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Comment & Analysis: Elections, not suspensions: The ballot box may now be the best way forward for the peace process in Northern Ireland

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BY BRENDAN O'LEARY

One government and two parties share most of the blame for the impasses in implementing the Belfast agreement: the UK government, the Ulster Unionist party and Sinn Fein.

The UK government dishonoured its pledge of May 2000, reaffirmed in March of this year, to produce legislation and implementation plans fully reflecting the letter and spirit of the Patten report on policing - which in turn flowed squarely from the agreement. None of its excuses exonerate it - or offset the political blunder it made in weakening the SDLP by mismanaging the issue. It also has work to do to fulfil its obligations on demilitarisation, the review of the administration of justice and human rights protection.

The IRA initiated decommissioning, if one counts international inspections of its arms dumps, but it is nowhere near implementing last year's pledge to put its weapons completely and verifiably beyond use. None of its excuses absolve Sinn Fein from its obligations under the agreement to build confidence amongst its governmental partners. Nothing in the agreement warrants the republican line that actual decommissioning must be the very last act of implementation, or the very last activity to get under way. It merely maximises distrust about the IRA's long-run intentions.

The UUP has disregarded several of its duties under the agreement, while demanding that others deliver on their promises ahead of time, or of reality. It blocked rapid executive formation. It rejected the Patten report, though it met the agreement's terms of reference. The first minister has blocked Sinn Fein ministers' participation in the north-south ministerial council. When this was declared unlawful, Trimble simply appealed the decision.

He has twice threatened resignation - and the collapse of the agreement's institutions - to force Sinn Fein to deliver the IRA to his deadlines. He encouraged the UK government to make the first formal break with the agreement, and international law, by passing the Suspension Act in 2000, which Mandelson used, and Trimble now presses Blair and Reid to use again. Trimble and the UUP are not behaving as if they believe in the new order.

The blame game is not constructive, so the question is: what is to be done? Stupid things have to stop. The governments have treated the small pro-agreement parties badly. Inexcusable, because the Alliance party and the Women's Coalition may rescue Trimble from his reckless resignation, and foolish because the Progressive Unionist party can restrain loyalist provocations that may end all the ceasefires. The strategy of putting all the pressure on Sinn Fein also won't work - indeed will help it electorally, and make the SDLP look like Uncle Toms.

Ideally, a package deal can be agreed in which Sinn Fein guarantees a decommissioning timetable by the IRA, conditional on the UK's demilitarisation timetable; the Blair government makes specific commitments on policing and public inquiries into past police misconduct, outlines its intentions on the administration of justice and human rights, and its demilitarisation

plans; and the UUP abandons its unlawful bar on Sinn Fein ministers. This scenario, regrettably, does not seem imminent, and would still require careful moves to restore the first and deputy first ministers.

Failure would present the governments with three choices: they could leave negotiation to the parties; suspend the institutions, while postponing negotiations; or have fresh assembly elections before new negotiations. The first won't work, yet. Suspension should be ruled out because the Suspension Act is a break with the agreement; and it would be unconstitutional for the Irish government to recognise it. It might fatally terminate the assembly, and encourage renewed paramilitary warfare.

What about fresh elections? The argument put against them is that they will strengthen Sinn Fein and the Democratic Unionist party. But that very fear should create incentives for the UUP to accept a package now that would stave off elections. But accept the premise. Sinn Fein and the DUP would do very well under fresh elections only if they run on moderated platforms - in which we could anticipate IRA initiatives on arms and DUP statements on how they would not destroy devolution.

And what if the DUP and Sinn Fein became respectively the majority unionist and nationalist parties? Well, the rules for election of first and deputy first minister would force them to choose between accepting their respective nominees, or accepting moderate SDLP and UUP nominees, or having fresh elections.

It's a risky path, but it's a path within the agreement, and has fewer hazards than suspension. So, Mr Blair and Mr Ahern should declare at the negotiating tables: either do a deal today and tomorrow, or do a deal on your own; or prepare for assembly elections. Election after election is superior to suspension after suspension. It's also democratic. Whether it would work remains to be seen. But it would be odd if democratic politicians underestimated the legitimacy and political authority that flow from the ballot box.

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