

## Equality

*the debate goes on*

## International Dilemma

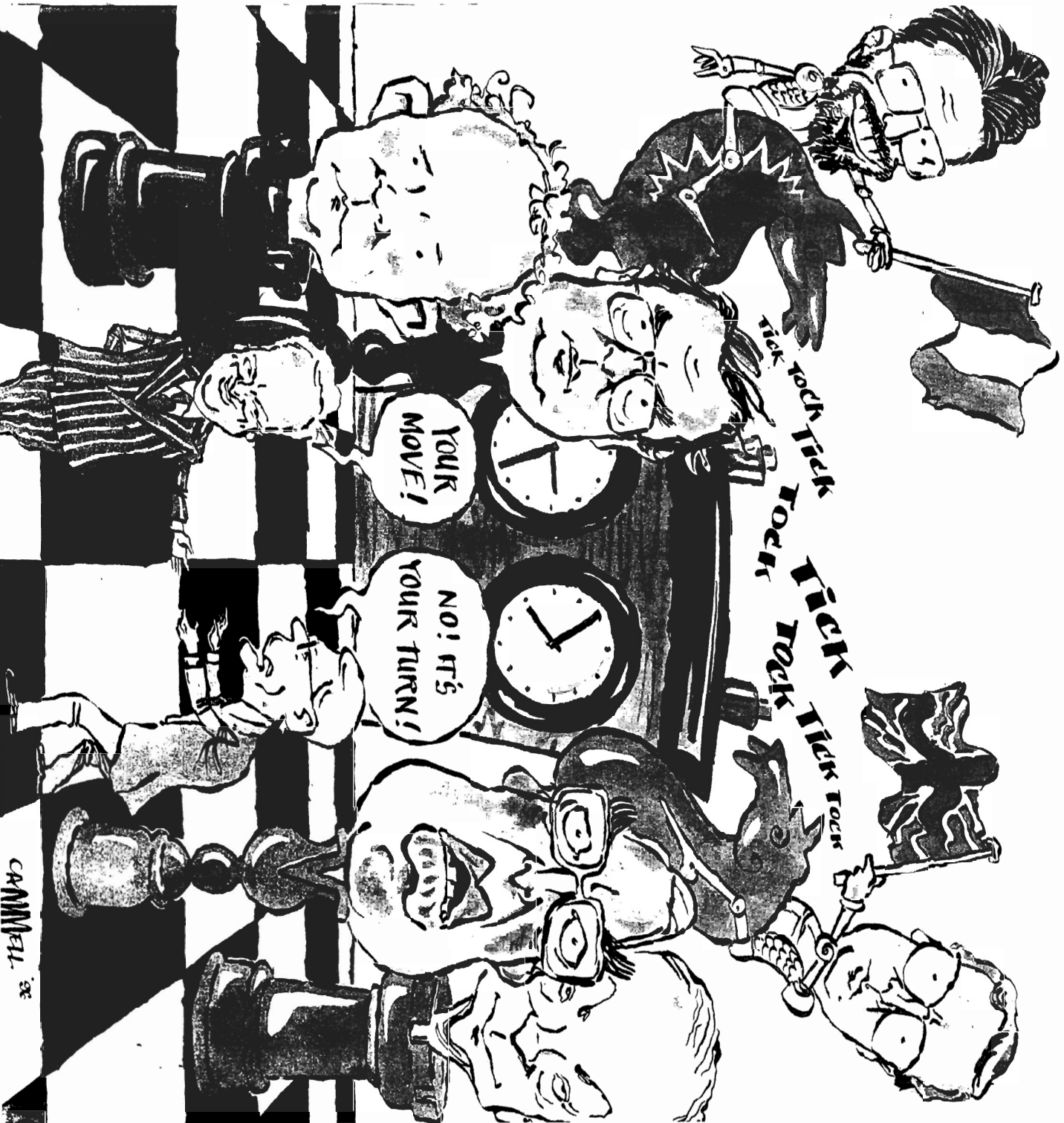
*the state of health*

## Balancing Acts

*gender at the turn of the century*

# Northern Ireland

*adding processes to the peace process*



# War Talks

about

# War

about

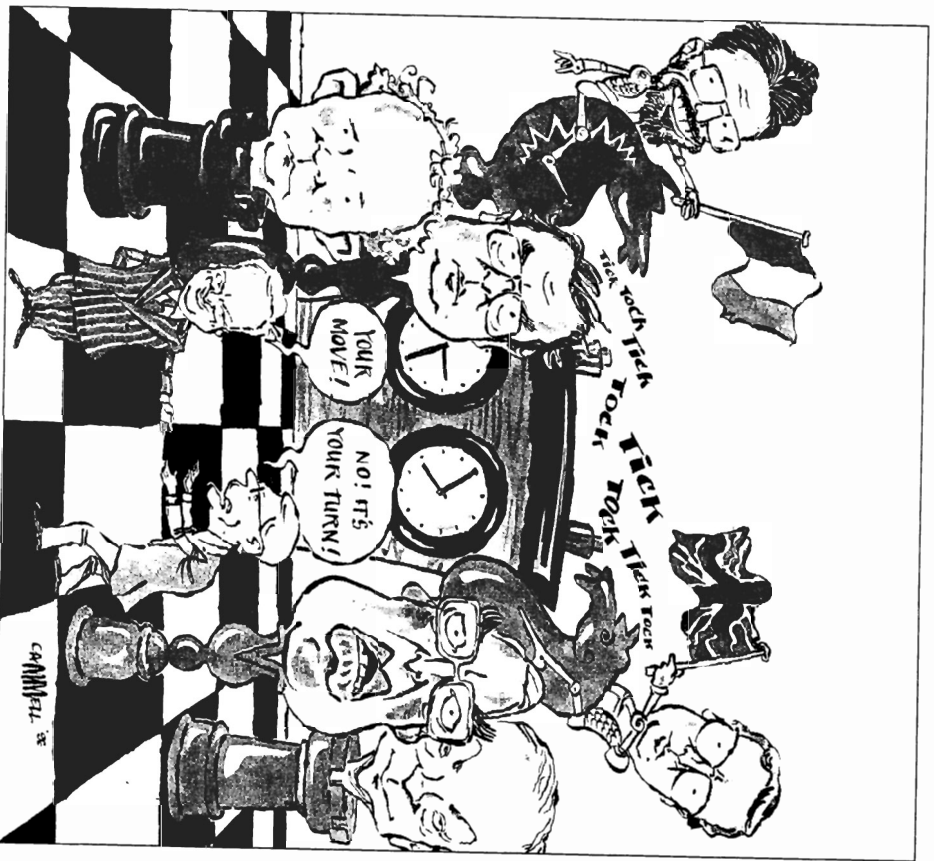
On 9 February 1996, the IRA Army Council announced that from 6pm, 'with great reluctance', its total cessation of violence was at an end. An hour later, one of its active service units detonated a major explosion in London's Docklands, close to media and financial centres, killing two men in a nearby newsagents, injuring 60 others, five seriously. IRA active service units followed up this action with bomb-threats throughout central London. These activities culminated in the death of an IRA man in a bizarre explosion on a bus in the Aldwych. In its aftermath, Sinn Féin and Irish Americans appeared to win a guarantee of 'a breathing space' from the IRA, and as *LSE Magazine* went to press, the IRA appeared either to be operating an undeclared renewal of its ceasefire, keeping its options open, or managing its renewal of violence in a low-key manner, confined to Great Britain.

During the month following the Docklands bomb, loyalist paramilitaries had held to their ceasefire, while issuing some counter-threats. Thus far, no political shootings, bombings or bomb-scares had occurred in Northern Ireland. Sinn Féin leaders were surprised at the breakdown of the ceasefire. The Irish Government responded by suspending ministerial contacts with Sinn Féin until the ceasefire was renewed, a measure immediately imitated by the British Government. The two largest unionist parties, the Ulster Unionist Party (UUP) and the Democratic Unionist Party (DUP), claimed that what had occurred fully justified their stance on decommissioning. Indeed, David Trimble of the UUP claimed it showed that the IRA was afraid of elections.

Direct responsibility for the breakdown of the peace process obviously rested with the IRA, but many commentators in London, Dublin and Belfast rapidly addressed the issue of whether others had been indirectly responsible. Naturally, die-hard unionists and their supporters felt vindicated, maintaining that the IRA had realised that it was not going to get its demands met at the negotiating tables, and consequently had resumed its familiar ways. They noted that throughout the ceasefire the IRA had maintained itself on a war-footing, engaging in practice-runs. By contrast, the Irish Government and northern nationalists held the British Government indirectly responsible for the breakdown in the peace process.

British Prime Minister John Major's errors of judgement certainly explain, though they do not excuse, the scenes of devasta-

Earlier this year, the IRA ceasefire came to an end. **Brendan O'Leary** examines where the responsibility for the renewal of violence lies, and looks for a possible solution to the apparent impasse.



*The British and Irish governments may be reluctant to drive the negotiating process*

tion in London, and were shared by the Opposition Leader, Tony Blair, and many other British politicians and some Irish politicians. The Downing Street Declaration had stated that all parties with democratic mandates, and committed to 'exclusively peaceful methods', would be entitled to enter into all-party negotiations. It sent a clear message to Sinn Féin: persuade the IRA to abandon violence, for good, and a place awaits you at the negotiating tables.

Sir Patrick Mayhew privately assured a member of the Morrison delegation that he 'could not imagine' more than six months elapsing between an IRA cessation of vio-

lence and the convening of all-party talks. The Declaration had called for a 'permanent' cessation of violence, an assurance the IRA refused to give. Major did, however, eventually make the 'working assumption' that the IRA's ceasefire was permanent, but did not act speedily upon this assumption. He did not convene an all-party peace convention and thus lost the confidence of northern nationalists.

Instead the British Government equivocated over the necessary agenda of reform in Northern Ireland – over the structure and name of the police, emergency legislation, the early release of prisoners, and the pub-

lic policy measures that might have indicated willingness to deliver on promises of 'rigorous impartiality' and 'parity of esteem' between the two national traditions, in the Framework documents published by the two Governments in February 1995. More importantly, and against the explicit advice of some of his own security experts, Major insisted that the IRA and, in a quieter voice, the loyalists, decommission some of their weapons before all-party talks could begin, despite the fact that decommissioning is not explicitly mentioned in the Downing Street Declaration. Indeed it only became a publicly important issue after the two Governments had issued their

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constructive Framework documents. In May 1995, through adroit diplomatic skill the British Government succeeded in getting US Vice-President Al Gore to defend publicly the pre-talks decommissioning thesis. The pre-condition was promptly renamed 'Washington Three'. It became Stalemate Number One. The reason for this insistence on decommissioning is simple: Major wished to calm unionist fears about a possible betrayal of their interests, reflected in the wounded reaction of the UUP's leader James Molyneux to the Framework documents, and Molyneux's subsequent replacement by Trimble.

Major persisted with the error of judgement that the IRA Army Council was always going to be more flexible, reasonable and accommodating than the UUP, that the IRA would be willing to engage in symbolic surrender, unlike the party of 'No Surrender'. The unrealism of this thinking was palpable, at least to others. The IRA had not been defeated. Its willingness to negotiate indicated that it believed it could not win its aims through war or, through Sinn Féin, at the negotiating table, but that the IRA and Sinn Féin were clearly ready to settle for less than their historic demands. Unfortunately that premise was not tested or decisively. Instead, an impasse resulted.

The impasse looked as if it could be resolved when US President Bill Clinton visited Britain and Ireland in November

1995. The issue of decommissioning was handed over, with the consent and support of all three governments, to former US Senator Mitchell, Canada's John de Chastelain, and Finland's Harri Holkeri, while the British and the Irish governments committed themselves to convening all-party talks by the end of February 1996.

The International Body – the Mitchell Commission – deliberated, took counsel, and reported in January 1996. Its judgements were wise ones. Decommissioning of *material*, it suggested, should take place not before or after all-party talks, but during them, as confidence-building measures. It recommended amnesties for those engaged in decommissioning. It also emphasised that parties to such talks should abide by six firmly delineated democratic principles, and that elections in Northern Ireland might usefully supplement such a package, if the mandate of an elected body was widely acceptable, and if it addressed the agenda of the Framework documents, that is, relationships within Northern Ireland, between Northern Ireland and the Republic, and between Britain and Ireland.

Major did not unequivocally accept the Commission's report – instead he 'cherry-picked' its recommendations, as did every other party. More importantly, Major appeared to come up with a forked formula. To Sinn Féin and the IRA he said: decommission something now and we will let Sinn Féin into all-party talks, or let us have elections in Northern Ireland, after which parties with mandates can negotiate. I use the word 'appeared' deliberately because his intentions were not clear, but that is how he was understood. This uncertainty did not stop the Opposition from following Major into the hole that he had dug for himself. He had moved the goal-posts. All-party talks plainly could not now begin by the end of February. Major had appeared to back away from a principled stance on decommissioning, only to make elections an alternative hurdle to all-party talks. He had not made clear elections to what, or for what. He had treated threats of an IRA resumption of violence as Sinn Féin calling 'wolf'; and he had ignored advice that northern nationalists look upon any prospective restoration of a unionist-dominated assembly as a return to their worst nightmare, not as a negotiating opportunity. His response to Mitchell gave the IRA an excuse to return to war, whether or not this turns out to be merely a negotiating tactic.

After the Docklands bombing, Major patiently explained that his response to Mitchell had been misunderstood. A characteristic understatement. Proposing elections as a route to all-party talks was not senseless. He had intended that it would bring the UUP into negotiations, but the idea needed to be handled with sensitivity

and with detailed attention to nature and timing – as the Commission was aware. Major's last and worst error of judgement, shaped by tacit pressure from right-wingers within his party, cumulated in a succession of, at worst, broken promises and, at best, gauche political ploys. Elections were not mentioned in the Downing Street Declaration. Democratic mandates exist for all the major political parties in Northern Ireland, and elections risk the possibility that they will lay out their 'non-negotiable demands', thus making peace-making even more difficult.

Major's errors of judgement can be interpreted in three ways. First, his party's Commons majority was diminishing, so he did not think he could put pressure on the UUP to come to negotiations. Second, his conduct may have reflected his own unionist convictions. The third, and paramount, reason was that Major judged that unionist politicians would not negotiate unless he extracted more concessions from the IRA. Labour leader Tony Blair's additional error was to reassure Ulster unionists that Labour's Irish policy had, informally, changed. Blair, influenced by party-political advantage, made them less fearful of a Labour government. But this made the unionists less willing to negotiate under a Conservative government. The result was that the IRA ceasefire led to a 17 month non-violent stalemate, rather than a moment for rapid change and taboo-breaking negotiations. Whether the two governments can put things back together after the termination of the ceasefire, and in improved condition, is the next challenge for politicians and their officials.

### Positively the last communique? Adding processes to the process

When things go wrong governments often return to where they went wrong, to see if they can repair the damage. In this case they went back to the Mitchell Commission's recommendations. The IRA's resumption of bombing in London acted, as intended, as a wake-up call to the British and Irish Governments. The consequence was to add further processes to the peace process, without yet guaranteeing a substantive outcome. The two governments reacted to the renewal of violence by suspending Sinn Féin from ministerial contacts, though the party was to be allowed to have contacts at official level, a response followed by the American administration. They avoided the temptations of renewed repression, while putting their security systems back into full alert. After hasty negotiations they then produced a joint communique on 28 February 1996. In it both governments made compromises, and tried to deliver reassurances all around.

In summary, the joint communique demanded a full restoration of the IRA cease-

fire, renewed the two governments' commitment to the Downing Street Declaration and the Joint Framework Document, and set out a timetable for a three-stranded negotiation process. This process comprises 'proximity talks' on March 4-13, an elective process before early June and all-party negotiations by 10 June 1996. The form of the elective process and the nature of the body which is being elected is to be decided after the proximity talks. Decommissioning of weapons is not a precondition of the process.

### What is struggling to be born?

No one can foresee the future, not least the parties to the Northern Irish peace process, or for that matter me. Three immediate obstacles to successful conflict-resolution are, however, obvious. How they are treated will determine whether Northern Ireland returns to war, experiences a cold peace, or, lastly, the blessings and difficulties of a political settlement.

The first is the uncertainty which surrounds the prospect of the IRA resuming its ceasefire, and the political place of Sinn Féin. A new ceasefire, and negotiating, could be seen as being in republican interests. Constitutional pan-nationalism cannot deliver a united Ireland, but it can deliver a better deal for northern nationalists than they have so far been offered. The contrary thesis will, however, carry weight amongst republicans. In this thesis the British Government only responds to violence, and surrendering the IRA's negotiating power in advance of a comprehensive settlement will leave republicans in a weakened position. Hard-liners view the elective process as endowing Northern Ireland, a gerrymandered entity, with false legitimacy. They also believe that the first item on the agenda of any inter-party talks, whatever reassurances they receive in advance, will be the surrender of the IRA.

Sinn Féin is faced with a strategic dilemma. Its previous strategy locked it in stalemate. It could choose to become a constitutional anti-system party, oppose the IRA's use of violence, and thus better its electoral prospects, and the likelihood of a joint alliance with the SDLP, the Irish Government and Irish America. The price, however, is a division of the republican movement, and an IRA return to the long war. The decision is painful, but I believe it points in an inexorably constitutional direction.

The unionist parties, naturally, have no sympathy for republican pain, but they too have to reflect on the IRA's future strategy. On the one hand they will be tempted by the belief that a renewal of republican violence leaves them free to avoid painful compromises and to hope that the two governments will embark upon a fulsome and joint repressive strategy – interment, north

and south. Loyalist paramilitaries could resume their war of detrence, killing northern nationalists. On the other hand, they may think that a renewed republican ceasefire offers the best, or last, chance to win permanent security for their community, from Britain, Ireland and their northern nationalist neighbours.

The second obstacle to successful conflict-resolution is that any resolution must avoid pure 'internalisation' if it is to satisfy nationalists and republicans. For them, there must be Irish dimensions, within Northern Ireland, across the border, and between the two governments. Equally, however, any stable resolution must avoid pure 'externalisation' if it is to satisfy unionists. They want the security of their Union vouchsafed, even if it has to have Irish dimensions. In short, the region must remain recognisably British while simultaneously becoming more formally Irish. Managing this difficult dilemma, and making it into a livable outcome, will be at the heart of a successful political settlement.

The third obstacle is the sheer number of processes which are now in place to encourage or facilitate the peace process. High thresholds of agreement and numerous procedures can easily block progress. I shall confine myself to five illustrations:

■ All parties have rival preferences for different processes because they know that process affects outcome. That is why decommissioning, before, during or after a settlement, elective processes, the relationships between strands in talks, and the principles of national self-determination and consent, matter. Nationalists' and unionists' preferred processes express fear and tactical assumptions. At some stage, however, the two governments must treat process as secondary to outcome and choose processes which damage at least one party's expectations.

■ It remains probable that decommissioning will block negotiations. Can Sinn Féin deliver the IRA on decommissioning, as well as a renewal of its ceasefire?

And if not, must it be expelled from negotiations? Alternatively, if Sinn Féin is not there, must the loyalist parties deliver on decommissioning by the Ulster Defence Association (UDA) and the Ulster Volunteer Force (UVF), on pain of expulsion from the talks?

■ The elective process and referendums may inhibit the ability of political elites to deliver workable compromises. Even if they come to the tables genuinely minded to do so, whatever the negotiators agree may not necessarily be acceptable to their publics, or necessarily workable.

■ The two governments may be reluctant to drive the negotiating process for fear that one party will exit from the talks, since their focus may remain on inclusive process rather than workable out-

come. The price the British Government has already paid, for refusing to execute reforms that would please nationalists because they would worry unionists, was the abandonment of the IRA ceasefire.

■ Finally, the processes of governmental formation in Britain and Ireland may once again interfere with conflict-resolution in Northern Ireland. The Sunningdale settlement was partly destroyed by the replacement of a Conservative by a Labour government in 1974, and the current peace process was disturbed in 1994 by the break-up of the Fianna Fáil-Labour coalition in Dublin. Conflict in Northern Ireland is not purely internal, its dynamics are connected to the rhythms and strains of wider British and Irish politics.

For these reasons a strong caveat is in order. One lesson of the last 27 years is that inter-party negotiations have not worked, at least in the sense of delivering agreed and workable outcomes. One conclusion is that they have not worked because they have not been inclusive enough. I hope that that conclusion is right, but I am not confident that it is. Another lesson is that when the two governments, British and Irish, are united, focused and resolute then progress can be accomplished, because it is easier for the governments to make compromises than the local parties. If that conclusion is right, then there are only three broad roads out of crisis or log-jammed talks: joint governmental repression of a truly draconian kind; joint or shared authority; or an imposed settlement built from the elements of the Framework documents that cannot be effectively blocked by local resistance, naturally as a prelude to a more agreed outcome later.

The first of these roads is blocked. It has insufficient support in Ireland, especially in the Republic, and a low likelihood of success. The same can presently be said of the second, though its lack of support is concentrated in Northern Ireland. Joint or shared authority has the merit of justice, if not consensus, but lacks agents to execute it. The third road is more feasible, if less just and no more consensual. Whether there is a sufficient quota of British and Irish politicians willing to follow this road is another matter. We will know soon enough.



**Brendan O'Leary** is Professor elect of Political Science. His book, *Explaining Northern Ireland: Broken Images, co-authored with John McGarry (Oxford: Basil Blackwell)* is reviewed on page 36.