

CHAPTER 5

CREATING A SHARED PARLIAMENT IN A DIVIDED SOCIETY: LESSONS FROM THE NORTHERN IRELAND EXPERIENCE

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When the civil rights marches of the late 1960's broke down into serious civil disturbance and violence in Northern Ireland the first reaction of the provincial government was to deal with the problem as a matter of internal security. However, it soon became obvious that while the trouble was within Northern Ireland, the context was the still-unresolved relationship between Britain and Ireland. Britain had hoped in vain that it had laid the matter to rest through the 1922 settlement that partitioned Ireland. Since then it had in practice treated Northern Ireland largely as a self-governing dominion, though it remained part of the United Kingdom. The southern Irish state meanwhile emphasized and developed its independence by leaving the British Commonwealth and becoming a republic, by remaining neutral during the World War II, and by refusing to join the NATO military alliance.

Fifty Years of Drift

During the period from 1923 to 1968, when there was only sporadic terrorist activity, much could have been done politically to address the needs of the substantial Catholic minority in the North and the small Protestant minority in the South. Cross-border economic cooperation would also have made a substantial difference to relations. Instead, little was done, and after 50 years of partition few Protestants remained in the Irish Republic, and the large Catholic minority in Northern Ireland felt isolated, alienated, and resentful. Breakdown was almost inevitable and when it came it was bloody. In a population of only 1.5 million people, about 3,500 were killed and tens of thousands were injured in the subsequent thirty years of internecine violence. The provincial government was prorogued by Westminster in 1972, and the Protestant and Catholic power-sharing arrangement that followed collapsed after only six months in operation.

Moderate politicians and civil society, in the form of the churches, trade unions, the business community, and non-governmental organizations, all worked very hard for a settlement over the next two decades, but to no avail. In the mid-1970's a major peace movement was led by women reacting against the death and injury brought about by terrorism. These "Peace People" held marches and organized many activities, bringing ordinary people from the two sides together. It seemed to have mass appeal, and its leaders Betty Williams and Mairead Corrigan were awarded the Nobel Peace Prize, but in the end it also came to nothing. Business and professional people who had been the backbone of the public institutions left political life, while the terrorist paramilitaries on both sides appeared oblivious to the suffering and economic havoc they were causing. It all seemed hopeless, the more so after a further attempt to establish a power-sharing assembly in the early 1980's failed to reach any cross-community agreement at all.

Development of the 1985 Anglo-Irish Agreement

By a fortunate turn of history, the United Kingdom and the Republic of Ireland joined the European Economic Community (EEC) on the same day in 1973. As a result, British and Irish government ministers and civil servants began to meet regularly within the structure of the EEC, and this slowly started to change the context of Anglo-Irish relations. Mutual respect grew as practical working arrangements developed, and 12 years later, in 1985, an Anglo-Irish Agreement was signed, laying the foundations for unprecedented cooperation between the two states in addressing the Northern Ireland conflict. In today's world, wars between states are less common than intrastate conflicts, but even internal conflicts may be symptomatic of wider issues. This is one of the many reasons why international cooperation is so important in addressing internal conflicts.

The 1985 Anglo-Irish Agreement improved relations between Britain and Ireland, but although Catholic Nationalists felt less isolated, the Irish Republican Army (IRA) continued its terrorist campaign, and Protestant paramilitaries, feeling betrayed by Britain, took revenge through further sectarian killings. It took another six years of diplomatic activity to get political representatives of the two main elements in Northern Ireland to sit around a table to talk, and even then the parties with terrorist involvement were not present; that took another five years. Such processes often do take a long time. During all of this period, whoever was Prime Minister and whichever party was in power in London or in Dublin, the Peace Process continued. Margaret Thatcher, John Major, Tony Blair, Charles Haughey, Garret Fitzgerald, Albert Reynolds, John Bruton and Bertie Aherne all led different governments in London and Dublin during this period, but each regarded the Irish Peace Process as something that transcended party politics. This national commitment by both Britain and Ireland was critical to the stability of the Process.

The degree of painstaking administrative and procedural discussion necessary in the pre-negotiation period should also be noted. During those years of what became known as “Talks about Talks,” the parties edged slowly toward the negotiating table, not by exploring the substantive issues, but by discussing how the senior political figures and their parties could begin to engage. This required commitment and devotion by small teams of civil servants and party officials behind the scenes, setting up arrangements, smoothing the way, and keeping records, notes, and contacts in place. This work was necessary to hold the Peace Process together over the years and to facilitate the involvement of people in all the communities through their own elected representatives, without which little progress can, in the end, be made. People will not feel a sense of confidence in, or ownership of, a process (or its outcome) unless their own representatives are involved, but it should be understood that creating the structure and the political context where this can happen is painstaking and frustrating work. In Northern Ireland those years were not years of perfect achievement—mistakes and misjudgments were often made—but the consistent, gradual, and increasingly inclusive approach was essential.

The wider international community was important, particularly the United States of America during the two Clinton administrations. Various countries provided economic assistance, encouragement, expertise and mediation. Visits were arranged for Northern Ireland politicians to other parts of the world to see conflict resolution at work; South Africa was especially helpful. The International Fund for Ireland was established to channel financial aid from the United States, the European Union,

Canada, Australia and New Zealand. This aid was targeted to give training, consultancy and advice to small businesses and community groups trying to build a more entrepreneurial economy. Just as the political task was to enable the divided community to take shared responsibility for its own governance, so the economic emphasis was orientated toward helping people in more deprived areas on both sides of the community divide to build their own wealth, take control of their own affairs, and increase their engagement in commerce and trade with the outside world.

Multiparty Peace Talks and the Belfast Agreement

The multi-party peace talks, when they finally came about, were a complex, three-stranded arrangement because of the three key sets of problem relationships that had to be addressed. The relationships within Northern Ireland required inclusion of all the Northern Ireland political parties and the British Government. North-South relations needed the Irish Government to be integral to the second strand of talks with all the other parties. In addition, British-Irish sovereign government issues had to be dealt with by London and Dublin in the third strand of talks, without the presence of the Northern Ireland political parties.

The approach of U.S. Senator George Mitchell, as chairman of the multiparty talks that led to the Belfast Agreement in 1998, was vital for its success. He did not bring his own solutions to the talks. He listened patiently and carefully for a very long time to all the different parties to the problem. He excluded no-one and created a process in which the parties brought their proposals to him in the presence of each other. They did not reach agreement in this way, but he built such trust that when the parties had exhausted the process of talking, they asked him to bring forward proposals. This work of building a process, rather than conjuring up a solution, was the heart of the Peace Process. It required skill and stamina, and like the preparatory phase, it took years. There were many aspects to this negotiation. The careful use of deadlines, the gradual building of respectful behavior (even in the absence of *feelings* of respect), devices to assist with breakthrough when there was deadlock, and the imaginative use of different formats for the talks, which enabled all the relevant sets of relationships to be addressed. These were just a few of the skills needed in this key phase of the peace process.

The experience of the European Union showed itself in the content of the 1998 Belfast Agreement. EU cross-border cooperation is mirrored in the North-South Ministerial Council, which brought together ministers from Northern Ireland and the Republic of Ireland to deal with matters such as agriculture, economic development, environmental protection, and transport. The variable geometry of the British-Irish Council (a further innovative development with echoes of the Nordic Council) brought together for the first time not only ministers from London and Dublin, but also the administrations in Scotland, Wales, and Northern Ireland, as well as the Isle of Man and the Channel Islands. The political and legal protection for human rights, which is central to the new Europe, is similarly a fundamental feature of every aspect of the Belfast Agreement and a key aspect of its implementation.

The following are vital components of conflict resolution contained in the Belfast Agreement:

- The critical part played by influential international relationships
- The sustained political commitment over a long period of time, whatever government is in power
- A significant preparatory period of pre-negotiation
- The difficult but necessary inclusion of the representatives of all parties and all three key sets of relationships
- The creation of sustainable economic development and cross-border trade
- The deployment of patient, imaginative, and skillful mediation through a long-term talks process
- An element of institutional creativity
- The embedding of international instruments of human rights protection

However, these components, in and of themselves, were not sufficient for success. In addition the Northern Ireland example has two other fundamental components: rights, responsibilities, and respect for minorities, and the rebuilding of the rule of law and a culture of lawfulness.

Rights, responsibilities, and respect for minorities are difficult issues, but they cannot be avoided because they are at the core of almost all long-standing political conflicts. The classic liberal commitment to freedom under the rule of law creates an environment for the protection of minorities, but even international legal norms and structures are rarely a *sufficient* guarantor for the partisans in a conflict. Usually particular political protections are required, at least for a transitional period. In Northern Ireland the formation of the Assembly, its committees, and even ministerial positions involve complex formulas and guarantees for both sides. It is a very tight model of power-sharing that specifies with mathematical precision how everyone is to be involved and represented.

Until people in any conflict begin to turn away from violence as a means of solving their predicament, they are unlikely to be prepared to accept that the prize of peace is worth the price of peace. The community needs to be weary of war and prepared to accept an outcome that is less than their ideal—a compromise—for the sake of peace. Central to this compromise is rebuilding the rule of law and supporting a culture of lawfulness. Demilitarization, decommissioning of illegal weapons, and reform and monitoring of policing and the criminal justice system were the most difficult and contentious issues of all in Northern Ireland and at times threatened to bring down all that had been achieved. This is an exceptionally complex and emotionally demanding area, and it is closely linked to the position of minorities.

Rights, Responsibilities, and Respect for Minorities

In any community that has been affected by serious and prolonged intercommunal violence as Northern Ireland has, the process of bringing the conflict to an end almost always involves major changes in the political institutions and the justice and security agencies. Such changes not only symbolize the commitment to a new start; they also institutionalize real change and create the opportunity for that new start. Of course, all the same people are around, and many of the underlying tensions remain, but there is at least a chance for a new start if the rules of the game are changed.

The first change in the rules of the game is the requirement for inclusiveness and agreement. The new rules must be agreed to by everyone, or there must at least be a sufficient consensus. Even after the negotiations for the Belfast Agreement were completed by the British and Irish Governments and the majority of the elected representatives of Unionist, Nationalist, and nonaligned parties in Northern Ireland, it was necessary to take the proposition to the people for their approval. The people had to be directly included, not just their representatives. In referendums in both Northern Ireland and the Republic of Ireland in May 1998, the people gave their overwhelming support to the proposed new institutions, arrangements and structures.

The institutional changes the people agreed to were very substantial indeed. In Northern Ireland, with its deep divisions between pro-British Protestants and pro-Irish Catholics, a series of completely different forms of government had previously been tried—everything from majority rule by a single party, through power-sharing, from a first-past-the-post voting system for elections to proportional representation. In the new arrangements *everything* would be proportional. If a party received 10 percent of the vote, it would have 10 percent of the members of the Northern Ireland Assembly, 10 percent of the members on all committees, 10 percent of all the chairmanships and deputy chairmanships, and even 10 percent of the ministers in the government. In addition there were a series of complex and overlapping legal and political protections and veto arrangements so that nothing could be done that was unacceptable to a significant minority of the community. One example was that instead of a Prime Minister there would be a First Minister and a Deputy First Minister representing the two main sections of the community. They had to be elected together on a joint slate, by cross-community agreement. In this vote (and all other significant votes), the representatives in the Assembly were identified not only by their membership of a political party but also by their alignment as unionist, nationalist, or other, and for a vote to pass, it required not only an overall majority but also a majority of both unionists and nationalists. Neither of the two top elected officials could act separately; they could act only jointly and by agreement.

The strengths of such a complex arrangement are obvious—the requirement that the partisan forces cooperate in protecting each section of the community from oppression by the other. However, this was also its Achilles' heel, and the new Northern Ireland Assembly was suspended on a number of occasions because of political difficulties between the representatives of the main communal groups on the issues of weapons and the use of force (to which this chapter returns later). The absence of consensus, or at least a degree of consent from both sides, resulted for some years in repeated crises in which the only options seemed to be either breakdown of the whole Agreement or the intervention of the external stakeholders - the British Government in cooperation with the Irish Government.

However, the difficulties faced were not just institutional. There were all sorts of problems with human resources, traditions, and culture. Nationalists believed the pre-existing Northern Ireland Civil Service (at least at its more senior levels) to be a bastion of Protestant unionism and so did not trust them to staff the new Assembly; however, there was no other obvious body of people with relevant experience. It was initially agreed to take in only a small number to get started. Through a process of negotiation among the representatives of all the parties, it was then agreed that to get the Assembly up and running properly, a much larger number of civil servants would

be employed, but only on a three-year fixed-term contract. During that period all posts would be advertised openly, and Assembly employees would be taken on merit only. However, the proportions of Protestants and Catholics would be closely monitored to reassure Members of the Legislative Assembly (MLA's) and the wider community that the proportions were representative of the balance in the community as a whole. As the years went on and MLA's were closely involved with the recruitment exercise, the parties became much less anxious about the issue of civil servants when they realized that in the new context these people had considerable skills and developed a surprising loyalty to the new structures and to MLA's. As a result, the issue could be dealt with much more flexibly and was not a major problem later on. In other words, bringing in people from the old system was not an insuperable problem if there was a shared mechanism for taking these people on and for monitoring the process. It also helped that there was sufficient good quality leadership to inspire loyalty to the new system from civil servants of the old system.

Regarding traditions, similar arrangements emerged. The approach of the British Government tended to be that, because nationalists were opposed to British ways of doing things and unionists were opposed to nationalist symbolism, all culture and tradition should be removed and a clinical sterility maintained. This sterile approach tended to please no one, but an alternative multi-cultural option was developed. The following are two examples of this approach in operation.

The great symbol of unionist dominance was the Parliament Buildings at Stormont, an impressive neoclassical edifice in east Belfast. Instead of alienating unionists by refusing to go there and incurring huge costs by trying to find or construct another building, it became the purpose of the Assembly Commission to make the building, and especially the Assembly chamber, a place that could be shared by everyone. This took place through a process of meetings to discuss furnishings, color schemes, headed note paper, procedures, and the use of the Irish language and Ulster-Scots in the chamber, visits by school children, concerts, musical and dance events in the building, and so on. Before long, no one wanted to leave the building. Everyone felt at home in what had now become their own shared place.

More dramatically, the same approach was taken during the Golden Jubilee visit of Her Majesty, The Queen. During the Jubilee year she was visiting every part of the United Kingdom and attending Westminster, the Scottish Parliament, and the Welsh Assembly, but the British Government was fearful of what would happen if she were to come to the Northern Ireland Assembly at Stormont because of the attitude of Catholic republicans. Again a series of meetings was undertaken with all the parties. The pro-monarchist unionists who were disturbed about the problem, and wanted to protest vigorously in public about the matter, agreed to say nothing until the process of talks was completed, as did the other parties. Sinn Fein, the republican party, considered the issue for some time, and through discussions came to realize that they could not expect to arrange visits to Stormont for the President of Ireland if the British Queen was unable to come, so they undertook not to complain if she came and to maintain what they described as "a dignified detachment." On the morning of her visit the republicans went further and pointed out that it was in fact necessary that she come, because it was important to unionists, and republicans could not expect their sensitivities to be observed if they did not cater for the sensitivities of unionists.

The question is not whether traditions are to be maintained. Some of them must be incorporated if the new regime is to be accepted. Determining how some elements can be carried on must be a matter of dialogue and creativity. Often it is not possible to get people to publicly agree, even after prolonged discussion. What may be possible is to get people to the point of *accepting* what has been implemented after genuine discussion, and then later they may warm to it. Often they may accept it only as a provisional and temporary arrangement to get through a current dilemma, but few things last longer than the provisional, because the provisional soon becomes habitual and indeed may even become a tradition. In truth, everything achieved in politics is only and at best provisional.

The same applies to political structures and procedures. Especially when working in a climate of long-standing communal conflict, the purpose of these structures is to deal with violence and aggression. Aggression is a powerful instinct, and the capacity of words to express and contain the violence depends on the robustness of the structures within which the talking takes place. Those structures must make it possible for participants to release powerful feelings with sufficient passion to give convincing expression to them without slipping into violent behavior or provoking a violent response from the other person. This combination of containment and expression is the purpose of the conventions and standing orders of a parliament. The Speaker is there to make sure that these conventions and standing orders are protected and observed in such a way that their underlying purpose is fulfilled.

If the representatives of the people are unable to give vent to the emotions of their community, the people will lose faith in the ability of their representatives and the political process to address the people's needs. However, if those same elected officials act *only* as a valve for feelings of anger and envy, then the descent into acting violently on those feelings becomes increasingly likely. Elected Members have to fulfill a complex and subtle role between these two poles. In the same way, the Speaker must enable Members to express concerns sufficiently strongly to have them heard but also provide a containing environment for the inevitability of conflicting expressions. The Assembly has a number of elements to support this work.

The first element is the observance of the Standing Orders. Without some rules, chaos reigns and violence breaks out. But those rules only have effect if they have the respect of the Members. The best way to ensure this respect is for Members to construct their own agreed-upon rules. The Northern Ireland Assembly started with a very brief and inadequate set of Initial Standing Orders provided by the British Government, but the MLA's moved fairly quickly to negotiate their own more substantial arrangements.

Agreed-upon rules are a necessary but not a sufficient requirement for working together with differences. Some aspects of working together require a degree of subtlety and flexibility that is hard to encompass in written rules. These requirements can often be accommodated in conventions or mutual understandings. What sort of problem might require this flexibility? In the normal course of a debate, the Speaker may call Members who represent each separate party, trying overall in the debate to maintain the diversity of parties, the relative sizes of their groups, and the different arguments for and against the motion. However, a circumstance might arise in which a terrible tragedy occurred in a particular community or constituency, and the feelings

generated might be such that some variation in this arrangement would be important; for example, an over-representation of nationalist speakers might be appropriate where a nationalist constituency had suffered particularly. If speaking arrangements are covered by a clear rule, such flexibility is not possible. If it is covered by a convention, then the Speaker can negotiate (formally or informally) some flexibility to accommodate the emotional, and therefore political, needs of the moment by going gently beyond the usual rules.

Even the flexibility of conventions needs to be enlarged, for the implementation of the rules requires a fluid appreciation of the emotional tone of the chamber at any moment—what one may call the “sense of the House.” Often times of tension and high drama demand an expression and experience of the anxiety of the community if the Assembly is to perform its function. At other times, or even at other points in the same process of a speech or a debate on a bill or a motion, it is beneficial to the Assembly and the community to find ways to reduce the tension. For example, on one occasion a careful use of humor may serve the purpose. At another time humor may be absolutely the wrong approach.

Facilitating the life of the Assembly in plenary is also important in other aspects of its group expression, including social occasions with constituents or other guests in the parliament building, the practical operations of its group life in the building, the processes of its committees, and its relations through the press with the community at large. The key is to allow the fundamental purposes of containment and expression of aggression and other feelings through a sensitive conduct of the parliamentary process.

The importance of practical human needs should never be underestimated when attending to the needs of the process.. If MLA’s or staff cannot eat or drink satisfactorily, if they are cold or uncomfortable, or if they cannot hear each other speak clearly, they may become disgruntled. If they cannot send and receive messages from their constituents or the press they will be irritable. Their anxiety levels will rise when they are not given a reasonably clear understanding of when they need to be in the building and when they can safely be elsewhere. They feel much better about themselves and their work when they can offer constituents the patronage of visits to, or social events at, an impressive and attractive parliament building. They may find physical security too lax to be reassuring, or it may be too intrusive and obstructive of normal life and work. These may all seem pedestrian matters far from the high ground of constitutional settlements, peace agreements, and political structures, but they are the foundation for human interaction no less in a political assembly than in any other group of people.

The relationship between the government and parliament is often the element of governance that is least understood by the populace and their principal informants in the press. The government consists of those chosen to undertake ministerial roles, and with their civil servants they have direct responsibility for delivering the goods and services that the community has decided ought to be a group task, such as hospitals, schools, roads, regulatory authorities, policing and the administration of justice, and so on. The parliament, made up of all the elected members but especially those who do not have positions as ministers, has the job of sanctioning, criticizing, and holding the ministers to account and providing the government with the funds and the

legislation that facilitate and circumscribe these provisions. The ministers must be able to get their proper business through the parliament; otherwise, the community will not have proper services or regulations. However, it is essential that the Members have sufficient opportunity for debate and holding to account; otherwise the proper and fair provision of the services or the quality of the legislation will inevitably suffer.

This balance is the underlying theme and task of every business committee meeting, and ultimately of every plenary and departmental scrutiny committee. The function of the ministers is to “do things” rather than discuss and debate. This is why we call them “The Executive”. This must be balanced by the scrutiny and reflection that are the function of parliament. Where ministers substitute talking for doing and parliamentarians obstruct rather than scrutinize, the parliament is not working effectively but rather is sliding closer to the expression of division in the community. Where the government business receives less than rigorous scrutiny and slips through “on the nod,” the parliament is not doing its job of adding value and quality to the process of making laws and governing the community.

Respect and Trust

One additional and ultimately essential element in the conduct of business in a parliament is respect. Everyone likes to be treated with respect, and politicians may well be insatiable in this regard. Someone who is not treated with respect, but rather is dismissed or humiliated, finds it difficult to forgive or forget and may well be provoked to a deeply angry response. It is essential in a parliament that people be able to disagree, but equally necessary is that they find ways of doing so without a breakdown in the working of the institution. It is sometimes suggested that trust is a prerequisite for a successful peace process, but this is not so. Trust is an outcome of a successful process and a result of undertakings freely entered upon and honored during the process. Similarly, it is not reasonable to expect people who have been at war to *feel* respectful of each other. However, it is possible to persuade Members of Parliament to *behave* with respect for the institution and its procedures. In this way they begin to construct a culture of respectful behavior, which can mitigate and contain all sorts of problems and make long-term working relationships possible, even between traditional enemies. The language and conduct of a parliamentary chamber may sometimes appear a little stilted or false to the outsider, but these are some of the tools through which respectful conduct is mediated, enabling those who do not even like each other to express their differences forcefully without crossing the line of disrespect and damaging the prospects for working relationships.

The whole question regarding political structures and procedures is how far they can accommodate all these complex requirements. Every community already has some traditional structures for dealing with violence and aggression or it would not have survived at all as a community. The skill is to identify these structures and either use or transform them gradually and creatively and including people from all elements of the community, with their history and traditions. Politics must find a way of including not only all the parties but also all the people, for just as the conflict is bigger than only the politicians, so the resolution of conflict requires the involvement not only of politicians but also of all elements of the divided community outside the parliamentary chamber.

The creation of new institutions, even quite radically new democratic institutions, does not in itself resolve the underlying problems. Real change must be managed through a gradual but substantive reworking of the underlying purposes and aims of government and parliament. Then, if all goes well, the culture and relationships within the community may also change for the better, damaged as they have been, not only by recent conflict but also by centuries of mutually inflicted trauma.

Sharing Power and Serving the Public Interest

Understanding this question of underlying change requires some thought as to the purposes of government and parliament. Two main approaches can be taken to the purpose of being in government. For some people, government is simply the acquisition and exercise of power in the interests of those who form and control the government. In this way of thinking, the purpose of parliament is to facilitate the exercise of power and patronage. Those who have this view of the purpose of government and parliament will do everything possible to keep themselves in power, undermining and destroying any threat to their continuance in government. Under this view, constitutional limitations of the terms of office will be changed, opposition parties will be seen as the enemy whose only possible purpose is to replace them, and critical individuals or sections of the media will be attacked with all legitimate and extra-legal powers available. All elements of political power will be bent to this one end: staying in power. The government, the army, the police, the judiciary and administration of justice, parliament, the civil service, and all elements of public service are expected to serve the regime in power, and changes of regime are likely to be violent affairs. Such a description would be an uncharitable characterization, but not entirely inaccurate, of the position in Northern Ireland from the foundation of the state in 1922 until the prorogation of the Northern Ireland Parliament in the face of widespread civil unrest and violence in 1972.

At the other end of the scale is a model of government and parliament as a system through which a community as a whole *shares* power and manages its affairs. In this way of thinking, each element of the public service has a different role to play. An independent civil service is in place to facilitate whichever party is in the executive, but also to assist it in living within the law. The judiciary is required to implement the decisions of the legislature, but does so only in the interests of fairness, which may not necessarily be in the short-term interests of a particular government or section of the community. The defense forces are there to protect the community as a whole from external threat, not to be a source of authority that is imposed on the community, and still less to protect the executive from the people. The police are there to maintain everyone's human rights.

Perhaps most important, those who are not in the government have the responsibility to hold to account those who are in government. In a majoritarian arrangement (in which the winner takes all) this responsibility normally falls to the opposition parties. Between 1922 and 1972 in Northern Ireland, the main opposition party opted out of this role because of its objection to the existence of Northern Ireland, leaving the work of opposition to a small socialist party, the Northern Ireland Labour Party. The system did not work, partly because the main opposition opted out and partly because the majority party, which was permanently in government, took an authoritarian approach to governing.

In a power-sharing arrangement, such as that in Northern Ireland under the Belfast Agreement, the backbenchers of all parties can work together across party lines to hold the power-sharing government to account. This is a purpose quite separate from the role of being a government-in-waiting, or in the case of an individual, a minister-in-anticipation. There is a tendency for parliamentarians to see their role as being to discredit and tear down those in the administration purely to replace them. The result is almost inevitably that their claim to provide a better alternative is demonstrated to be bogus, for once in government they do all the same things that they criticized their predecessors for, all the while feeling justified on the basis that "It is our turn now." The populace meanwhile feels cheated and let down, because they did not vote to replace one set of corrupt oppressors with a different set of individuals who do the same thing. They voted for what they hoped was a different approach, and a better government. In short, those in opposition, or at least not currently in the government, have a different role to play than merely that of members of government-in-waiting. The role of the opposition parliamentarian is much underrated and undervalued. Even in the wider international community there is a tendency to train parties to win elections and take power, in the often vain hope that they will be better people than those currently in government, rather than train opposition parties and politicians to be more effective in opposition, which might also help them be more responsible in government once they do achieve power.

To put it another way, for some politicians the achievement and exercise of power in their own interests is the sum of the purpose of politics. When they do this in a particularly corrupt and abusive way they are recognized to be "bad people," and because the system has permitted such bad people to take power, it must be a "bad system." The wider community domestically, and more important, internationally, then seizes on the obvious alternative, that is to find good people to put into a good system. But the so-called good new people end up doing much the same things as their old bad predecessors, because the problem was to be found in the view of what government was about.

If one takes the view that government is there to serve the whole community, then the purpose is not just to maintain power but rather to facilitate representation. The current difficulty in Northern Ireland is that the two sides have not yet moved away from the old model of holding power to the new approach of giving service. Each side is trying to maintain an authoritarian and patronage-based approach within their own section of the community. The difference compared with the past is that the majority in the community as a whole is not imposing it on the minority, but to some extent the majority within each section of the community is trying to operate the old approach within their own bailiwick. One of the weaknesses of the 1998 Belfast Agreement is that it fosters such an outcome.

Rebuilding of the Rule of Law and a Culture of Lawfulness

During a period of conflict, when power is exercised through the use of overt and sometimes brutal force, the rule of law comes under enormous pressure. One long-term consequence is that a generation of young people grows up in a society in which there is little respect for human life and dignity and in which the culture is characterized by uncertainty, violence, crime and lawlessness. This is particularly the

case in areas where terrorist activity and control has been most intense. The post-conflict sequelae may be found in a whole range of human behaviors and experiences affecting self-esteem, including high levels of violence against women, risk taking and suicidal behavior among young men, alcohol abuse, lack of respect for any form of authority, and organized (as well as dis-organized) crime. In Northern Ireland extensive attempts have been made to address these problems and build a culture of lawfulness and respect for the rule of law.

The institutions of the administration of justice must be, as far as humanly possible, beyond reproach. Surprisingly perhaps, the judiciary in Northern Ireland has generally been regarded as free of corruption—surprising because in most other places with similar conflict this has not been the case. The intimidation of jurors in Northern Ireland led to the establishment of single-judge-only courts (non-jury “Diplock” courts, named after Lord Diplock, who recommended them). In practice, these were not the source of significant complaints of executive interference, unfairness, weakness or corruption. Such complaints as there were tended to come from the supporters of the state, who complained of excessive adherence to the liberal laws rather than the opposite. Although in the early days of the Troubles, the British Government had used executive detention (known as internment without trial), this was later abandoned and all those in prison during the later part of the Troubles had been subject to due process. Despite the fact that those who were imprisoned had been duly convicted in a court of law, and in many cases found guilty of very serious terrorist crimes including bombings and murders, a key part of the Belfast Agreement, and for many people a very contentious part, required that they all be released within two years of the signing of the Agreement. This was implemented despite the Irish Republican Army, Ulster Volunteer Force and Ulster Defence Association not decommissioning their weapons as had been envisioned in the Agreement.

Major changes in policing also were proposed by the Patten Commission, set up under the chairmanship of the last British Governor of Hong Kong and former EU Commissioner Chris (now Lord) Patten. The police had always been predominantly Protestant, because it was not only a community police service, but also the force mainly responsible since 1922 for the defense of the state against the IRA insurgency. During the troubles between 1967 and the 1990’s, members of the Royal Ulster Constabulary (RUC), who were the police force, their families, and those who served them, were regarded by the IRA as legitimate targets for assassination, and many were killed. The particular targeting of Catholic members of the RUC, because they were regarded not only as enemies but traitors to the republican cause, led to the RUC becoming an even more predominantly Protestant organization.

An essential (for nationalists) and very difficult (for unionists) component of the Belfast Agreement and its implementation were the changes to the police service. Its name, uniform, badge, structure, practices, and oversight were all radically changed, and a policy was adopted that gave preference to Catholic recruitment in order to achieve a balance in the religious composition of the service as quickly as possible. In addition, dozens of independent bodies, often with international membership, were established to deal with all sorts of separate issues in this area, including ombudsmen, commissions to recommend reforms of the policing and criminal justice systems such as the Patten Commission referred to above, monitors, tribunals, and implementation bodies to oversee interrogations, address unsatisfactory practices, facilitate

decommissioning of illegal weapons, and review the implementation of the enormous numbers of recommendations that emerged from the Peace Process. Many of these bodies were based on the post-conflict or reform experience of other countries, and a whole network of international experts and academics were available to be consulted and involved in these independent commissions. Apart from being publicly demonstrable evidence of the political dynamic for change flowing from the Belfast Agreement, these commissions and monitoring bodies went some way toward diluting the tendency referred to above, in which divided communal loyalties were reflected in separate fiefdoms. These commissions emphasized the need to act fairly toward every individual and to behave within the rule of law.

Efforts to reduce conflict have also involved the use of restorative justice to obviate the distance often felt between life on the street and the sometimes rarified atmosphere and arcane procedures of the courts. These schemes create opportunities for former paramilitaries to find new and more positive roles in supporting a culture of lawfulness. The schemes are also however vulnerable to abuse by others who have not left a paramilitary or criminal approach behind. For such people the schemes are considered a new opportunity to exert improper force and authority in the community. Public confidence in these schemes is still at the development stage.

The question of whether or not those who had been involved in terrorism were actually moving away from the use of or threat of violence was a central vulnerability of the whole process and led repeatedly to the suspension of the Assembly, though not of the other elements of the Belfast Agreement. This had not been expected. It had been assumed that the commitment and positive dynamic created by the new political Agreement would be sufficient to ensure its implementation to the satisfaction, at least, of all necessary stakeholders, if not of everyone. This proved not to be the case. The necessary level of trust failed to develop, particularly because the release of former terrorist prisoners did not lead to the republicans' decommissioning of paramilitary weapons, recognition of the state, or support for the newly reformed police. They in turn insisted that all the reforms promised had not been completed and that security normalization was slow and inadequate, though in truth much progress had been made on these fronts.

Beyond the Belfast Agreement

In an attempt to save the Belfast Agreement, the British and Irish Governments decided to establish an international body—the Independent Monitoring Commission—with four commissioners from Britain, Ireland, Northern Ireland, and the United States. Their job was to provide regular published reports identifying current violent and criminal activity by armed groups and the process of security normalization by the British Army and Police Service of Northern Ireland. The body was also mandated to recommend sanctions or remedies for any shortcomings. This body was intended to provide an independent measure of the move away from terrorism, which would give sufficient confidence for the other parties to return to the power-sharing government. There is no obvious international precedent for this body, and its relative success to date in producing a positive result may be useful to those charged with implementation measures in other post-conflict processes.

The Irish Peace Process is coming to completion, and much more could be, and undoubtedly will be written about the details of the twenty and more years it has taken. However, it may be useful to refer briefly to an earlier theme. Case studies such as this often focus on the institutions, regulations, constitutions, and procedures that emerge from peace negotiations. Though relationships and communities cannot survive without the stability of structures and boundaries, it should never be forgotten that they are based on more than the observance of rules and laws. There must also be a spirit of generosity and respect. Without this they cannot flourish, and conflict is never truly put to the past. Rules and rights can provide the context for a conflict to be stopped, but only a new culture of mutual respect can truly bring it to an end and prevent its return. Developing that political culture of respect and trust is the task that this generation in Northern Ireland has shouldered. Should they fail they will pass on to the next generation the same poisoned legacy they inherited, and that is no commendation for any generation, in Northern Ireland or anywhere else.