlement was reached.

However, the sectarian attacks continued and prompted the Secretary of State, John Reid, on 12 October 2001 to officially "specify" the UDA, UFF and the LVF and to declare their ceasefires nullified. In 2001, there were over 200 loyalist attacks on Catholic houses and a deliberate UDA/UFF campaign against SDLP and other nationalist representatives. A further negative sign for the possible end to loyalist violence was the dissolution of the Ulster Democratic Party (UDP) on 28 November 2001, which was linked to the UDA. The party leader, Gary McMichael, whose father was the author of the document on power-sharing "Common Sense" and who was killed by the IRA, supported the Good Friday Agreement, but an increasing number of UDA members opposed it. The party had split before in their views regarding the Agreement and had subsequently dissolved. On the nationalist side, punishment beatings and intimidatory violence continue to take place.

2. Assessment of the Agreement: Split, consensus, procrastination

The split within the Unionist community over the assessment of the agreement was made evident when Paisley's DUP and the UKUP led by Robert McCartney left the negotiations, immediately after Sinn Fein arrived at the talks table in September 1997. Since then, they represent the most vigorous opponents of the Agreement. Trimble decided *not* to leave the talks table. His decision was to "bring the fight" to the nationalists¹, participate in talks, and ensure that their interests were protected in every settlement and not to leave the Union "to the tender mercies of the British and Irish Governments"¹. Although his delegation consistently refused to talk directly to or negotiate bilaterally with Sinn Fein¹, his determination was that there was no alternative to participation in this talks process. It became the basis for a successful agreement, but also the basis for the fracturing of the Unionist movement, between supporters of the Agreement, "soft no" and sceptical Unionists, vigorous opponents and backward-looking forces.

The depth of the split within the UUP itself is made clear by the fact that five out of the twelve UUP talks members are opposed to the Agreement. In addition, the Grand Orange Lodge of Ireland decided not to support the Agreement. The anti-Agreement forces launched a United Unionist Campaign (UUC) composed of the DUP, the UKUP and dissident UUP members carrying the slogan: "It's right to say No". The process of "Unionist fracturing", which started in the 1960s as a reaction to the policy of O'Neill and was accelerated by the signing of the Good Friday Agreement, brought about a situation where there are now six different Unionist political parties in the Northern Ireland Assembly.

Trimble's leadership of the UUP has been challenged on several occasions, both directly and indirectly. The Agreement overcame its first test within Unionism when the UUP Executive endorsed it by 55 to 23 votes on 11 April 1998, although a majority of the then ten UUP MPs declared themselves opposed to it (Jeffrey Donaldson, Roy Beggsen., Willie Thompson, Willie Ross, Martin Smyth and Forsyth). The ruling council of the UUP gave a more significant boost to the Agreement with a majority of 72 per cent endorsing it on 18 April 1998. The ruling council of the UUP gave the Good Friday Agreement further support when delegates backed it by 540 to 210 (72 per cent).

A direct challenge to Trimble's party leadership came in March 2000 by Martin Smyth, the UUP MP for South Belfast, who garnered 43.2 per cent of the votes. Smyth was seen by many as a "stalking horse". His decision to stand against Trimble came after Trimble had announced during a trip to Washington that he could imagine the UUP going into government with Sinn Fein; the fact that he had made such an announcement (its content alone a threat to many) *in Washington* angered many in the UUP and Smyth decided to stand - only having two days to canvass for his leadership bid. The last challenge occurred during a special UUC Council meeting on 1 December 2001 that had been scheduled as a result of the re-election of the First and Deputy First Minister on 6 November 2001 on the advance of the no-camp. Trimble received the backing of 56 per cent of the delegates against a motion of the anti-Agreement faction of his party.

On the other side, Sinn Fein (SF) canvassed the grassroots for a "yes" vote, whereas Republican Sinn Fein (RSF) called for a "no" vote in the referendum. At the SF Ard Fheis on 10 May 1998, the party voted to change their constitution to allow candidates to take their places in the Northern

Ireland Assembly – a decision, which meant an end to the 77 years of abstentionism in their refusing to participate in institutions of government in Northern Ireland.

The splinter group “real” IRA (“anti-Stormont Republicans”), which emerged out of dissident members of the provisional IRA opposed to the Good Friday Agreement, declared that their ceasefire was over. The “real” IRA was responsible for the **Omagh Bomb** on 15 August 1998 when 29 people died as a result of an explosion. The overall death toll was the single worst incident in the history of the troubles.

3. The Assembly elections 1998

The election to the Northern Ireland Assembly resulted in the following distribution of the 108 seats (six seats in each of the 18 parliamentary constituencies): the UUP emerged as the largest party with 28 seats, the SDLP with 24 seats, the DUP with 20, SF with 18, the Alliance Party (APNI) with 5, the UKUP with 5, the PUP with 2, the Women’s Coalition with 2, and three Independent Unionists.

Given the voting procedure of parallel consent (see background paper) and the split within the UUP (about 8 out of the 28 UUP MLAs declared themselves sceptical or anti-Agreement), the majority within the Unionist bloc was quite narrow: David Trimble has no significant pro-Agreement majority on the Unionist side. This fact proved to be critical for the ensuing delay in the establishment of the Executive and the re-instatement of Trimble after his resignation in July 2001.¹

4. The establishing of the Assembly and Executive (2 December 1999)

As a result of the Assembly elections and the narrow margin for the pro-Agreement Unionists, the process towards the formal establishment of the Executive was delayed. Trimble declared that SF members could not become part of an Executive before the decommissioning of the IRA.

After the deadline for the formation of the Executive (31 October 1998) had passed, new talks were held at Hillsborough without success. The multi-party talks at Hillsborough came to an end on 1 April 1999 with a call for the proposed Executive to be established within three weeks. Tony Blair and Bertie Ahern agreed on the Hillsborough Declaration, which set out a framework for progress towards establishing the Executive. The UUP, however, remained insistent that decommissioning would take place prior to the formation of the Executive. Therefore, the attempt to form the Executive on 15 July 1999 collapsed when Trimble and his parliamentary Assembly party boycotted the Assembly meeting. The Executive received no cross-community approval.

New talks on decommissioning and devolution followed, with the two Governments publishing a joint statement on the way forward, namely the Hillsborough Declaration of 1999 and a later document named “The Way Forward”. Yet, further progress was not achieved.

These circumstances prompted the British government to initiate what was called the “Mitchell review” of the Agreement on 6 September 1999. The review ended after ten weeks of negotiations between the pro-Agreement parties with the Mitchell report (15 July 1999) in which it was concluded that the basis now existed for devolution to occur and the formation of the Executive to take place. A link to the full text of the official statement by Mitchell concluding the review, as well as to the assessment by the IICD of 15 November 1999, and to the reaction by the British Government of 20 November 1999 can be found in the references section at the end of this chapter.

The IRA responded to the Mitchell report by indicating its willingness to appoint a representative to deal with the IICD. At the consequent special meeting of the Ulster Unionist Council, Trimble narrowly got the support for the Mitchell deal (480 to 349 votes). It was the groundbreaking decision and allowed Trimble to go ahead with the formation of the new devolved government that occurred on 2 December 1999 (more than two years after the signing of the Agreement).¹

5. Suspension and restoration (11 February 2000; 30 May 2000)

The decision of the Ulster Unionist Council to back Trimble did not ease the problems, since Trimble only succeeded in getting the support on a conditional basis: He promised to resign as First Minister if the IRA did not start decommissioning by early 2000.

As a consequence, a new crisis emerged in February 2000, and with Trimble’s threat of resignation, Peter Mandelson, the Secretary of State for Northern Ireland, suspended the institutions on 11 February and re-imposed direct rule, after the IICD indicated a lack of progress on IRA decommissioning.

On 6 May 2000, the IRA submitted a statement in which it promised that the “IRA leadership will initiate a process that will completely and verifiably put IRA arms beyond use”. Previously, on 15 February 2000, the IRA had agreed to appoint a representative to take part in a meeting with the International Commission on Decommissioning.

This statement by the IRA allowed Trimble to make the decision to re-enter the Executive without prior IRA decommissioning. Once again, he got a narrow margin of support from the Ulster Unionist Council on 27 May 2000 (459 to 403 votes). Devolution was subsequently restored on 30 May 2000.

On 5 May 2000 (before the restoration of devolution), the British and Irish governments in a joint statement set a new deadline (30 June 2001) for the full implementation of the Agreement: “The governments now believe that the remaining steps necessary to secure full implementation of the agreement can be achieved by June 2001, and commit themselves to that goal. They have drawn up, and are communicating to the parties, an account of these steps”.

But the issue of decommissioning continued to be *the* bone of contention as regards progress: In another special Ulster Unionist Council meeting on 28 October 2000, Trimble narrowly defeated a motion of his chief rival, Jeffrey Donaldson; calling for the UUP leader to withdraw from the Executive if the IRA failed to decommission.

On 8 May 2001, Trimble, however, delivered a post-dated resignation letter, which was to come into effect if the IRA did not start decommissioning. He actually resigned on 1 July 2001.

6. The General Election 2001

The general election 2001 saw a dramatic increase in the votes for the extremist parties on both sides. Seven of Northern Ireland’s 18 seats changed hands in this election:

Paisley’s DUP won five Westminster seats (they lost one to the UUP in South Antrim, but gained three seats from the UUP in other constituencies); the UUP gained the seats in South Antrim (from the DUP) and in North Down (from the UKUP), but lost their seats in Fermanagh South Tyrone (to SF), in West Tyrone (to SF), in North Belfast (to the DUP), and in East Londonderry (to the DUP). Trimble’s party still remained the largest Unionist party but returned to Westminster with six seats out of the 10 the party had held in 1997.

On the nationalist side, it was the first time in history that the SF had overturned the SDLP as the largest nationalist party. SF won four Westminster seats, whereas the SDLP retained their three seats.

7. Just another crisis:

“Double suspension” and re-election of the First Minister

On 1 July 2001, Trimble’s post-dated resignation came into effect and he resigned as first minister. This provoked another crisis amongst the institutions and initiated new political talks and negotiations. The subsequent **Weston Park talks** started on 9 July 2001 between the pro-Agreement parties. They ended without any agreement on the way forward. As a result, Blair and Ahern decided that they would put forward a document containing a package of proposals for the

parties, on a take-it-or-leave-it basis. The document (**Implementation Plan**) was published on 1 August 2001; it also set a deadline of 6 August 2001 for the parties to respond to.

On 6 August 2001, the IICD issued a **statement** in which it announced that an IRA representative had proposed a method for putting weapons completely and verifiably beyond use.

As a result, the British government published a new decommissioning scheme. On 7 August, the SDLP responded positively to the Implementation, whereas the UUP rejected, after intensive party meetings, both the Implementation Plan and the IRA move. Trimble declared that the IRA statement did not go far enough and demanded that decommissioning actually commence.

The consequence of all these events was the suspension of the Assembly for one day on **10 August 2001** by Secretary of State, John Reid, to give the parties an additional period of six weeks to come to an agreement and re-elect the First Minister and Deputy First Minister.

Disappointed by the Unionist responses and the lack of progress on their terms, the IRA withdrew its decommissioning proposals on 14 August 2001.

The period after the first one-day suspension, though having made no progress on the issue of decommissioning, was however, used to resolve the long-standing policing issue (see below under “Disputed Issues”).

As the new deadline came closer, the Secretary of State decided once more to suspend the Assembly for 24 hours on **21 September 2001**. The crisis of the institutions was further deepened when the UUP tabled an Assembly motion on 8 October 2001 to exclude SF ministers from the Executive and stated that if the motion failed, the party would withdraw its ministers from the Executive. Since the motion was not supported by any Nationalist party, it failed to achieve the required parallel consent; as previously announced, the UUP (together with the DUP) ministers resigned from the Executive on 18 October 2001. It was then for the Secretary of State to decide within a week whether to suspend the institutions or to call fresh Assembly elections.

The process which culminated in the re-election of David Trimble as First Minister and the election of Mark Durkan as Deputy First Minister on **6 November 2001**, was initiated by the ground-breaking speech of the SF leader Gerry Adams on **22 October 2001** in which he urged the IRA to decommission. The IRA responded the next day with a statement saying that the organization had begun to decommission its weapons. The same day, the IICD stated that they had witnessed an event of decommissioning. As a result of both statements, Trimble held a meeting with General de Chastelain, the chairman of the IICD. Following these discussions, Trimble announced that he would be recommending in the meeting of the UUP executive on 27 October 2001, that the UUP resume their seats in the Executive. The executive endorsed

Trimble's plan and called on the UUP MLAs to support his re-election as First Minister. However, two UUP MLAs, Peter Weir and Pauline Armitage, stated that at the moment in time they were unable to vote for Trimble. Therefore, the first attempt at a re-election on **2 November 2001** failed to get the cross-community support: His re-election was opposed by 30 Unionist MLAs, whereas only 29 Unionist MLAs voted for re-election.

The problematic situation was solved by the historic decision of the non-confessional Alliance Party of Northern Ireland (APNI) to re-designate their MLAs as “Unionist” in order to secure the required Unionist majority for the re-election. The re-election occurred subsequently on **6 November 2001**. At another special Ulster Unionist Council meeting on 1 December 2001, David Trimble further succeeded in defeating a motion from the anti-Agreement wing of the party with a narrow margin of 56 per cent.

B. Disputed Issues:

1. Decommissioning

According to the Good Friday Agreement, all participants were dedicated to the task of disarmament of all paramilitary organizations.¹ The participants also confirmed that it was their intent to carry on work in good faith with the Independent International Commission on Decommissioning (IICD), and to use the influence at their disposal to attain the decommissioning of all paramilitary arms within two years after the Referendum in May 1998 in the context of the implementation of the overall peace agreement. Although this target date has not been met, some progress can be reported. The IRA statement of 6 May 2000 was significant because it was the first time that the IRA had declared their commitment to put arms beyond use in a way such that could be independently verified. The IICD reports of June and October 2000 confirmed that weapons were secure at inspections, and thus contributed to confidence-building for the peace process. A further decommissioning scheme was put forward by the Northern Ireland authorities and the British Government on 2 August 2001. The IICD reported just four days later that the IRA had proposed to them a method for putting IRA arms verifiably beyond use which was in line with the new Government scheme. Three days after a one day suspension of the political institutions on 11 August 2001, a statement by the IRA was made to the effect that the conditions for bringing their proposal forward were not existent, but that further developments would be monitored by them. The IRA stated on 19 September 2001 that they would redouble their efforts

to work together with the IICD, but that progress in this area depended on the attitude of other parties to the peace process. One day after a Gerry Adams speech urging the IRA to decommission, the IICD reported that an agreement had been reached with the IRA with regards to the ways and means of putting IRA arms verifiably beyond use. In addition, representatives of the IICD had been witness to an event in which the IRA had put a number of arms beyond use. The Northern Ireland Arms Decommissioning (Amendment) Act 2002 can be seen as a further facilitation to the decommissioning process.¹ The maximum length of the period during which legal immunity can be provided in implementing a decommissioning scheme was extended here. On 8 April 2002 the IICD reported that an event had been witnessed in which the IRA had put a substantial amount of arms beyond use. The IICD kept an inventory of the arms concerned, to be handed over to the Northern Ireland authorities and the British Government after the IICD had completed its tasks. The IICD also took this occasion to state its intention of continuing talks with the IRA representatives as well as with the loyalist paramilitary groups. The IRA move to decommissioning failed to have any impact on the Unionist community, according to opinion polls. It did not decrease their sceptical stance towards Republicanism.

2. Policing and Demilitarisation

The other major issues of dispute are the reform of the RUC and the demilitarization (“normalization”) of the province. Again, the British government established a commission to deal with the policing issue –chaired by the former Governor of Hong Kong and now EU Commissioner, Chris Patten. The Patten Commission delivered the so-called **Patten Report** in September 1999. Its recommendations (the report called for sweeping changes to the RUC's name, badge, structure, ethos, and recruitment procedures) with regard to the proposed changes of the name of the police force and the royal insignia became a major source of dispute: Whereas the SDLP warmly welcomed the recommendations, Sinn Fein insisted on the disbanding of the RUC, and the UUP condemned the recommendations.

After a series of discussions and a period of legislation, the Police Service of Northern Ireland (PSNI) came into being on 4 November 2001 with a change to the name of the Royal Ulster Constabulary (RUC). The powers of the new Northern Ireland Policing Board took effect. The first batch of the 308 recruits to the PSNI, recruited on the basis of 50 per cent Catholic and 50 per cent Protestant, began their training. The political parties (with the exception of Sinn Fein)

agreed to take their seats on the new Policing Board. An agreement on a new policing badge was finally reached on 12 December 2001.

As a consequence of the decommissioning gesture by the IRA, the British government announced its intention to further reduce the presence of the British army in Northern Ireland and to abolish the four watchtowers in South Armagh. However, the recent violent disturbances in South Armagh initiated by the youth-wing of Sinn Fein as a protest against the watchtower posts of the British army have displayed the sensitiveness of this demilitarization issue: The Nationalist community demands a further reduction of British troops and the disbandment of army posts and watchtowers. It also indicates the interlinkage of both issues – policing and demilitarization.

3. Parading

“The parades issue is a microcosm of the wider political problems in Northern Ireland. It is a very complex and difficult issue. It is one of conflicting rights, on the one hand the right to free assembly, on the other the right to live free from intimidation and fear. It is not a question of who is right or wrong, rather one of how these sometimes conflicting rights can be accommodated.”

[Northern Ireland Office]

The annual parades of the Orange Order centred around the 12th of July are a major source of unrest, violence and heightened tension. July 12 celebrates the victory of the forces of the Protestant English king, William of Orange, over the Catholic king he deposed, James II, at the Battle of the Boyne in 1690, confirming the Protestant supremacy in Ireland.

For more than 200 years, the marching season has been a source of conflict between Northern Ireland's Protestant and Catholic communities. The "marching season" is the period between Easter Monday and the end of September, when more than 3,500 parades are held throughout Northern Ireland. Catholics argue that they should not have to endure the "triumphalist" parades through their neighbourhoods, mostly celebrating Protestant victories over Catholics.

In an effort to deal with the annual tensions, the British government created the so-called **Parades Commission** under the terms of the **Public Processions (Northern Ireland) Bill** of 16 February 1998. The commission received the authority to decide whether a parade was allowed to proceed, whether it was to be re-routed, or to be banned.

The Orange Order never accepted the authority of the Parades Commission and barely engaged in a serious way with its representatives.

Since the signing of the Good Friday Agreement, the tensions during the marching season tend to focus around one event – the Drumcree parade along the predominantly Catholic Garvaghy Road (which has been empty country-side for hundreds of years):

Whereas decommissioning is *the* issue for those against the Agreement, the annual dispute at Drumcree is *their* arena- an event utilised for the manifestation of their opposition. As a result of the signing of the GFA, the annual march of Drumcree changed from an annual assertion of superiority into the Orange Order's "last stand" – it became the protest platform against both the GFA and the peace process as it stands. What makes the Drumcree events so dangerous are two factors: First, the fact (what Ryder and Kearney [2001] called the "cancer of Drumcree", which is the title of the last chapter of their book) that the events have had and will continue to have an impact on the whole situation in Northern Ireland - on inter-community relations and on the level of violence - rendering irrelevant the fact that the vast majority of all the parades are peaceful parades without disturbances (in 1996 there were only clashes during fifteen out of 2307 parades ; only 28 of them had to be re-routed or had conditions imposed). The impact Drumcree has had on all events since 1995 is clear from the "Siege of Dumcree" where Trimble and Paisley triumphantly celebrated the right to march down the Catholic Garvaghy Road– to the great dismay of the Catholic residents. In 1996, **The Garvaghy Road Residents' Coalition** (the residents of the predominantly Catholic Garvaghy Road) was determined, after the humiliating events in 1995, not to allow the parade through again. The crisis worsened dramatically on 11 July when Unionist leaders threatened to call on Orangemen across the North to attempt to march in Nationalist areas, thereby virtually threatening to initiate civil war. In response, the RUC abruptly reversed its policy and proceeded to force the Orange march down the Garvaghy Road by beating the protesting residents out of the way. The consequences were depressing: Drumcree Two became "Northern Ireland's Chernobyl" with violence in Nationalist areas, social disorder and a meltdown in inter-community relations and widespread fallout. The year 1997 saw a repetition of the RUC's "least worst solution", namely allowing a limited number of Orange men to march down Garvaghy Road, but Nationalist anger was even more intense and threatened far worse consequences, due to the hopes they had placed in the new Labour administration at Westminster and the promising new Secretary of State, Mo Mowlam. The Orange Order's "last stand" began in 1998 - where the marching season was held in the aftermath of the signing of the GFA - when they were prevented from marching down Garvaghy Road.

4. The release of paramilitary prisoners and the victims issue

The role and importance of the paramilitary prisoners (who perceive themselves as “Prisoners of War” POWs) received the largest amount of public attention when the then Secretary of State, Mo Mowlam, visited the prisoners in the famous Maze prison in January 1998 in an attempt to persuade them to affirm their support for the peace process. She demonstrated that the release of prisoners would be considered but only as part of a wider political settlement of the conflict. Consequently, the release of all conflict-related prisoners in the UK and the Republic of Ireland was an important part of the Good Friday Agreement. However, it was also an extremely difficult part of the Agreement since it led to grievances on the side of the victims of the troubles and their families. The victim groups on both side opposed the early release scheme of the government. It appeared to be the main reason for a significant part of the community to vote “no” in the referendum on the Good Friday Agreement.

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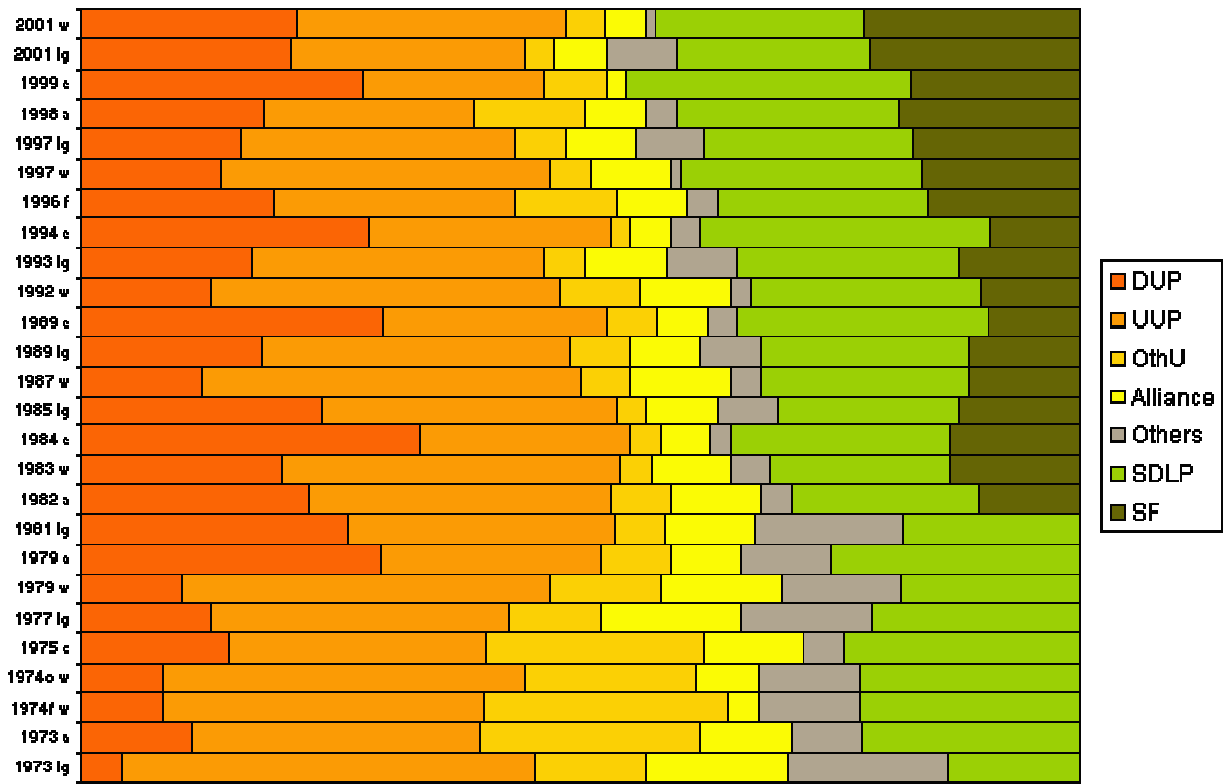
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ⁱⁱ See: "A Note on Gerrymandering"; Nicholas Whyte's Northern Ireland Election site; URL source:

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ⁱⁱⁱ Although David Trimble, the now First Minister of Northern Ireland and current leader of the UUP, described the Stormont period (1921-1972) as a "cold house for Catholics", the very extent of the discrimination is disputed.

^{iv} See the full text on the CAIN website at: <http://cain.ulst.ac.uk/hmsso/spa1922.htm>, accessed 17 February 2003.

^v The naming of the city is a political act in itself. Protestants tended to use the official name "Londonderry" whereas Catholics deliberately avoided the syllable "London-". However, there is the widespread impression and attitude today that the use of the name "Derry" is used in a bipartisan manner.

^{vi} Although it is undisputed that 14 civilians were killed by paratroopers, what is unclear is whether those killed were carrying or firing weapons at the time.

^{vii} See the full text at the CAIN website: <http://cain.ulst.ac.uk/hmsso/widgery.htm>, accessed 17 February 2003; for detailed and updated information on the Bloody Sunday Inquiry, see: <http://www.bloody-sunday-inquiry.org.uk/>, accessed 17 February 2003.

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^{xiii} See the CAIN website at: <http://cain.ulst.ac.uk/events/peace/docs/ira31894.htm>, accessed 17 February 2003; see also <http://cain.ulst.ac.uk/events/peace/docs/clmc131094.htm>, accessed 17 February 2003.

^{xiv} See the CAIN website at: <http://cain.ulst.ac.uk/events/peace/docs/ira9296.htm>, accessed 17 February 2003.

^{xv} See the CAIN website at: <http://cain.ulst.ac.uk/issues/politics/election/ref1998.htm>, accessed 17 February 2003.

^{xvi} Another poll indicated that the main reason people were planning to vote no was the planned release of paramilitary prisoners under the early release scheme of the Agreement's terms; <http://cain.ulst.ac.uk/issues/politics/election/ref1998.htm>

^{xvii} <http://cain.ulst.ac.uk/othelem/chron/ch98.htm>. Note also, "The referendum in Northern Ireland was carried out on a single constituency basis so it was not possible to give a breakdown of the 'yes' and 'no' figures into the two main communities. This did not stop the 'Yes' and 'No' camps claiming that the majority of Unionists has supported their position. The best estimates indicated that the overwhelming majority of Catholics / Nationalists voted 'Yes' perhaps as many as 96 or 97 per cent. In the case of Protestants / Unionists who voted 'yes' it is estimated that the figure was between 51 and 53 per cent." <http://cain.ulst.ac.uk/issues/politics/election/ref1998.htm>

^{xviii} For the full text of the Good Friday Agreement, see: Northern Ireland Office Online, Key Issues: <http://www.nio.gov.uk/issues/agreement.htm>, accessed 17 February 2003.

^{xix} The "story" is described by Bew (2000), p. 42.

^{xx} Bew (2000), p.42.

^{xxi} Ruane/ Todd (1999), p. 13.

^{xxii} See Northern Ireland Assembly: <http://www.ni-assembly.gov.uk/>, accessed 17 February 2003.

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- ^{xxiii} O'Leary (1999), p. 69.
- ^{xxiv} Aughey (1989), p. 125.
- ^{xxv} Aughey (1989), p. 126.
- ^{xxvi} Bew (2000), p. 44.
- ^{xxvii} O'Leary (1999), p. 81.
- ^{xxviii} Hennessey (2000b), p. 177.
- ^{xxix} Strand 2, paragraph 13; cf. Ruane/ Todd (1999); p. 14.
- ^{xxx} O'Leary (1999), p. 80/81.
- ^{xxxi} Bew (2000), p. 46. Hennessey further explains that the essential difference between the British-Irish Council and the NSMC was one of priority: the main devolved institutions in Scotland and Wales were still in the process of establishment when the Agreement was signed; Hennessey (2000b); p. 179.
- ^{xxxii} Ruane/ Todd (1999), p. 15.
- ^{xxxiii} The full text of this document can be found on the CAIN website at:
<http://cain.ulst.ac.uk/events/crights/sdlp1972.htm>, accessed 17 February 2003.
- ^{xxxiv} McGarry (2001), p. 302.
- ^{xxxv} See McKittrick (2002); see also "Political Demography in Northern Ireland", at:
<http://www.geocities.com/pdni/views.html>, accessed 5 March 2003.
- ^{xxxvi} See Northern Ireland Office, "Administering elections in Northern Ireland. Report of the Election Review 1998", at: <http://www.nio.gov.uk/press/a/981021z-nio.htm>, accessed 5 March 2003; see also the response of Northern Ireland minister Des Browne to a question in the House of Commons on measures he is taking to combat electoral fraud and voter intimidation, in: "Parliamentary Questions", Electoral Bulletin of the Electoral Reform Society, November-December 2002, at: <http://www.electoral-reform.org.uk/publications/NovDec02.pdf>, accessed 5 March 2003.