



# **DPI Roundtable Meeting: "Getting a process back on track"**

**3 October 2015, Ankara**

*Summary Report*



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## **DPI Roundtable Meeting: "Getting a process back on track"**

*3 October 2015, Ankara*

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### **Foreword**

The following is a summary of the conversation that took place during DPI's recent Roundtable Meeting, held in Ankara, Turkey on 3 October 2015 and addressing the topic of 'Getting a Process Back on Track'. This meeting came at a time of crisis in Turkey, with significant challenges being faced in relation to the country's Kurdish resolution process. The Institute hopes to carry out further activities focusing on this topic in the coming months.

As always with DPI's activities, this meeting was held under Chatham House Rule. In the interest of transparency, a full transcript and audio recording of the October Ankara Roundtable Meeting is available to the public. Please contact [info@democraticprogress.org](mailto:info@democraticprogress.org) for further information.

DPI working papers relating to the two case studies focused on (Philippines and Ireland) can be found at the end of this report. Other research papers on the subject of conflict resolution, and all previous DPI activity reports, can be found on the Institute's website: [www.democraticprogress.org](http://www.democraticprogress.org)

## **Context: Dialogue in a time of crisis**

DPI's Roundtable Meeting on the topic of 'Getting a process back on track' was held in Ankara on 3 October 2015 at a crucial point in time for Turkey's resolution process. Following a period of sustained ceasefire, the country is experiencing a period of renewed conflict and volatility in the aftermath of the June 2015 general elections and in the run up to the November 2015 re-elections.

Identifying the need for a platform for relevant dialogue and discussion, the Roundtable focused on exploring the ways in which to bring a process 'back on track' when it has become derailed or is facing significant challenges such as those being faced in the context of Turkey's resolution process today.

Through examining a selection of international cases of conflict resolution, in which obstacles have been overcome and peace processes have been maintained despite difficulties such as spoilers, renewed violence and other variable factors such as elections, the Roundtable addressed issues currently relevant to Turkey, and allowed a much needed space for dialogue on related topics. By analysing and sharing the experiences and developments of peace process in Ireland and the Philippines in particular, participants were able to draw from the valuable lessons and insights shared by international speakers, using these as a basis for discussion throughout the day.

## Participants

The Roundtable was attended by 50 participants from Turkey and elsewhere, including Members of Parliament; prominent members and chairs of Turkey's wise persons' commission; high level journalists and television personalities; human rights lawyers and bar association leaders; leaders of civil society groups and think tanks; popular public figures including actors and authors; renowned academics, and policy makers and advisors to the parties to the process. A number of international Ambassadors and diplomatic guests also attended.

## International lessons and decisive measures

Ali Bayramoğlu, writer, political commentator and renowned columnist of Turkish Daily Newspaper Yeni Şafak and member of Turkey's Wise Persons Committee, opened the meeting with an overview of DPI's previous activities in Ireland, the Philippines, South Africa and elsewhere, reflecting on learnings and experiences gained by participants in each visit, as well as the impact those activities have had on dialogue within Turkey's society as a whole.

*"We have to learn pluralistic approaches. We can call this dialogue. We can call this empathy. We can call this concessions. But if the parties are not prepared to budge then we cannot have a peace process."* **Ali Bayramoğlu**

The meeting was divided into three main areas of focus, the first being an examination of the Irish experience during the morning session, presented by Dermot Ahern, former Irish Minister for Foreign Affairs and a key figure for over 20 years in the Irish peace process, and the second comprising an afternoon session which examined the experience of the Southern Philippines, presented by Yılmaz Ensaroğlu, former Director of SETA Human Rights and Democratisation Programme and a regional chair of Turkey's Wise Persons Committee. The final session, moderated by Bejan Matur, allowed space for dialogue among participants regarding the cases discussed as well as the current situation in Turkey. Professor Dr. Sevtap Yokuş a Constitutional Law expert of Kemerburgaz University provided the closing speech and concluding observations of the Roundtable and discussions held.



*Opening speaker and moderator Ali Bayramoğlu, writer; political commentator; columnist for daily newspaper Yeni Şafak and member of Turkey's Wise Persons Commission addressing roundtable participants in Ankara*

Some of the topics discussed with speakers (who also shared on first hand experiences) include *the role of international third parties*, in particular the integral role of the United States and Senator George Mitchell in the Good Friday Agreement in Ireland, as well as the function of the International Monitoring Team (IMT) and International Contact Group (ICG) in the Philippines.

*"The involvement of US presidents was a game changer in Ireland."* **Dermot Ahern**

Discussion centred on the ways in which potential obstacles or 'spoiler' activity can be overcome through the involvement of neutral third parties – how to go about selecting a third party, what the challenges are and other related questions. Discussion focused on ways in which to persuade those not in favour of third party involvement of its usefulness; whether third parties can also play a role in the implementation of a peace agreement; what criteria should be looked to in choosing a third party guarantor; whether a domestic monitoring committee could ever be as effective as an external body; which sequencing/choreography decommissioning and negotiations should follow; the practical technicalities involved in setting up a third party monitoring; and in which ways can a third party keep a process on track in the face of renewed conflict during a peace process.



*Ali Bayramoğlu with speaker Dermot Ahern, Ireland's former Minister for Foreign Affairs and a key figure for over 20 years in the Irish peace process, including in negotiations for the Good Friday Agreement and the St Andrews Agreement. Mr Ahern discussed the Irish case in detail, from his perspective as a then representative of the Irish government.*

Discussion (in particular in the form of questions to Dermot Ahern) also focused on taking backchannel talks to a formalised process. Dermot Ahern shared anecdotes and first hand experiences of engaging with civil society actors (such as Father Alec Reid) in order to keep momentum and dialogue in times of difficulty, and discussed the challenges faced by the Irish government in terms of balancing transparency, with protecting negotiations and talks from the eye of the media.

Speakers also discussed the importance of inclusivity at every stage of dialogue, with the experiences of the Philippines being drawn on to demonstrate the challenges faced when all groups or parts of society are not included in a peace agreement.

*"Throughout the history of our peace process people have taken massive risks for peace"* **Dermot Ahern**

The role of Disarmament, Demobilisation and Reintegration (DDR) as a component of post-conflict peace consolidation was discussed in the context of Turkey, Ireland and the Philippines. Activities such as monitoring and verification within the process, were highlighted for their importance to getting a process back on track and the long-term development of a country's peace process. Speakers discussed the practicalities of carrying out a DDR programme in the contexts of Ireland and the Philippines, and shared with participants the experiences and lessons learned in this area.

*"it is not about uniting territory it is about uniting a people."*

**Dermot Ahern**

The social and economic impact of conflict were also discussed, in particular by prominent members of the business community in Turkey's southeast, who were keen to learn about the Irish and Philippines experiences of dealing with related challenges in this area. Economic development in the Mindanao region of the Philippines was discussed as a fundamental factor in shaping the peace negotiations and discussions there.

*"these agreements are only worth the paper they're written on... it's the work after these issues that matter."*

**Dermot Ahern**

Issues of SSR were covered in detail, with references made to the current climate in Turkey and the enforced curfews and 'high security zones' being implemented throughout the southeast. Participants discussed with Dermot Ahern, the ways in which aspects of police and armed forces reform were integrated into the Good Friday Agreement and the challenges that continue to be raised in this area in Northern Ireland (including topics such as flags and emblems).

*Discussion moved to legislative and constitutional aspects* of the Philippines and Irish process. Yilmaz Ensaroğlu presented information regarding the Draft Bangsamoro Basic Law (BBL), which will formalise the creation of the new Bangsamoro political entity, and the challenges faced in the passing of the law, as well as its potential impact in terms of decentralisation and local governance. Dermot Ahern discussed constitutional aspects of the Good Friday Agreement, and the necessity of practical *implementation* of a legal framework for a peace process to remain 'on track'.



*Afternoon speaker Yilmaz Ensaroğlu, Chair, Southeastern region of Turkey's Wise Persons Commission, with moderator Bejan Matur and closing speaker Sevtap Yokuş, Professor of Law at the University of Kemerburgaz and widely published expert in the areas of constitutional law and human rights law (and a practitioner in the European Court of Human Rights). Mr Ensaroğlu discussed the Philippines case, and learnings from DPI's comparative study visit to Manila and Mindanao, in which both government and MILF representatives were met with.*

In addition to discussion on the relevant topics drawn from both the Irish and Philippines experiences, this meeting provided the welcome opportunity for participants from across Turkey's political and geographical spectra to discuss issues being faced by Turkey at this time.

*"Disagree without being disagreeable. Argue whilst being respectable. There is no solution without talking."*

**Dermot Ahern**

Key points raised included the impact of elections on the Kurdish resolution process; the role of the media; the economic impact of the conflict on Turkey's southeast and nationally; possible scenarios for power sharing in a post election Turkey; the likely scenarios for DDR and the necessary conditions for decommissioning.

**Key points of discussion in relation to the Irish experience include:**

- Main crisis points threatening the continuation of the Irish peace process (Canary Wharf; flags and emblems riots; recent IRA murders and current changes to Stormont Executive)
- The practical steps needed to keep a process on track in the face of obstacles (a third party actor such as Senator George Mitchell or General de Chastelain; clear choreography/sequencing; inclusivity so that there is ownership by all stakeholders)
- Means of maintaining dialogue during crisis periods/re-escalations of violence (ongoing backchannels despite no formal discussions at the table – Jonathan Powell's 'bicycle theory')
- The mechanisms that were in place in the Irish case, to deal with any threats to the process (DDR verification; parking of controversial issues such as policing to reassess at a later time; creation of Stormont power sharing executive)

**Key points of discussion in relation to the Philippines include:**

- The main crisis points threatening the continuation of the Philippines peace process (Mamasapano flash violence, spoilers and difficulties of trust, stalling of passing of the Bangsamoro Basic Law)
- The way in which points of crisis been overcome
- The practical steps needed to keep a process on track (a third party actor such as the International Monitoring Commission)
- The mechanisms which remain in place in the Philippines case, to deal with any threats to the process (IMC, establishment of 'peace panels' by each side, legislative process)

## **Geo-political climate in Turkey**

Drawing from the topics explored with the Irish and Philippines experiences, participants from across Turkey's political and geographical spectra raised key points relating to the current situation in Turkey, such as the impact of elections on the Kurdish resolution process; the role of the media; the economic impact of the conflict on Turkey's southeast and nationally; possible scenarios for power sharing in a post election Turkey; the likely scenarios for DDR and the necessary conditions for decommissioning.

*"The solution process is a very important process, perhaps the most important process in Turkish history"*

**Participant**

## **Broadening bases for dialogue and development**

The Ankara Roundtable aimed to share with participants the Irish and Philippines experiences of conflict resolution and create a platform for constructive and solution-seeking dialogue. Participants were unanimous in their positive feedback on the meeting, which was seen to be both timely and important in terms of broadening bases for dialogue and discussion with regards to the current climate of crisis in Turkey and its impact on the Kurdish resolution process. The relevance of both the Irish and Philippines cases was highlighted by participants, who found that there were many parallels and valuable insight to be drawn upon.

*"This discussion is excellent. A level of quality not often seen in Turkey"* **Participant**

The meeting was also seen to be a valuable opportunity for groups and individuals at every level of society in Turkey, to come together and assess the issues currently being faced by the country, at a time when this might not usually be possible.

Participants expressed their intention to share learnings from the day with their respective constituencies through various methods. These include internal organisational and external reporting within each of the respective political parties; face to face briefings to other relevant players and stakeholders including government and other high level political party circles; writing and publishing articles on the meeting through print (weekly and daily columns) and

social media (a number of press articles have been published to date); televised discussion on the topics raised in the meeting; and through incorporating reflections and learnings from the meeting into future reports and policy recommendations; as well as through academic lectures and through sharing with NGO colleagues and networks.

*"If we do not go back to negotiations we will be like Syria."*

**Participant**

Press coverage of the meeting and of the discussion that took place, continues, as does social media activity among participants (many of whom have in excess of 180,000 twitter followers). Requests have been received by DPI to carry out a follow up activity following November's elections, to continue the conversation in relation to 'Getting a process back on track'.

*"DPI organised this meeting right on time at a very critical time. DPI organised a very timely meeting which is highly significant for us."* **Participant**

The meeting was successful in having laid the groundwork for ongoing discussion on related thematic topics and follow up activities are intended to take place in future to allow for dialogue to continue in the aftermath of November's elections and in the face of ongoing challenges experienced by Turkey with regard to its resolution process.

## **Contents: Annexes**

Annex 1 .....	17
Turkey based participants .....	17
International guests .....	19
Annex 2.....	20
DPI Good Friday Agreement Overview Paper .....	20
Annex 3.....	79
DPI Philippines Peace Process Overview Paper.....	79

## Annex 1

### Turkey based participants

Name	Position	Affiliation
Adnan Boynukara	Member of Parliament	AK Party
Ali Bayramođlu	Columnist, Honourable Member of the Wise Persons Committee	Daily Yeni Şafak
Ayla Akat Ata	Member of Parliament and Lawyer	BDP, IHD
Ayşegül Dođan	TV Programmer	IMV TV
Bejan Matur	Poet	
Belkıs Kılıçkaya	Reporter	
Cevat Öneş	Former Deputy Undersecretary	Habertürk TV
Didem Öneş	Researcher	NIO
Erkam Cuneyd Ensarođlu	Specialist at Turkish Petroleum International Company	
Erol Katirciođlu	Academic & Columnist	Daily Özgür Gündem
Fadime Özkam	Journalist, Honourable Member of the Wise Person's Committee	Daily Star
Fatma Bostan Ünsal	Founding Member, Academic	AK Party and Muş University
Galip Dalay	Research Director	Al-Sharq Forum
Kadir İnanır	Actor, Honourable Member of the Wise Persons Committee	AK Party
Mehmet Emin Ekmen	Former Member of Parliament	

## Annex 1

### Turkey based participants (continued)

Nazmi Gür	Former Member of Parliament	HDP
Omer Faruk Gergerlioglu	Head of Kocaeli Peace Platform	
Oral Çalışlar	Journalist, Honourable Member of the Wise Persons Committee	
Osman Baydemir	Member of Parliament	HDP
Öztürk Türkdogan	Head Chair	IHD
Şah İsmail Bedirhanoglu	Director, GUNSIAD & Founding member of DISA	
Serdar Bülent Yılmaz	Chair	Özgürder of Diyarbakır
Sevinç Alkan Özcan	Chief Advisor to the Prime Minister	Office of the Prime Minister
Sevtap Yokuş	Law Professor	Kemerburgaz University
Tahir Elçi	Head of Diyarbakir Bar Association	Diyarbakir Bar Association
Vahap Çoşkun	Academic, Honourable Member of the Wise Persons Committee	
Yavuz Güçtürk	Researcher, law and human rights programme	SETA
Yılmaz Ensaroğlu	Director of SETA Human Rights and Democratisation programme & Honourable Member of the Wise Persons Committee	SETA

## Annex 1

### International guests

Name	Position	Affiliation
Mr Dermot Ahern	Former Minister for Foreign Affairs	Irish Government
Ambassador Cornelis van Rij	Ambassador	Dutch Embassy
Mr Govert W Visser	Counsellor, Political Affairs	Dutch Embassy
Ambassador Brendan Ward	Ambassador	Irish Embassy
Ambassador Janis Bjorn Kanavin	Ambassador	Norwegian Embassy
Mr Sondre Bjotveit	First Secretary	Norwegian Embassy
Ambassador Richard Moore	Ambassador	British Embassy
Ms Najma Bouakaze-khan	Counsellor Press & Projects	British Embassy
Mr Didier Chassot	Deputy Head of Mission Minister plenipotentiary	Swiss Embassy
Ms Alicia Fernanda Quijano Castro	(Deputy Head of Mission) Former Member, European	Colombian Embassy
Mr Joost Lagendijk	Parliament and Columnist for Turkish Daily Newspapers 'Zaman' and 'Today's Zaman'. Lecturer on EU Institutions and Policies at the Suleyman Shah University, Istanbul.	Suleyman Shah University, Istanbul
Mr Martin Lubojacký	Counsellor	Czech Embassy

# The Good Friday Agreement – An Overview

June 2013



June 2013

## Abstract

For decades, resolving the Northern Ireland conflict has been of primary concern for the conflicting parties within Northern Ireland, as well as for the British and Irish Governments. Adopted in 1998, the Good Friday Agreement has managed to curb hostilities, though sporadic violence still occurs and antagonism remains pervasive between many Nationalists and Unionists. Strong political bargaining through back-channel negotiations and facilitation from international and third-party interlocutors all contributed to what is today referred to as Northern Ireland's peace process and the resulting Good Friday Agreement. Although the Northern Ireland peace process and the Good Friday Agreement are often touted as a model of conflict resolution for other intractable conflicts in the world, the implementation of the Agreement has proven to be challenging. This paper will first provide an overview of the conflict, then address the means by which a political situation was eventually found to solve this political problem as well as examine the implementation challenges of the Good Friday Agreement.

## Introduction

The once seemingly intractable conflict between Nationalist and Unionist parties within Northern Ireland is considered to have been largely resolved for over 14 years. Violence has greatly diminished in the region and most of the parties of the conflict are now sharing power in formal institutions, accommodated with popular legitimacy within the reconciling 1998 Good Friday Agreement.<sup>1</sup> Although it is arguably too early to determine whether the Agreement marks a final break from the past, it is often touted as a successful model of conflict resolution, notably due to the fact that it has produced institutions that are intended to be clearly and consistently consociational. Various accounts of the way in which the deal between the disputing parties was brokered at the highest level have emerged over time. This includes back-channel negotiations between representatives of the Irish Republican Army and the British Government prior to official talks taking place, as well as the involvement of third parties, the nature and role of which have had a significant impact on the final outcome.

This working paper seeks to examine the Northern Ireland peace process in depth to enable general lessons and observations to be drawn. After giving an overview of the conflict, this paper will

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1 The **Good Friday Agreement** signed in 1998 was the ultimate compromise between Nationalist and Unionist parties in dispute, which brought an end to violence in Northern Ireland. The Agreement addressed a number of issues ranging from devolution and decommissioning to criminal justice and policing reforms. It established the Northern Ireland Assembly, its Executive and a consultative Civic Forum to which substantial powers were devolved from the United Kingdom Government to Northern Ireland. A referendum was held on 22 May 1998 where 71.2% of people in Northern Ireland and 94.39% in the Republic voted ‘Yes’ to accepting the Agreement.

analyse the various features of conflict-resolution inherent to the Northern Ireland peace process. These main elements include the preliminary inter-nationalist party negotiations held prior to official inter-party negotiations, back-channel negotiations which were subsequently held between the disputing parties, as well as the role of third parties in facilitating the peace process. Secondly, this paper will elaborate on the challenges inherent to the Good Friday Agreement's implementation. On the one hand, it will analyse numerous crucial security-related issues such as decommissioning, the controversial release and reintegration of paramilitary prisoners, the reform of the police force and the judicial system, as well as the unresolved question of sovereignty. On the other hand, it will debate human rights issues faced by the Good Friday Agreement. Most importantly, these issues include both the missing elements in various mechanisms which were designed to safeguard and promote the respect of human rights as well as the issue of transitional justice. This working paper aims at providing a global understanding of Northern Ireland's peace process and the Good Friday Agreement. Further papers will be published by the Democratic Progress Institute, focusing on specific aspects of Northern Ireland's peace process as part of a series.

## The Good Friday Agreement - Contents

Strand One: The Democratic Institutions in Northern Ireland

Strand Two: The North/South Ministerial Council

Strand Three: The British-Irish Council and the British-Irish Intergovernmental Conference

Other sections:

- Rights, Safeguards, and Equality of Opportunity;
- Decommissioning;
- Security;
- Policing and Justice;
- Prisoners;
- Validation, Implementation and Review.

## Overview of the Conflict

Divisions between the Protestant and Catholic communities of Northern Ireland arguably date back to as far as the 1600s, when the affairs of the island were influenced by Protestant Britain, before being formally incorporated into the United Kingdom in 1801. In the midst of growing resistance to British rule, the island was divided by the United Kingdom's Government of Ireland Act of 1920, which partitioned six counties in the northeast from the remaining 26 and established separate parliaments in Belfast and Dublin.<sup>2</sup> While the North remained under British sovereignty, represented by the

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<sup>2</sup> The **Government of Ireland Act 1920** was the Act of the Parliament of the United Kingdom which partitioned Ireland. The Act was intended to establish separate Home Rule institutions within two new subdivisions of Ireland: the six north-eastern counties were to form 'Northern Ireland', while the larger part of the country was to form 'Southern Ireland'. Both areas of Ireland were to continue as a part of the United Kingdom, and provision was made for their future unification under common Home Rule institutions.

Governor of Northern Ireland<sup>3</sup>, the South formed an independent Republic, joining the United Nations as an independent State in 1955. Between 1920 and 1972, Northern Ireland's devolved parliament exercised a considerable degree of autonomy. During this period, Northern Ireland's two thirds Protestant majority dominated the political sphere. Widespread civil, political and socio-economic rights violations led to intercommunal unrest. The Catholic population argued that they had lower educational standards and were discriminated against in employment, public housing and regional development. Local Government boundaries were redrawn to ensure Unionist domination in Catholic majority areas. Catholic discrimination against the Protestant population was also pervasive, but due to the general marginalisation of the Catholic population, this arguably had a lesser impact on the Protestant community. The Ulster Unionist Party (UUP) formed a majority in every parliament. Thus, the Prime Minister of Northern Ireland, which is the highest executive office, was always chosen by the Governor of the UUP. Broadly, the Protestant community favoured maintaining the union with the United Kingdom (hence 'Unionists') while the Catholic community generally favoured uniting with the Catholic majority Irish Republic, and thus are often referred to as Nationalists or Republicans.<sup>4</sup> This disparity in political representation contributed to the rise of Sinn Féin and other Catholic Nationalist parties at the expense of a more

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3 The Governor of Northern Ireland was the principal officer and representative in Northern Ireland of the British monarch. The office was established on 9 December 1922 and abolished on 18 July 1973.

4 There are exceptions to this generalisation. Statistics can be found in DPI's report entitled '*Comparative Studies Visit to the United Kingdom – Conflict Resolution*', pp. 55-65

moderate opposition. It also nurtured growing hostility between Protestant and Catholic communities, as the political institutions in place failed to address issues of injustice, unrest and exclusion in Northern Ireland. Violent communal clashes erupted in 1966 and British troops were deployed to the region with the aim of ‘restoring order’ in 1969. The 1960s also saw a proliferation of paramilitary organisations. The historic nationalist paramilitary, the Irish Republican Army, split into the Provisional Irish Republican Army (PIRA) and the Official Irish Republican Army (OIRA) in 1969. The OIRA declared a ceasefire in 1972 before splintering again, with one faction, the Irish National Liberation Army, renewing violence. The PIRA emerged as the dominant group within the Republican movement and is often referred to today simply as the IRA. Sinn Féin is often referred to as the political wing of the IRA. Whether or not this is the case; today it is considered a legitimate political party. During the peace process, this relationship was crucial to the importance of Sinn Féin as a party for negotiations. Unionist paramilitaries were also established during this period, the Ulster Volunteer Force (UVF) in 1966 and the Ulster Defence Association (UDA) in 1971. The moderate Democratic Unionist Party (DUP) was founded in 1971 by the Reverend Ian Paisley in opposition to perceived UUP accommodation of Nationalists.<sup>5</sup>

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5 Yildiz, K. & Breaux, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, p. 239

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## **The Troubles**

The period of the late 1960s – early 1970s until 1998 is often referred to as ‘the Troubles’. This expression was used as a euphemism to talk about the conflict.

The culmination of the Troubles took place in 1972, when 496 people were killed as a result of the conflict.

The culmination of the Troubles took place in 1972, when 496 people were killed as a result of the conflict. On 30 January 1972, ‘Bloody Sunday’ came to be known as one of the deadliest days of the conflict. The same year Britain suspended the Northern Ireland Parliament and instigated direct rule over the region. Increased security measures were enforced by the British Government during the 1970s and Republicans expressed outrage at their perceived criminalisation by British media, politicians and security personnel. Violence persisted throughout the 1980s and 1990s, and by the end of the latter decade over 3,600 people (civilians, paramilitaries, security forces and soldiers) had been killed during 30 years of conflict.

## **Bloody Sunday**

Bloody Sunday, also known as the Bogside Massacre, occurred on 30 January 1972 when during a peaceful civil rights protest march in (London)Derry, Northern Ireland, 13 unarmed civilians were shot dead by the British Army while 14 others were injured.

Relations between the Republic of Ireland and the United Kingdom developed significantly during this period. Several bilateral agreements were reached in order to try and stem the

bloodshed. The Sunningdale Agreement<sup>6</sup> signed in 1973, approved a Northern Ireland Assembly, Executive and a cross border ‘Council of Ireland’ which collapsed due to vehement opposition by both the Republicans and the Unionists. The Anglo-Irish Agreement of 1985 gave the Republic of Ireland an advisory role in Northern Ireland, whilst stipulating that its constitutional relationship to the United Kingdom could not be changed without majority endorsement by the people of Northern Ireland.<sup>7</sup> Similarly, the Anglo-Irish Agreement faced widespread opposition in both Republican and Unionist communities and was accused of circumventing popular discontent.

### **The Downing Street Declaration**

The Downing Street Declaration was a joint declaration issued on 15 December 1993 at the British Prime Minister’s office in 10 Downing Street. It affirmed both the right of the people of Ireland to self-determination, and that Northern Ireland would be transferred to the Republic of Ireland from the United Kingdom if and only if a majority of its population was in favour of such a move.

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6 The *Sunningdale Agreement* was an attempt to establish a power-sharing Northern Ireland Executive and a cross-border Council of Ireland. The Agreement was signed at the Civil Service College (now the National School of Government) in Sunningdale Park located in Sunningdale, Berkshire, on 9 December 1973. Unionist opposition, violence and a loyalist general strike caused the collapse of the Sunningdale Agreement in May 1974.

7 The *Anglo-Irish Agreement*, signed on 15 November 1985, was an agreement between the United Kingdom and Ireland which aimed to help bring an end to the Troubles in Northern Ireland. The treaty gave the Irish Government an advisory role in Northern Ireland’s Government while confirming that there would be no change in the constitutional position of Northern Ireland unless a majority of its people agreed to join the Republic. It also set out conditions for the establishment of a devolved consensus Government in the region.

In 1993, a degree of success emerged with the Downing Street Declaration which included a commitment by the British and Irish Governments to involve all political parties that renounced violence in the political conflict-resolution process. The declaration was followed by ceasefire announcements by the PIRA and several Unionist paramilitary groups.

## The Negotiations

During the 1980s and the 1990s, various lines of communication were established between the key actors involved in the conflict, with much of the peace process conducted in private between representatives of the disputing parties. The British Government engaged in secret back-channel contacts with the IRA from 1972 onwards.<sup>8</sup> The channel gave the opportunity for contentious issues to be negotiated away from direct media attention and enabled parties to gain an appreciation of the motives, capacities and directions of one another. The British Government and the IRA pursued both direct and indirect contact conducted by Secret Intelligence Service (SIS) and related individuals. One notable example is that of Father Alec Reid who served as an intermediary in negotiations between Sinn Féin and the British Government from 1986 onwards.<sup>9</sup> Father Alec Reid's involvement demonstrated

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8 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, p. 240

9 Father Alec Reid is an Irish priest; a member of the Redemptorist Order based in West Belfast's Clonard Monastery, and had been close to the Republicans since the start of the Troubles in 1969. He has a personal relationship with Gerry Adams which led to him becoming an intermediary and mediator between the Republican Movement and a number of other parties to the conflict. He has been described as an 'unsung hero' who had done

the prominent role that third parties can have in peace processes. The existence of back-channel discussions offered a clear sign to paramilitary groups that the British Government was not opposed to a negotiated route out of the conflict. These talks paved the way for the Downing Street Declaration. This declaration signalled the beginning of open talks between the British Government and the IRA. Whereas in the 1970s and the 1980s the official position of the British Government was to reject any public contact with the IRA, the ceasefires and negotiations during the 1990s led to the success of the Good Friday Agreement.<sup>10</sup>

### **The Sunningdale Agreement**

The Sunningdale Agreement was signed on 9 December 1973 by the British and Irish Governments, and the parties involved in the Northern Ireland Executive. It attempted to establish a power-sharing Northern Ireland Executive and a cross-border Council of Ireland. Unionist opposition, violence and a loyalist general strike caused the collapse of the Sunningdale Agreement in May 1974.

## **Inter-Nationalist Party Negotiations**

Establishing communication lines *between* the Nationalist parties was crucial for a coherent approach in the search for common grounds for peace. The motive for the latent discussions was to encourage the political involvement of Sinn Féin in the peace

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more than 'practically anyone else involved'. However, some are critical of Reid's conduct, as he also undertook advocacy in an attempt to mould the process in a way he saw fit rather than acting simply as an unbiased mediator.

10 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, p. 239

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process. The British Government was unequivocally against any direct representation of the IRA or Sinn Féin in negotiations while they continued to use violent methods.

The first attempt at inter-nationalist party negotiations is said to have come from Gerry Adams<sup>11</sup> in the late 1980s. Gerry Adams attempted to start a dialogue with other Irish Nationalists through the intermediation of a religious figure from Belfast.<sup>12</sup> Even though the Nationalist alliance that Gerry Adams advocated was unlikely to materialise at the time, negotiations between various Irish Nationalist representatives had begun, which demonstrated a political will for future cooperation on commonly accepted grounds. This attempt paved the way for Sinn Féin and the SDLP leaders to hold direct talks in 1988. In January 1988, just a few months after Sinn Féin released its ‘Scenario for Peace’, a document which called for dialogue on the question of Northern Ireland, Gerry Adams received a letter from an anonymous third party asking if Sinn Féin were willing to formally meet the SDLP ‘to explore whether there could be agreement on an overall nationalist political strategy for justice and peace’. John Hume had been similarly approached and expressed the SDLP’s willingness to meet Sinn Féin. Meetings were subsequently held between 11 January 1988 and 30 August 1988, in spite of widespread hostility, especially from the British government and the Unionist parties. A series of documents was subsequently released throughout September 1988, delineating

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11 Gerry Adams has been the leader of Sinn Féin since 1983.

12 Bew J., et al. (2009) *Talking to terrorists: Making Peace in Northern Ireland and the Basque Country*, Hurst and Company, London, pp. 112-123

the respective parties' views and recommendations for the peace process. Despite their different ideologies and approaches, there was undoubtedly mutual willingness for cooperation as leaders from Nationalist parties (such as John Hume) maintained contact with Gerry Adams from 1988 onwards. In 1990, another attempt was made to uphold common Irish Nationalist objectives by attempting to draft a joint declaration with the aim of persuading the IRA to adopt a non-violent approach. Soon, the on-going dialogue had acquired a clear public presence. The involvement of Peter Brooke, Secretary of State for Northern Ireland, marked the pinnacle of this trend. On 9 November 1991, he stated that partition is simply an acknowledgement of reality rather than an assertion of national self-interest.<sup>13</sup> Claiming that 'an Irish republicanism seen to have finally renounced violence would be able, like other parties, to seek a role in the peaceful political life of the community,' Peter Brooke effectively invited the IRA to end its armed struggle to enter peaceful political dialogue towards an inclusive political settlement to the conflict. He also reiterated the British Government's neutrality by declaring, 'The British Government has no selfish strategic or economic interest in Northern Ireland: our role is to help, enable and encourage'.

The main motivation behind these alternative communications between the British Government and the IRA was to end violence permanently through peaceful political means.

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13 Hennessey, T. (2001) *The Northern Ireland Peace Process*, Palgrave Macmillan, pp. 67-70

## Back-Channel Negotiations

Back-channel negotiations are defined here as ‘secret communication between the leadership of opposing groups,’ sometimes conducted by a third party or involving an intermediary.<sup>14</sup> They are often considered to be beneficial for resolving intractable conflicts.<sup>15</sup> The Northern Ireland peace process involved such back-channel negotiations between the British Government and Nationalist paramilitaries, dating back to the 1970s. These negotiations can be seen as constituting a longstanding underground negotiating relationship. They had significant importance for the peace process. The negotiations contributed for example to the ceasefire announced by the IRA in 1994 as well as the final settlement in 1998.<sup>16</sup> The effectiveness of any back-channel lies in its ability to foster the appropriate conditions for the development of mutual trust and solidarity between parties, as these crucial factors can move the positions of the respective parties forward.<sup>17</sup> Personal relationships, information sharing and growing trust were defining characteristics of the channel in Northern Ireland as they contributed to facilitating the development of a cooperative relationship and conferred increased credibility on the parties’ intentions.

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14 Dochartaigh, N. Ó. (2011) Together in the Middle: Back-Channel Negotiation in the Irish Peace Process, *Journal of Peace Research*, 48(6), pp. 767-780

15 Pruitt, D. G. (2008) ‘Back-Channel Communication in the Settlement of Conflict’, *International Negotiation*, 13(1), pp. 37-54

16 Dochartaigh, N. Ó. (2011) Together in the Middle: Back-Channel Negotiation in the Irish Peace Process, *Journal of Peace Research*, 48(6), pp. 767-780

17 Walton, R. E., & McKersie, R. B. (1965) *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System*, Ilr Press, Ithaca, N.Y.

Back-channel communications can have a transformative effect on relationships due to the centrality of personal relationships and the building of trust.<sup>18</sup> Mediators often encourage negotiators to change their attitude in back-channel negotiation processes. In the context of Northern Ireland, when the chief negotiator of Tony Blair's Government, Jonathan Powell<sup>19</sup>, met secretly with Sinn Féin politician and IRA leader Martin McGuinness<sup>20</sup> in a climate of distrust and mutual suspicion, he was given homemade soup made by Martin McGuinness's mother, and came to see the humanness of Martin McGuinness: 'being able to talk about the soup together helped. Those kinds of things are essential'.<sup>21</sup>

Brendan Duddy, a Derry businessman with extensive political connections and access to senior contacts, acted as an intermediary in the Northern Ireland negotiations for over 20 years. Brendan Duddy had been accepted as the primary official channel of communication by both sides and he had developed strong personal relationships with the president of Sinn Féin and the chief of police in Derry, both considered key figures in the process.

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18 Putnam, L. L., & Carcasson, M. (1997) 'Communication and the Oslo Negotiation: Contacts, Patterns, and Modes', *International Negotiation*, 2(2), pp. 251-278

19 Jonathan Powell is a British diplomat. He served as the first Downing Street Chief of Staff throughout Tony Blair's mandate as British Prime Minister, from 1997 to 2007.

20 Martin McGuinness is an Irish Sinn Féin politician. He used to be a Provisional Irish Republican Army leader. He was the MP for Mid Ulster from 1997 until his resignation on 2 January 2013. He is currently the Deputy First Minister of Northern Ireland since 2007.

21 Democratic Progress Institute (2011) 'Turkey: Comparative Studies Visit to the United Kingdom - Conflict Resolution', p. 38

Accessible at: <http://www.democraticprogress.org/turkey-comparative-studies-visit-to-the-united-kingdom-conflict-resolution/>

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Despite being by no means impartial - he was described as having strong Republican leanings - Brendan Duddy was trusted by both sides thanks to his motivation for peace. He was thought to have met the key requirements for being an intermediary, having both discretion and the ability to accurately convey intentions and information from side to side.<sup>22</sup>

Secret communications are often preferred to public official talks by peace negotiators. Secret communications allow parties to focus exclusively on problem-solving rather than on taking positions that seek public approval.<sup>23</sup> In the mid to late 1990s, it was confirmed that a line of communication had been existent for over 20 years between the British Government and the Republicans.<sup>24</sup> This information was leaked to the press following British Intelligence Officer Michael Oatley's retirement and his arrangements for contact succession by a fellow SIS Officer. It was at this point that the British Government considered reviving its policy of 'talking to terrorists' indicating that the line of communication remained open and that the British State was ready to listen. The IRA responded positively, asserting that it was in a position to consider alternative options. Secret contacts informed the British Government that the IRA may be ready to discuss a political way out of the conflict.

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22 The Guardian, 'Talking to the enemy: the secret intermediaries who contacted the IRA', 18 March 2008. Accessible at: <http://www.guardian.co.uk/politics/2008/mar/18/northernireland.northernireland>

23 Wanis-St John, A. (2006) Back-Channel Negotiation: International Bargaining in the Shadows, *Negotiation Journal*, 22(2), pp. 119-144

24 Setting the Record Straight: A record of communication between Sinn Féin and the British Government October 1990 – November 1993, Belfast, Sinn Féin Publicity Department 1994, p. 3

However, in the case of Northern Ireland, underground negotiations did not go unhindered. Apart from Brendan Duddy, there were other intermediaries. Some leaked information to the press and were considered unreliable as they attracted press coverage.

Continuity of personnel can play a very important role in a negotiation process. The renewal of contact in the 1980s and 1990s involved individuals from both sides, who had participated in previous rounds of negotiations.<sup>25</sup> Brendan Duddy explained in an interview that the personality of the individuals who were to take over his role had to be compatible with his own personality.<sup>26</sup> Building trust requires time, especially under conditions where both sides reject one another's legitimacy, therefore continuity in personnel and entrusted individuals gave the secret channel high levels of validity, which came to be a defining characteristic for cooperative communication.

While back-channel negotiations have the potential to create an environment of trust and exchange of information, there is an increased chance that inaccuracies and errors occur and lead to misunderstandings. One of the most controversial incidents of misunderstanding happened in 1993 when the British Government received a message purportedly from the IRA, stating that 'the conflict is over but we need advice on how to bring it to a close'.<sup>27</sup>

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25 Dochartaigh, N. Ó. (2011) Together in the Middle: Back-Channel Negotiation in the Irish Peace Process, *Journal of Peace Research*, 48(6), pp. 767-780

26 The interview was conducted by Niall Ó Dochartaigh. Niall Ó Dochartaigh is a Lecturer in Political Science and Sociology at the National University of Ireland, Galway.

27 Setting the Record Straight: A record of communication between Sinn Féin and

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As the message was believed to be genuine, the British Government responded with a nine paragraph document to Sinn Féin saying that ‘only if the IRA’s campaign was brought to an end could progressive entry into dialogue take place’. Apparently in response to the message, the following day, the IRA exploded a bomb in the English town of Warrington.<sup>28</sup>

In short, the defining characteristic of back-channel negotiations is secrecy. In order for a viable relationship to emerge between the disputing parties, on-going cooperation and coordination is required to build trust and to reduce uncertainty. The development of personal relationships, the existence of long-lasting intermediaries and the consequent exchange and flow of information are factors that can increase mutual understanding and create a shift towards a more integrative approach at the intersection between opponents.

## Third Parties

From the start of the negotiations it was evident that the road to peace in Northern Ireland would be complicated. Consequently, the parties to the conflict sought assistance from international interlocutors. The traditional role of a third party is to help the conflicting parties to find a solution to the conflict or to limit the destructive effect of continuing violence.<sup>29</sup> A facilitator must

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the British Government October 1990 – November 1993, Belfast, Sinn Féin Publicity Department 1994, p. 24

28 Dillon, M. (1996) *25 Years of Terror*, Bantam Books, p. 291

29 Byrne S. (1995) ‘Conflict regulation or conflict resolution: Third-party intervention in the Northern Ireland conflict – prospects for peace’, *Terrorism and Political Violence*,

be trustworthy, impartial and credible to both sides. Such a key facilitator sent by the United States to Northern Ireland was Senator George Mitchell, who became known for the introduction of his so-called ‘Mitchell Principles’.<sup>30</sup> The Mitchell Principles, through the public embracement of democracy and non-violence, offered the possibility to both parties to proceed with decommissioning and negotiations. This attempt was successful. The PIRA declared a ceasefire to which the British Government responded by requesting a six-week quarantine to ensure genuine compliance and endorsement of the Mitchell Principles.<sup>31</sup>

## **Mitchell Principles**

On 22 January 1996, the Report of the International Body on Arms Decommissioning was released, outlining the six ground rules of the Mitchell Principles.

The Mitchell Principles specified that ‘all involved in negotiations had to affirm their commitment. They were named after U.S senator George Mitchell, who played a key role in the peace process.

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7(2), pp. 1-24

30 The Mitchell Principles specified that ‘all involved in negotiations had to affirm their commitment:

- To democratic and exclusively peaceful means of resolving political issues;
- To the total disarmament of all paramilitary organizations;
- To agree that such disarmament must be verifiable to the satisfaction of an independent commission;
- To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;
- To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,
- To urge that ‘punishment’ killings and beatings stop and to take effective steps to prevent such actions’.

31 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, p. 239

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- To democratic and exclusively peaceful means of resolving political issues;
- To the total disarmament of all paramilitary organizations;
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- To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;
- To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree;
- To urge that ‘punishment’ killings and beatings stop and to take effective steps to prevent such actions’.

These positive developments eventually led Sinn Féin to take part in the talks leading up to the Good Friday Agreement. It should be taken into account however that the Mitchell Principles did not establish full confidence amongst the parties involved. The UUP did not meet directly with Sinn Féin until 1999, and the DUP refused to meet with Sinn Féin until 2007. Furthermore, whereas violence had been publically renounced, it was not brought to a complete end as independent decommissioning bodies continued to find evidence of PIRA involvement in violence until after the St Andrews Agreement of 2006. Despite its limitations, however, the commission led by Senator George Mitchell forged a new approach to the establishment of negotiations.

## **The St Andrews Agreement**

Following multi-party talks held in St Andrews, Scotland, regarding the devolution of power to Northern Ireland, the St Andrews Agreement was signed by the British and Irish Governments and all the major political parties in Northern Ireland on 13 October 2006. It restored the Northern Ireland Assembly and created a new Northern Ireland Executive.

Promises of international aid, especially from the United States, also incentivised resolving the conflict. In 1977 Jimmy Carter delivered a public speech promising United States aid to Northern Ireland for a political settlement to be reached. Following the Anglo-Irish Agreement of 1985, substantial capital was injected by the United States into Northern Ireland. USAID set up the International Fund for Ireland, which to date has received £628 million from the United States Government, the EU, Canada, Australia and New Zealand. Third parties, just like back-channel links, can play an important role in facilitation of a process that opens up lines of reliable communication between conflicting parties, developing good will and a common sense of humanity.<sup>32</sup>

In a quagmire of conflicting motives and alleged agendas, the international and intermediating presence contributed to building trust in the process amongst the parties. Third party intermediaries can help disputing parties realise the need to cooperate with each other in order to attain a sustainable solution and to stress what their basic needs really are: economic and industrial development, employment, security, housing and civil rights.

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32 Mitchell, C. & Webb, K. (1988) *New Approaches to International Mediation*, Westport, CT: Greenwood

## The Anglo-Irish Agreement

The Anglo-Irish Agreement was signed by the British and Irish Governments on 15 November 1985. It aimed to help bring an end to the Troubles in Northern Ireland. It gave the Irish Government an advisory role in Northern Ireland's Government while confirming that there would be no change in the constitutional position of Northern Ireland unless a majority of its people agreed to join the Republic of Ireland. It also set out conditions for the establishment of a devolved consensus Government in the region.

## The Role of Civil Society

The role of civil society as a key mediating institution with the ability to bridge differences has been widely recognised and advocated for in conflict resolution processes.<sup>33</sup> Indeed, commentators have spoken of civil society as the 'premier mediating [and] moralising institution' which can have a profound impact on conflict resolution.<sup>34</sup> Similarly, President Al-Nasser of the United Nations General Assembly has stressed that efforts should be made to 'ensure greater inclusiveness [of] traditional and indigenous mediation mechanisms' that are 'incorporated and combined with official mediation efforts', to ensure the optimum situation for conflict resolution.<sup>35</sup>

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33 Democratic Progress Institute (2012) 'Civil Society Mediation in Conflict Resolution', p. 15 Accessible at: <http://www.democraticprogress.org/civil-society-mediation-in-conflict-resolution/>

34 Post, R. C. & Rosenblum, N. L. (2002) 'Introduction', in Rosenblum, N. L. and Post, R. C. (eds.), *Civil Society and Government*, Princeton, NJ: Princeton University Press, p. 3

35 United Nations, 'Mediation Plays a Vital Role in Preventing Conflict, Settling Disputes', 23 May 2012. Accessible at: <http://www.un.org/apps/news/story.asp?NewsID=42067&Cr=mediation&Cr1#.UE2wgbJlRbw>

The reasons for the successful role civil society has played in peace processes are manifold. Firstly, civil society, notably a cooperation of NGOs, is more likely to be neutral than are governments.<sup>36</sup> As neutrality has been recognised to help mediators establish trust, credibility and respect from both sides of any conflict, mediating attempts conducted by civil society have proven to be more successful overall.<sup>37</sup> This ability may be enhanced by the importance of mediation in strengthening the legitimacy and authority of leaders in civil society. For instance, faith-based actors are often well suited for mediation as this can be seen as a key part of their everyday job.<sup>38</sup> Additionally, civil society has significant knowledge in specific areas and can thus dedicate a more comprehensive effort to mediation efforts.<sup>39</sup> Civil society mediators, especially at the local and national level, are usually better equipped to sustain mediation throughout and following a peace process because they have easier access to information than an external state or inter-governmental organisation (IGO) for instance.<sup>40</sup> Finally, civil society actors have the luxury of being able to dedicate more time to their activities, and unlike political actors, do not have constituents to respond to, which enables them to be independent.<sup>41</sup> Civil society actors can

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36 Taulbee, J. L. & Creekmore Jr., M. V. (2003) 'NGO Mediation: The Carter Centre', *International Peacekeeping*, Vol.10, No.1, pp.157-58

37 Maiese, M. (2005) 'Neutrality'. Accessible at: <http://www.beyondintractability.org/bi-essay/neutrality>

38 Democratic Progress Institute (2012) 'Civil Society Mediation in Conflict Resolution', p. 23 Accessible at: <http://www.democraticprogress.org/civil-society-mediation-in-conflict-resolution/>

39 Democratic Progress Institute (2012) 'Civil Society Mediation in Conflict Resolution', p. 24

40 Democratic Progress Institute (2012) 'Civil Society Mediation in Conflict Resolution', p. 26

41 Democratic Progress Institute (2012) 'Civil Society Mediation in Conflict Resolu-

contribute to mediation in a number of different ways: faith-based mediation; Track I ½ diplomacy, which is conducted by ex-political figures having direct access to decision-makers and insurgency groups; and Track II diplomacy, which is carried out by NGOs and civil society as a whole and is the main mediating channel for civil society actors.<sup>42</sup> Many critiques of Northern Ireland's peace process point to a lack of integration of the wider community. There is indeed a tension between expanding participation – and thereby legitimacy – and the increasing difficulty of cooperation and decisive action as the number of players at the negotiating table increases.<sup>43</sup> However, civil society organisations have provided 'a large measure of the glue that has held Northern Ireland society together' since the start of the Troubles, as this report will demonstrate.<sup>44</sup>

As the British government had largely been unable to present itself as an objective party in any negotiation or mediation attempt because of their intrinsic role in the conflict, it was all the more necessary for civil society actors to play a direct role in conflict resolution and reconciliation.<sup>45</sup> They had the potential to offer a viable intermediary route to build trust and come to a compromised tion', p. 25

42 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, pp. 246-247

43 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, pp. 246-247

44 NICVA and CIVICUS (2005), 'Civil Society Index: Data Overview Report. Northern Ireland', p. 3

Accessible at: [http://www.nicva.org/sites/default/files/Research\\_Background\\_Report\\_CIVICUS.pdf](http://www.nicva.org/sites/default/files/Research_Background_Report_CIVICUS.pdf)

45 Johnston D. M. (1991-1992) 'Religion and Conflict Resolution', *Notre Dame Law Review*, Vol.67, p. 1436

settlement. This was particularly evident during the backchannel negotiations, which would not have been as successful without the involvement of key intermediaries, such as Brendan Duddy and Father Alec Reid, to mediate between the different sides. In particular, faith-based actors such as Father Alec Reid took the lead by ‘focusing on the inclusion of all parties to a final agreement’.<sup>46</sup> Other notable examples include the 1974 Feakle Talks, the Fitzroy-Clonard Fellowship, the Corrymeela Centre for Reconciliation, and the Civic Forum for Northern Ireland, which this report gives a brief overview of.

## The 1974 Feakle Talks

In May 1974, the 1973 Sunningdale Agreement broke down due to a lack of cross-community belief in the British government’s abilities to mediate at this time. On 10 December 1974, a group of eight Protestant clergymen met secretly in Feakle, County Clare, Republic of Ireland, with senior representatives of the Irish Republican Army, in an attempt to ‘halt the campaign of violence that had then been carried out by the Provisional IRA for nearly five years’.<sup>47</sup> They appealed to the Republicans on humanitarian grounds, arguing that violence would not bring about their goals. The meeting was productive to the extent that the Republicans produced a document outlining their own aims and justifications for their methods.<sup>48</sup> Although

46 Sandal, N. A. (2011) ‘Religious actors as epistemic communities in conflict transformation: the cases of South African and Northern Ireland’, *Review of International Studies*, Vol.37, No.3, p. 946

47 English, R. (2003) *Armed Struggle: The History of the IRA*, London: Macmillan, p. 178

48 Democratic Progress Institute (2012) ‘Civil Society Mediation in Conflict Resolution’, pp. 53-54

Accessible at: <http://www.democraticprogress.org/civil-society-mediation-in-conflict-resolution/>

minor, this mediation assisted in developing the links that spurred the 1990s peace process into action and was conducive to the announcement of the IRA temporary ceasefire over Christmas and New Year of 1974-1975.<sup>49</sup>

## **The Fitzroy-Clonard Fellowship and the Corrymeela Centre for Reconciliation**

The Fitzroy-Clonard Fellowship and the Corrymeela Centre for Reconciliation are both faith-based civil society actors that have promoted dialogue and peace through inter-church community meetings. The Fitzroy-Clonard Fellowship was founded in 1981 as an inter-church Bible discussion group. The Fellowship had the specific aim to recognise the ‘other’ as fellow-Christian and soon took on an important mediating role in the conflict. This faith-based group promoted reconciliation, as its ethos ‘Blessed are the peacemakers, for they shall be called sons of god’ clearly illustrates. It contributed to the mediating process, first privately between Sinn Féin and the Unionist. However, from the early 1990s mediating became public as the Fellowship asked both sides to consider and discuss a ceasefire, which culminated in the 1994 ceasefires.

The Corrymeela Centre for Reconciliation was established in 1965 by a Presbyterian minister to provide a space for both religious communities to come together. As the conflict developed, the centre became both more important in promoting dialogue between the two sides as well as expanding into a veritable centre that viewed reconciliation through the lens of Christ’s forgiveness of his enemies.<sup>50</sup> In short, the role faith-

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<sup>49</sup> Democratic Progress Institute (2012) ‘Civil Society Mediation in Conflict Resolution’, pp. 53-54

Accessible at: <http://www.democraticprogress.org/civil-society-mediation-in-conflict-resolution/>

<sup>50</sup> Sandal, N. A. (2011) ‘Religious actors as epistemic communities in conflict transfor-

based organisations in the conflict were a crucial factor in putting civil society at the forefront of mediating between the two opposing sides.

### **Getting to the Agreement - Conditions**

- Preliminary intraparty negotiations, to prevent dissent within each party
- Inclusive interparty negotiations, first through back-channel negotiations, then through public negotiations
- Right timing, notably need for public acceptance of the peace process
- Involvement of civil society
- Involvement of third-party mediators to facilitate negotiations
- Arrangement regarding when decommissioning should occur

## **The Adoption of the Good Friday Agreement**

In 1998, an unprecedented compromise was reached between Nationalist and Unionist parties when the Good Friday Agreement was signed. The Agreement was supported by Sinn Féin, the SDLP and the UUP. A referendum was held in both Northern Ireland and the Republic of Ireland to obtain the populations' approval of the Good Friday Agreement. In Northern Ireland, the Agreement was endorsed by 71% of the population (with an 81% turn out) and in the Republic of Ireland by 94% (with a 51% turn out). The DUP opposed the Agreement, but having won a majority in the 2003 Northern Ireland Assembly election, was eventually brought into a

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mation: the cases of South African and Northern Ireland', *Review of International Studies*, Vol.37, No.3, p. 946

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power-sharing executive with Sinn Féin following the St Andrews Agreement. The Good Friday Agreement addressed a number of issues ranging from devolution and decommissioning to criminal justice and policing reforms. It established the Northern Ireland Assembly, its Executive and a consultative Civic Forum to which substantial powers were devolved from the British Government to Northern Ireland.<sup>51</sup>

Although the Northern Ireland peace process is often touted as a model of conflict resolution for similar intractable conflicts in the world, the implementation of the Good Friday Agreement has proven to be problematic from the start.<sup>52</sup> At every stage the process appeared fragile and uncertain.<sup>53</sup> Jonathan Powell compared the peace process to keeping a bicycle upright: ‘you have to keep the process moving forward, however slowly. Never let it fall over’.<sup>54</sup> Martin McGuinness, Sinn Féin’s chief negotiator, echoed this sentiment when he stated that the failure to fully implement the Good Friday Agreement is at the root of the [current] political crisis affecting Northern Ireland.<sup>55</sup>

51 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict*

*Mechanisms*, Routledge: Taylor and Francis Group, London, p. 239

52 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict*

*Mechanisms*, Routledge: Taylor and Francis Group, London, p. 239

53 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict*

*Mechanisms*, Routledge: Taylor and Francis Group, London, p. 240

54 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict*

*Mechanisms*, Routledge: Taylor and Francis Group, London, p. 240

55 McGuinness, M. (2003) ‘Rights of Irish citizens must be defended’, Sinn Féin website, Press statement released on 18 March 2003. Accessible at: <http://www.sinnfein.ie/>

The following chapter will address the core issues surrounding the implementation of the Good Friday Agreement, examining the main security-related issues, as well as assessing the mechanisms designed to safeguard and promote the respect of human rights and providing transitional justice.

## **The Good Friday Agreement**

The Good Friday Agreement was signed on 10 April 1998 by the British and Irish Governments, as well as by the main political parties involved in the conflict, including the Ulster Unionist Party, the Ulster Democratic Party, the Progressive Unionist Party, the Northern Ireland Women's Coalition, the Alliance Party of Northern Ireland, Sinn Féin, and the Social Democratic and Labour Party.

On 22 May 1998, it was approved by referendum in Northern Ireland by 71.2% (with an 81% turn out) and in the Republic of Ireland by 94.39% (with a 51% turn out).

The Good Friday Agreement is divided into three strands. Strand One focuses on the Democratic Institutions in Northern Ireland. Strand Two establishes the North/South Ministerial Council. Strand Three sets up the British-Irish Council and the British-Irish Intergovernmental Conference. It also contained sections on rights, safeguards, and equality of opportunity; decommissioning; security; policing and justice; prisoners; and validation, implementation and review.

# Security-Related Issues Faced by the Good Friday Agreement

## Decommissioning

Lack of mutual trust was one of the main factors that impeded initial decommissioning. Some Unionists repeatedly refused to negotiate with so-called terrorists and urged for decommissioning to be a conditional step *prior* to negotiations. Overwhelmingly, the DUP's discourse about the peace process was framed in terms of 'giving in to the demands of the pan-Nationalist front' if decommissioning did not occur prior to the start of negotiations.<sup>56</sup> DUP's supporters and many Unionists had genuine concerns about their security situation before the PIRA and other Republican groups disarmed.<sup>57</sup> On the other hand, many Nationalists would not decommission prior to an agreement being reached, arguing that it would contribute to strengthening their negotiating power, and act as a deterrent to Unionist spoilers' attempts to overthrow the peace process by taking advantage of their weak military strength. PIRA hostility to ever renouncing its military tactics was epitomised in the slogans daubed on the walls of Belfast declaring 'not a bullet, not an ounce'.<sup>58</sup>

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56 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, p. 242

57 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, pp. 242-243

58 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, p. 244

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The parties involved in Northern Ireland gradually came to see unarmed political negotiation as the best and only means of resolving the conflict.<sup>59</sup> For instance, discussing Sinn Féin's position regarding the ongoing conflict, Gerry Adams stated in 1987, 'there's no military resolution, none whatsoever ... There can only be a political solution ... an alternative, unarmed struggle, to attain Irish Independence'.<sup>60</sup> Both communities then eased towards a more conciliatory approach and it was eventually agreed that that decommissioning would be carried out during the negotiations leading up to the Good Friday Agreement. Nevertheless, tensions remained between some Unionists and some Nationalists even after the Good Friday Agreement was adopted, as the Good Friday Agreement did not set out any clear timetable and did not represent a legal constraint.

One of the main problems with the Good Friday Agreement was that it does not contain any comprehensive provision that sanctions non-decommissioning. Consequently, decommissioning became dependent upon the people's good will. Article 25 of the Good Friday Agreement relates that decommissioning exclusively concerns politicians and does not set out any consequences should decommissioning not occur at the grassroots level. Consequently, each side was reluctant to decommission first. These tensions were exacerbated due to the fundamental disagreement between the

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59 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, p. 195

60 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, pp. 195-196

parties over the sequencing of disarmament and inclusion into political institutions. The Republican and Unionist parties were under pressure to reflect the views of their constituencies in their negotiating position and referred to the intransigence of their communities to underline their positions on demilitarisation and inclusion in institutions.<sup>61</sup> Some Unionists accused the Nationalists of ‘failing to live up to the spirit of the Agreement’s requirement for the decommissioning of arms’, while Sinn Féin blamed the British Government for ‘failing to demilitarise quickly enough’.<sup>62</sup>

Although decommissioning was marred by difficulties, it proved relatively successful in the long run. In 2002 Gerry Adams announced that he could ‘imagine a future without the IRA’.<sup>63</sup> In July 2005, the IRA Army Council formally announced an end to its armed campaign, stating its commitment to using ‘purely political and democratic programmes through exclusively peaceful means’.<sup>64</sup> By mid-2005, General de Chastelain, a retired member of the Canadian military and diplomat, had announced that decommissioning in Northern Ireland was complete.<sup>65</sup> It is

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61 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, p. 246

62 BBC News, ‘Good Friday Agreement: The Search for Peace’.

Accessible at: [http://news.bbc.co.uk/hi/english/static/northern\\_ireland/understanding/events/good\\_friday.stm](http://news.bbc.co.uk/hi/english/static/northern_ireland/understanding/events/good_friday.stm)

Accessed on January 24, 2013

63 Marcus, A. (2007) *Blood and Belief: The PKK and the Kurdish Fight for Independence*, New York: New York University Press

64 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, London, p. 244

65 General de Chastelain is a retired member of the Canadian military and diplomat. He served twice as Canada’s Chief of the Defence Staff, from 1989 to 1993 and from 1994 to 1995. He was also Canada’s Ambassador to the United States in 1993-1994. He was appointed Chairman of the Independent International Commission on Decommissioning (IICD) from 1997 to 2011 by the Government of the United Kingdom of Great Britain

crucial to note that the weapons were not merely handed over to the Independent International Commission on Decommissioning (IICD) but destroyed in the presence of the IICD, by being put in dumps and concreted over to be genuinely out of use. On the other hand, the end of British military operations in Northern Ireland was chaired in July 2007. As of December 2011, there were about 5,000 remaining British troops in Northern Ireland, and only fourteen army bases remained active.

### **General de Chastelain**

General de Chastelain is a retired member of the Canadian military and diplomat. He served twice as Canada's Chief of the Defence Staff, from 1989 to 1993 and from 1994 to 1995. He was also Canada's Ambassador to the United States in 1993-1994. He was appointed Chairman of the Independent International Commission on Decommissioning (IICD) from 1997 to 2011 by the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland.

Decommissioning in Northern Ireland remains a contentious issue due to the difficulty of ensuring its genuine completion. Importantly, both sides have a history of hiding weapons for use in the future.<sup>66</sup> In another example, Reverend Ian Paisley had insisted on taking pictures of the decommissioning process in the early 1990s, which led to increasing tensions and was met with the Republicans' refusal.<sup>67</sup> Similarly, David Trimble, then leader of

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and Northern Ireland and the Government of Ireland.

66 Von Tangen Page. (2000) *A Negative Peace: Northern Ireland and the Good Friday Agreement*, Centre for Defence Studies, London, p. 42

67 Democratic Progress Institute (2011) 'Turkey: Comparative Studies Visit to the United Kingdom – Conflict Resolution', p. 41

Accessible at: <http://www.democraticprogress.org/turkey-comparative-studies-visit-to->

the UUP, demanded categorical proof that all weapons had been destroyed, but had to resign himself to accepting that no tangible proof of the sort could be given.<sup>68</sup>

## **The Release and Integration of Paramilitary Prisoners**

Another crucial and highly controversial issue relating to security was that of the release and integration in society of former paramilitary prisoners. In accordance with the Good Friday Agreement, large numbers of paramilitary prisoners were freed in 2000, which triggered public outcry on the basis of reintegration being seen to reward ‘men of violence’. There was widespread criticism on the possibility for former paramilitary activists to run for political offices. Most recently, this was clearly demonstrated in the 2011 Presidential elections in the Republic of Ireland, when Martin McGuinness<sup>69</sup> stood for election in which the intense popular and media focus on his Republican background was clear evidence for the continued political relevance of the past.<sup>70</sup>

Nevertheless, it must be noted that release and amnesty were granted to paramilitary prisoners on a conditional basis, meaning that those ‘becoming re-involved in political violence [were] expected

[the-united-kingdom-conflict-resolution/dpi-uk-visit-report-updated-may-2012-2/](http://www.democraticprogress.org/uk-visit-report-updated-may-2012-2/)

68 Democratic Progress Institute (2011) ‘Turkey: Comparative Studies Visit to the United Kingdom – Conflict Resolution’ p. 32

69 Martin McGuinness is the incumbent Deputy First Minister of Northern Ireland since 2007. He is a Sinn Féin politician and used to be a leader of the Provisional IRA.

70 Democratic Progress Institute (2012) ‘DDR and the Complexity of Contemporary Conflict’

Accessible at: <http://www.democraticprogress.org/ddr-and-the-complexity-of-contemporary-conflict/>

to serve out their sentences in full'.<sup>71</sup> Many former paramilitary prisoners felt that by denying full legitimacy of their political struggle, the conditions for their release and means of reintegration reflected a failure to distinguish between the political nature of their actions and criminality.<sup>72</sup> For instance, extradition requests for the surviving escapees from the 1983 Maze Prison Escape were dropped in accordance with the Good Friday Agreement, but not all were granted amnesty.

Many former combatants in Northern Ireland, notably politicized ex-prisoners, have significantly contributed to reintegration and to the wider process of peace building in Northern Ireland by bringing credibility and perspective to peace building. Many of the key participants involved in peace negotiations leading up to the adoption of the Good Friday Agreement were ex-combatants with a record of conviction and imprisonment. Their active participation in the peace building process, as well as their involvement in local programmes and awareness campaigns have been claimed to positively impact communities' will to end the conflict, as efforts to reduce violence can carry greater weight when they are led by former combatants.<sup>73</sup>

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71 Von Tangen Page, M. (2000) *A Negative Peace: Northern Ireland and the Good Friday Agreement*, Centre for Defence Studies, London, p. 35

72 'The Northern Ireland Peace Process: A Supplement to Striking Process' Conciliation Resources, London, 2003

Accessible at:

[http://www.c-r.org/sites/c-r.org/files/08s\\_0Northern%20Ireland%20supplement\\_2003\\_ENG\\_F.pdf](http://www.c-r.org/sites/c-r.org/files/08s_0Northern%20Ireland%20supplement_2003_ENG_F.pdf)

73 Yildiz, K. & Breau, S. (2010) *The Kurdish Conflict: International Humanitarian Law and Post-Conflict*

*Mechanisms*, Routledge: Taylor and Francis Group, London, pp. 240-244

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## The Reform of the Police Force and the Judicial System

Policing has been another controversial issue surrounding the Agreement. The Good Friday Agreement promised a new policing service that aimed to be ‘more representative of the community it polices, democratically accountable, free from political control, infused with human rights and culturally neutral’.<sup>74</sup> It was commissioned primarily because of a failure to find ‘an acceptable democratic basis for governance’<sup>75</sup> and the Catholic community’s ‘perception of unequal treatment by the police force’<sup>76</sup> in the past. Controversial symbols were thus changed to be free from any association with either the British or Irish States. The Royal Ulster Constabulary was renamed the Police Service of Northern Ireland. A new oath of allegiance was devised, which upheld human rights and equal respect to all communities. Uniforms, badges and the logo of the police force were changed to be politically neutral. The Union flag was removed from police buildings, and a new flag was designed for the Police Service of Northern Ireland, representing the new badge of the police force on a green background. Furthermore, entry requirements were made

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74 Sinn Féin (2001) ‘Response to the Revised Implementation Plan on Policing: A new beginning to policing’

Accessible at <http://cain.ulst.ac.uk/issues/police/docs/sf250801a.htm>

75 Independent Commission on Policing for Northern Ireland (1999) ‘A New Beginning: Policing in Northern Ireland - The Report of the Independent Commission on Policing for Northern Ireland’, September 1999

Accessible at: <http://cain.ulst.ac.uk/issues/police/patten/patten99.pdf>

76 Democratic Progress Institute (2011) ‘Turkey: Comparative Studies Visit to The Republic of Ireland - Conflict Resolution’, p. 101

Accessible at:

<http://www.democraticprogress.org/turkey-comparative-studies-visit-to-the-rep-of-ireland-conflict-resolution/>

flexible with regards to prior criminal offences, so that there was no systematic disqualification from entry into the police force. This was a particularly controversial provision as it inherently enabled former political activists with criminal records to apply and potentially enter the police force. Although these numerous provisions were condemned by the Ulster Unionist Party as a ‘gratuitous insult’ to the Royal Ulster Constabulary, these measures were widely acclaimed as a crucial step towards intercommunal peace.<sup>77</sup> Additionally, the Patten Report provided for recruitment of the police force to be conducted by an independent agency. Until March 2011, positive discrimination measures were implemented to ensure the even religious composition of the police force. These measures were deemed crucial as in 2001 the police force comprised 92% Protestants. However, this provision was removed in March 2011 following protests from Unionist politicians claiming it was unfair sectarianism. Most notably, Secretary of State Owen Paterson claimed that this practice was no longer justified as 30% of officers had a Catholic background. As the table below testifies, the composition of the police workforce has not changed since the removal of this provision.

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<sup>77</sup> BBC News (1999) ‘Gratuitous insult, says UUP’, 9 September 1999. Accessible at: [http://news.bbc.co.uk/1/hi/northern\\_ireland/442815.stm](http://news.bbc.co.uk/1/hi/northern_ireland/442815.stm)

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## Figure 1: Police Workforce Composition Figures<sup>78</sup>

(Figures accurate as at 01.11.12)

	<b>% Perceived Protestant</b>	<b>% Perceived Roman Catholic</b>	<b>% Not determined</b>
<b>Police Officers</b>	67.36	30.41	2.23
<b>Police Staff</b>	77.88	18.95	3.17

Furthermore, in accordance with the Good Friday Agreement’s provisions related to the reform of the judicial system in Northern Ireland, the Criminal Justice Inspection Northern Ireland (CJI) was established in 2003.<sup>79</sup> An ad-hoc Committee on Criminal Justice Reform was also set up by the Northern Ireland Assembly between December 2001 and January 2002 to reform the judiciary. It produced the Report on the Draft Justice (NI) Bill and the Criminal Justice Review on 14 January 2002.

## The Controversial Question of Sovereignty

The controversial question of sovereignty over Northern Ireland remains unresolved and thus highly contentious. The Good Friday

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78 Police Service of Northern Ireland (2012) Workforce Composition Figures. Accessible at: [http://www.psnl.police.uk/index/updates/updates\\_statistics/updates\\_workforce\\_composition\\_figures.htm](http://www.psnl.police.uk/index/updates/updates_statistics/updates_workforce_composition_figures.htm)

79 The Criminal Justice Inspection Northern Ireland (CJI) is an independent, statutory inspectorate established under section 45 of the Justice (Northern Ireland) Act 2002. Its mandate is to inspect all aspects of the criminal justice system in Northern Ireland apart from the judiciary.

Agreement allows for referendums to be held in the Republic of Ireland and in Northern Ireland over this issue. Should the majority consulted choose to have a unified Ireland, British sovereignty over Northern Ireland would in principal yield to Irish sovereignty. This provision denotes a concern with conflict management in the short-to-medium term as opposed to genuine conflict resolution, as the determination of the question of sovereignty is made largely contingent upon demographic changes.<sup>80</sup>

Recent events attest to the contestability of sovereignty in Northern Ireland. There have been some violent riots in Belfast since 3 December 2012, following Belfast City Council voting to change its policy on the Union Flag. Until December 2012, the Union Flag was displayed outside of Belfast City Hall every single day of the year. However, the new policy restricts displays of the Union Flag at the city hall to 15 designated days during the year, in line with Stormont City Hall's policy, which triggered opposition from the Unionist community. According to the Police Service of Northern Ireland, several thousand people took part in the riots. However, this policy change has been described as a necessary step towards equality between both communities as well as more political neutrality, and has been acclaimed as demonstrating the council's commitment to a shared future. Most notably, the fact that neither Sinn Féin nor the Social Democratic and Labour Party of Northern Ireland (SDLP) placed pressure for the Union Flag to be completely removed and accepted instead that it could be

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80 Von Tangen Page, M. (2000) *A Negative Peace: Northern Ireland and the Good Friday Agreement*, Centre for Defence Studies, London, p. 9

displayed on specific occasions, highlighted their recognition of the current constitutional status of Northern Ireland.

Attitudes and perceptions have also perceptibly changed over time. The following Northern Ireland Life & Times surveys, carried out in 2010, are highly informative in this sense.<sup>81</sup>

**Figure 2: Survey on Political Attitudes in Northern Ireland<sup>82</sup>**

**Question:** Generally speaking, do you think of yourself as a Unionist, a Nationalist or neither?

	<b>Catholic</b>	<b>Protestant</b>	<b>No religion</b>	<b>% of the Total Population</b>
<b>Unionist</b>	1%	65%	10%	34%
<b>Nationalist</b>	54%	0%	6%	20%
<b>Neither</b>	45%	34%	82%	45%
<b>Other</b>	0%	1%	1%	1%
<b>Don't know</b>	1%	0%	2%	0%

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81 Northern Ireland Life & Times – Surveys. Accessible at: <http://www.ark.ac.uk/nilt/quests/>

82 Northern Ireland Life & Times (2010) Survey on Political Attitudes in Northern Ireland  
 Accessible at: [http://www.ark.ac.uk/nilt/2010/Political\\_Attitudes/UNINATID.html](http://www.ark.ac.uk/nilt/2010/Political_Attitudes/UNINATID.html)

### Figure 3: Survey on Political Attitudes in Northern Ireland<sup>83</sup>

**Question:** Do you think the long-term policy for Northern Ireland should be for it...

	<b>Catholic</b>	<b>Protestant</b>	<b>No religion</b>	<b>% of the Total Population</b>
<b>to remain part of the United Kingdom with direct rule</b>	6%	21%	14%	15%
<b>to remain part of the United Kingdom with devolved Government</b>	46%	69%	47%	58%
<b>or, to reunify with the rest of Ireland?</b>	33%	4%	17%	16%
<b>Independent State</b>	4%	1%	4%	3%
<b>Other answer</b>	4%	1%	7%	3%
<b>Don't know</b>	8%	3%	10%	6%

83 Northern Ireland Life & Times (2010) Survey on Political Attitudes in Northern Ireland

Accessible at: [http://www.ark.ac.uk/nilt/2010/Political\\_Atitudes/NIRELND2.html](http://www.ark.ac.uk/nilt/2010/Political_Atitudes/NIRELND2.html)

## Figure 4: Survey on Political Attitudes in Northern Ireland<sup>84</sup>

**Question:** If the majority of people in Northern Ireland ever voted to become part of a United Ireland do you think you...

(Question asked only to those who answered that the long-term policy for Northern Ireland should be not to reunify with the rest of Ireland.)

	<b>Catholic</b>	<b>Protestant</b>	<b>No religion</b>	<b>% of the Total Population</b>
<b>would find this almost impossible to accept</b>	5%	18%	10%	13%
<b>would not like it, but could live with it if you had to</b>	33%	57%	39%	48%
<b>or, would happily accept the wishes of the majority</b>	58%	23%	51%	37%
<b>Don't know</b>	4%	1%	1%	2%

<sup>84</sup> Northern Ireland Life & Times (2010) Survey on Political Attitudes in Northern Ireland.

Accessible at: [http://www.ark.ac.uk/nilt/2010/Political\\_Atitudes/FUTURE1.html](http://www.ark.ac.uk/nilt/2010/Political_Atitudes/FUTURE1.html)

## Human Rights Issues

### Mechanisms Designed to Safeguard and Promote the Respect of Human Rights

The protection of human rights was one of the main agendas of the Good Friday Agreement. As a result, there have been a number of provisions to safeguard and promote the respect of human rights in Northern Ireland. Most notably, the Good Friday Agreement required that the European Convention on Human Rights (ECHR) be incorporated into Northern Irish Law.<sup>85</sup> The Good Friday Agreement also made several guarantees of ‘minimal human rights protections’ in Northern Ireland, notably safeguarding eight key civil rights, including ‘the right of free political thought, freedom of expression and religion, the right to equal opportunity, and the right to freedom from sectarian harassment’.<sup>86</sup> To this end, the Good Friday Agreement provided for the establishment of the Northern Ireland Human Rights Commission (NIHRC) in 1999.<sup>87</sup> The Equality Commission in Northern Ireland was also established to prevent discrimination, largely concerning the workplace and access

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85 Good Friday Agreement, also known as Belfast Agreement (1998)

86 Good Friday Agreement's Strand Three, Security, 2(iii). Agreement Reached in Multi-Party Negotiations, Apr. 10, 1998, Ir.-U.K., 37 I.L.M. 751 (1998).

87 The Joint Committee was mandated by the Good Friday Agreement to consider the possibility of a ‘Charter of Rights for the Island of Ireland’ which would include all human rights standards currently signed up to by the United Kingdom and Irish Governments to establish a minimum protection structure. The Joint Committee presented its advice to both Governments, advocating in favour of the creation of a ‘Charter of Rights for the Island of Ireland’ in June 2011. However, as of January 2013, no genuine steps had been taken towards this end.

Irish Human Rights Commission (2008) ‘The Good Friday Agreement 10 Years On – Building a Charter of Rights for the Island of Ireland Our Next Goal’, 3 July 2008  
Accessible at: <http://www.ihrc.ie/newsevents/press/2008/07/03/the-good-friday-agreement-10-years-on-building-a-c/>

to housing.<sup>88</sup> This commission is particularly crucial as up until the Good Friday Agreement, the Catholic community is said to have suffered discrimination. As the following surveys demonstrate, the success of the promotion of intercommunal harmony remains questionable in Northern Ireland, but communities’ attitudes towards intercommunal mixing suggest that there may be hope for the future.

**Figure 5: Survey on Community Relations in Northern Ireland<sup>89</sup>**

**Question:** Northern Ireland is a normal civic society in which all individuals are equal, where differences are resolved through dialogue and where all people are treated impartially.

	Catholic	Protestant	No religion	% of the Total Population
<b>One: Definitely not been achieved</b>	12%	12%	16%	12%
<b>Two</b>	4%	4%	8%	4%
<b>Three</b>	11%	15%	14%	14%
<b>Four</b>	12%	14%	14%	13%
<b>Five</b>	26%	27%	22%	26%
<b>Six</b>	11%	11%	8%	11%
<b>Seven</b>	10%	7%	9%	8%
<b>Eight</b>	8%	5%	6%	6%
<b>Nine</b>	2%	1%	0%	1%
<b>Ten: Definitely has been achieved</b>	5%	3%	2%	3%
<b>Don't know</b>	2%	1%	1%	1%

88 Equality Commission for Northern Ireland, ‘About Us’  
 Accessible at: <http://www.equalityni.org/sections/default.asp?secid=0>

89 Northern Ireland Life & Times (2010) Survey on Community Relations in Northern Ireland  
 Accessible at: [http://www.ark.ac.uk/nilt/2010/Community\\_Relations/TARGET1A.html](http://www.ark.ac.uk/nilt/2010/Community_Relations/TARGET1A.html)

## Figure 6: Survey on Community Relations in Northern Ireland<sup>90</sup>

**Question:** Are you in favour of more mixing or more separation where people live?

	<b>Catholic</b>	<b>Protestant</b>	<b>No religion</b>	<b>% of the Total Population</b>
<b>Much more mixing</b>	50%	42%	64%	48%
<b>Bit more mixing</b>	38%	40%	26%	38%
<b>Keep things as they are</b>	10%	14%	8%	11%
<b>Bit more separation</b>	0%	2%	0%	1%
<b>Much more separation</b>	0%	1%	0%	1%
<b>Can't choose</b>	2%	2%	2%	2%

90 Northern Ireland Life & Times (2010) Survey on Community Relations in Northern Ireland

Accessible at: [http://www.ark.ac.uk/nilt/2010/Community\\_Relations/MIXDLIV.html](http://www.ark.ac.uk/nilt/2010/Community_Relations/MIXDLIV.html)

## Figure 7: Survey on Community Relations in Northern Ireland<sup>91</sup>

**Question:** Are you in favour of more mixing or more separation where people work?

	Catholic	Protestant	No religion	% of the Total Population
<b>Much more mixing</b>	58%	49%	66%	55%
<b>Bit more mixing</b>	30%	32%	22%	30%
<b>Keep things as they are</b>	9%	15%	7%	12%
<b>Bit more separation</b>	0%	1%	2%	1%
<b>Much more separation</b>	0%	0%	1%	0%
<b>Can't choose</b>	2%	3%	2%	2%

## Transitional Justice in Northern Ireland

The Good Friday Agreement establishes mechanisms related to transitional justice. Access to transitional justice not only satisfies grievances for past abuse, but as the State is seen as a source of redress for popular grievances, its legitimacy and future support is enhanced. Furthermore, it helps foster trust between the State and society, where previously there may have been none.

<sup>91</sup> Northern Ireland Life & Times (2010) Survey on Community Relations in Northern Ireland

Accessible at: [http://www.ark.ac.uk/nilt/2010/Community\\_Relations/MIXDWORK.html](http://www.ark.ac.uk/nilt/2010/Community_Relations/MIXDWORK.html)

Northern Ireland is an interesting case insofar as no formal Truth and Reconciliation Commission has been established as has occurred in many other post-conflict societies, such as South Africa. A number of reasons have been put forward for this. Notably, the authorities feared that an exhaustive investigation into the past so soon after the Good Friday Agreement had been reached could be destabilising to a still-fragile peace. Similarly, it has been suggested that due to the impartial reform of existing power structures, which enabled both sides to be in power, a Truth and Reconciliation Commission could question the legitimacy of existing institutions and further destabilise peace. There was still widespread mistrust between both communities throughout the late 1990s and 2000s. Thus each community feared that a Truth and Reconciliation Commission would enable the other to promote a selective and biased interpretation of history, and the subsequent rewriting of the past in a way that would absolve themselves of responsibility for atrocities.

### **The Saville Inquiry**

On 3 April 1998, the Saville Inquiry was opened to examine the events that came to be known as Bloody Sunday. Two years later, public hearings for the Saville Inquiry began. In June 2010, the Saville Inquiry released its report, finding the British armed forces guilty of launching an unjustifiable and unprovoked attack on unarmed civilians. British Prime Minister David Cameron officially apologised to the families of the Bloody Sunday victims.

A number of commissions have been established to investigate controversial events which occurred during the conflict. The best-

known of these is probably the Saville Inquiry into 1972's 'Bloody Sunday' which found the British armed forces guilty of launching an unjustifiable and unprovoked attack on unarmed civilians. The Saville Inquiry's findings led to British Prime Minister David Cameron officially apologising to the victims' families on 15 June 2010. Despite these efforts, the number of similar commissions has been limited and many among the Nationalist community feel that the State's role as a perpetrator of violence and its collusion with Loyalist paramilitaries has been forgotten to create a 'sanitised' official version of events. On the other side of the communal divide, the Loyalist community has expressed criticism over the release of former Republican prisoners as part of the Good Friday Agreement's transitional justice campaign. However, as has been previously explained, political prisoners' release was conditional upon continued non-violent behaviour, which has prompted ex-combatants to criticise the lack of distinction between reprehensible criminal acts and legitimate political activities. To date, Northern Ireland has not carried out any socio-economic justice to redistribute resources between the two communities. Debate on the establishment of a transitional court of justice in Northern Ireland is likely to continue.

## Conclusion

This working paper has demonstrated that the reputation of Northern Ireland's peace process as a model of conflict resolution may lack nuance. The peace process resulting in the historic Good Friday Agreement can be described as successful as it led the disputing parties to negotiate a peaceful political end to the conflict. It has been shown that the success of Northern Ireland's peace process lies in its combination of inter-nationalist party negotiations and back-channel negotiations benefiting from the involvement of third party actors, which resulted in the adoption of a compromise to end the conflict by peaceful political means, embodied by the Good Friday Agreement.

However, the implementation of the Agreement still faces significant challenges which have nurtured the persistence of intercommunal tensions in Northern Ireland. Specifically, disputes concern security-related issues such as decommissioning, the release and reintegration of paramilitary prisoners, the reform of the police force and the judicial system. The question of sovereignty over Northern Ireland also remains unresolved. Issues related to human rights are also essential, due to the fact that transitional justice has been limited in Northern Ireland. Although various mechanisms were designed by the Good Friday Agreement to safeguard and promote the respect of human rights in Northern Ireland, no formal Truth and Reconciliation Commission has been established, retributive justice has largely been dismissed, and no distributive justice measures have been implemented.

# Annex 1:

## Timeline of the Key Dates in the Northern Ireland Conflict and Peace Process

**1801:** Incorporation of the island of Ireland into the United Kingdom.

**1919-1921:** Irish War of Independence

**23 December 1920:** Adoption of the Government of Ireland Act by the Parliament of the United Kingdom. Partition of Ireland.

**6 December 1921:** Signing of the Articles of Agreement for a Treaty Between Great Britain and Ireland, commonly known as the Anglo-Irish Treaty, by the Government of the United Kingdom of Great Britain and Ireland, and representatives of the secessionist Irish Republic. End of the Irish War of Independence.

**Late 1960s to 1998:** The ‘Troubles’

**1968:** Start of the civil rights movement in Northern Ireland.

**1969:** The historic Irish Republican Army split into the Provisional Irish Republican Army (PIRA) and the Official Irish Republican Army (OIRA).

**1972:** The British Government engages in secret back-channel contacts with the IRA.

**30 January 1972:** Bloody Sunday / The Bogside Massacre. The British Army shoots unarmed civil rights protesters in (London) Derry, Northern Ireland, resulting in 13 dead and 14 injured.

**9 December 1973:** The British and Irish Governments, and the parties involved in the Northern Ireland Executive, sign the Sunningdale Agreement.

**15 November 1985:** The British and Irish Governments sign the Anglo-Irish Agreement.

**Late 1980s:** Start of intraparty negotiations within the Nationalist community.

**15 December 1993:** Downing Street Declaration.

**22 January 1996:** Publication of the Report of the International Body on Arms Decommissioning, outlining the Mitchell Principles.

**3 April 1998:** Opening of the Saville Inquiry to examine the events of 30 January 1972 in (London)Derry, Northern Ireland.

**10 April 1998:** Signing of the Good Friday Agreement.

**22 May 1998:** Referendums held in Northern Ireland and in the Republic of Ireland to approve the Good Friday Agreement. In Northern Ireland, the Agreement is endorsed by 71.2% of the population (with an 81% turn out) and in the Republic of Ireland by 94.39% (with a 51% turn out).

**9 September 1999:** Release of the Patten Report by the Independent Commission on Policing for Northern Ireland – also known as the Patten Commission – comprising 175 recommendations with the objective of ‘depoliticising the police’.

**March 2000:** Public hearings for the Saville Inquiry begin.

**July-August 2000:** Paramilitary prisoners freed by the United Kingdom, in accordance with the Good Friday Agreement.

**4 November 2001:** Dismantlement of the Royal Ulster Constabulary and creation of the Police Service of Northern Ireland.

**28 July 2005:** The IRA Army Council formally announces an end to its armed campaign.

**26 September 2005:** General de Chastelain, Chairman of the Independent International Commission on Decommissioning,

announce that he is satisfied that decommissioning in Northern Ireland is complete.

**13 October 2006:** The British and Irish Governments, and the political parties of the Government of Northern Ireland sign the St Andrews Agreement.

**15 June 2010:** The report of the Saville Inquiry finds the British armed forces guilty of launching an unjustifiable and unprovoked attack on unarmed civilians. British Prime Minister David Cameron officially apologises to the families of the Bloody Sunday victims.

**March 2011:** Positive discrimination measures in the Police Service of Northern Ireland are abolished.

## **Annex 2:**

### **Key Individuals in the Northern Ireland Conflict and Peace Process**

**Gerry Adams:** He has been the leader of Sinn Féin since 1983.

**General de Chastelain:** He is a retired member of the Canadian military and diplomat. He served twice as Canada's Chief of the Defence Staff, from 1989 to 1993 and from 1994 to 1995. He was also Canada's Ambassador to the United States in 1993-1994. He was appointed Chairman of the Independent International Commission on Decommissioning (IICD) from 1997 to 2011 by the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland.

**Brendan Duddy:** He was a Derry businessman with extensive political connections and access to senior contacts, who acted as an intermediary in the Northern Ireland negotiations for over 20 years.

**John Hume:** A former teacher, he first came to prominence through the civil rights movement in the late 1960s. He was a founding member of the Social Democratic and Labour Party in 1970, and took over as leader from 1979 to 2001. In 1979, he also became a Member of the European Parliament. He has been one of the driving forces of the Northern Ireland peace process for over 40 years. Notably, he was a member of the power-sharing executive set up after the Sunningdale Agreement in December 1973 and helped to shape the Anglo-Irish Agreement of 1985. In 1988, he began a series of contacts with Gerry Adams. These were to prove crucial in developing the current process. In 1998, he was awarded the Nobel Peace Prize along with David Trimble.

**Martin McGuinness:** He is an Irish Sinn Féin politician. He used to be a Provisional Irish Republican Army leader. He was the MP for Mid Ulster from 1997 until his resignation on 2 January 2013. He is currently the Deputy First Minister of Northern Ireland since 2007.

**Senator George Mitchell:** Senator George Mitchell was sent as the United States Special Envoy for Northern Ireland in 1995. He became known for the introduction of his so-called ‘Mitchell Principles’ in 1996.

**Reverend Ian Paisley:** Reverend Ian Paisley founded the Democratic Unionist Party (DUP) in 1971, and was its leader from 1971 to 2008. He served as First Minister of Northern Ireland between 8 May 2007 and 5 June 2008.

**Jonathan Powell:** He is a British diplomat. He served as the first Downing Street Chief of Staff throughout Tony Blair's mandate as British Prime Minister, from 1997 to 2007.

**Father Alec Reid:** He is an Irish priest and a member of the Redemptorist Order based in West Belfast's Clonard Monastery, and had been close to the Republicans since the start of the Troubles in 1969. He has a personal relationship with Gerry Adams which led to him becoming an intermediary and mediator between the Republican Movement and a number of other parties to the conflict. He has been described as an 'unsung hero' who had done more than 'practically anyone else involved'. However, some are critical of Reid's conduct, as he also undertook advocacy in an attempt to mould the process in a way he saw fit rather than acting simply as an unbiased mediator.

**David Trimble:** He is a British politician. He was the Leader of the Ulster Unionist Party from 1995 to 2005. He served as the first First Minister of Northern Ireland from 1998 to 2002. In 1998, he was awarded the Nobel Peace Prize along with John Hume.

## **Annex 3:**

### **Key Bodies in the Northern Ireland Conflict and Peace Process**

**Alliance Party of Northern Ireland:** Founded in 1970 from the New Ulster Movement, it originally represented moderate and non-sectarian Unionism. Over time, it moved towards neutrality on the Union, and has come to represent wider liberal and non-sectarian concerns: for instance, in the Northern Ireland Assembly, it is designated as neither unionist nor nationalist, but 'Other'. It is a signatory of the Good Friday Agreement.

**Democratic Unionist Party (DUP):** Founded by Ian Paisley in 1971, it is currently the largest party in the Northern Ireland Assembly and the fourth-largest party in the House of Commons of the United Kingdom. It is more radically unionist than the UUP.

**Northern Ireland Women's Coalition (NIWC):** It was founded in 1996 in order to contest the Forum elections of May 1996, but did not have a clear ideology. Its primary aim was to bring women's experience of cross-community work to bear on the peace talks. It is a signatory of the Good Friday Agreement.

**Official Irish Republican Army (OIRA):** It emerged in 1969 from a split within the Irish Republican Army (which had existed since 1922). It engaged in military action against the British Army until May 1972.

**Progressive Unionist Party (PUP):** Founded in 1979, it is a small unionist political party in Northern Ireland which was historically linked to the Ulster Volunteer Force. It is a signatory of the Good Friday Agreement.

**Provisional Irish Republican Army (PIRA):** It emerged in 1969 from a split within the Irish Republican Army (which had existed since 1922). It engaged in military action against the British Army until 2005, when it formally declared the end of its armed campaign and decommissioning was completed in Northern Ireland.

**Saville Inquiry:** It was opened on 3 April 1998 to examine the events that came to be known as Bloody Sunday. Two years later, public hearings for the Saville Inquiry began. In June 2010, it released its report, finding the British armed forces guilty of launching an unjustifiable and unprovoked attack on unarmed civilians.

**Sinn Féin:** It is an Irish republican political party in the Republic of Ireland and Northern Ireland, which took its current form in 1970. It has historically been associated with the Provisional IRA. It is a signatory of the Good Friday Agreement.

**Social Democratic and Labour Party (SDLP):** It was founded in 1970 by John Hume. It advocates further devolution of powers while Northern Ireland remains part of the United Kingdom, and the eventual reunification of Northern Ireland and the Republic of Ireland. It is a signatory of the Good Friday Agreement.

**Ulster Defence Association (UDA):** Founded in 1971, it is the largest loyalist paramilitary and vigilante group in Northern Ireland. It waged an armed campaign from 1971 to 2007, using the name Ulster Freedom Fighters (UFF) when it wished to claim responsibility for attacks, which allowed it to remain legal until 1992.

**Ulster Democratic Party (UDP):** First established in June 1981 as the Ulster Loyalist Democratic Party by the Ulster Defence Association (UDA), it was a small loyalist political party in Northern Ireland which remained active until its dissolution in 2001. It is a signatory of the Good Friday Agreement.

**Ulster Unionist Party (UUP):** Tracing its formal existence back to 1905, it is the oldest of the two main unionist parties in Northern Ireland. It was led by David Trimble between 1995 and 2005. It is a signatory of the Good Friday Agreement.

**Ulster Volunteer Force (UVF):** Formed in 1956, it is a loyalist paramilitary group in Northern Ireland. It ended its armed campaign in 2007.

## **Annex 4:**

# **Key Agreements and Other Documents in the Northern Ireland Peace Process**

**Anglo-Irish Agreement:** The Anglo-Irish Agreement, signed on 15 November 1985, was an agreement between the United Kingdom and Ireland which aimed to help bring an end to the Troubles in Northern Ireland. The treaty gave the Irish Government an advisory role in Northern Ireland's Government while confirming that there would be no change in the constitutional position of Northern Ireland unless a majority of its people agreed to join the Republic. It also set out conditions for the establishment of a devolved consensus Government in the region.

**Downing Street Declaration:** The Downing Street Declaration was a joint declaration issued on 15 December 1993 at the British Prime Minister's office in 10 Downing Street. It affirmed both the right of the people of Ireland to self-determination, and that Northern Ireland would be transferred to the Republic of Ireland from the United Kingdom if and only if a majority of its population was in favour of such a move.

**Good Friday Agreement:** The Good Friday Agreement was signed on 10 April 1998 by the British and Irish Governments, as well as by the main political parties involved in the conflict, including the Ulster Unionist Party, the Ulster Democratic Party, the Progressive

Unionist Party, the Northern Ireland Women's Coalition, the Alliance Party of Northern Ireland, Sinn Féin, and the Social Democratic and Labour Party. On 22 May 1998, it was approved by referendum in Northern Ireland by 71.2% (with an 81% turnout) and in the Republic of Ireland by 94.39% (with a 51% turnout).

**Mitchell Principles:** The Mitchell Principles were outlined in the Report of the International Body on Arms Decommissioning released on 22 January 1996.

**St Andrews Agreement:** The St Andrews Agreement was signed by the British and Irish Governments and all the major political parties in Northern Ireland on 13 October 2006, following multi-party talks held in St Andrews, Scotland, regarding the devolution of power to Northern Ireland. It restored the Northern Ireland Assembly and created a new Northern Ireland Executive.

**Sunningdale Agreement:** The Sunningdale Agreement was signed on 9 December 1973 by the British and Irish Governments, and the parties involved in the Northern Ireland Executive. It attempted to establish a power-sharing Northern Ireland Executive and a cross-border Council of Ireland. Unionist opposition, violence and a loyalist general strike caused the collapse of the Sunningdale Agreement in May 1974.

Democratic  
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## **Philippines Peace Process**

An Update From 2012-2015

## List of Acronyms:

ARMM	Autonomous Region in Muslim Mindanao
BBL	Bangsamoro Basic Law
BIAF	Bangsamoro Islamic Armed Forces
BIFF	Bangsamoro Islamic Freedom Fighters
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
NPA	New People's Army

## Background



The implementation of the Framework Agreement on the Bangsamoro between the Moro Islamic Liberation Front (MILF) and the Filipino government in the southern Philippines since its signing in 2012 has seen progress and setbacks in its implementation within Mindanao. This annex seeks to provide an update from the paper *Prospects and Problems for Peace in the Southern Philippines*<sup>1</sup> by the Democratic Progress Institute.

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1 Democratic Progress Institute, 'Briefing Paper: Prospects and Problems for Peace in the Southern Philippines', Democratic Progress Institute, 21/12/12. [Accessed 27/05/15] <http://www.democraticprogress.org/briefing-paper-prospects-and-problems-for-peace-in-the-southern-philippines/>.

It aims to showcase what has happened in relation to the peace process since 2012 and will be split into two parts: the first part detailing the aspects and challenges of the Agreement, and the second addressing events on the ground that have highlighted the challenges faced in obtaining lasting peace.

## **The Framework Agreement on the Bangsamoro**

The Framework Agreement on the Bangsamoro provided a general framework in which both parties could enter detailed peace negotiations. The successive peace negotiations are split into four parts; the first three parts give autonomy for Bangsamoro, while the final part, titled the Comprehensive Agreement on the Bangsamoro, signed on the 27th March 2014,<sup>3</sup> looks to set out the ways in which the government and MILF will restore order in the region and is centred on autonomy and security considerations. The Comprehensive Agreement on the Bangsamoro looked to resolve a range of issues, from disarmament to autonomy, with the target of setting up a regional government by 2016.

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2 Wikipedia, 'Bangsamoro', *Wikipedia Commons*, nd. [Accessed 26/05/15] [http://en.wikipedia.org/wiki/File:Ph\\_locator\\_bangsamoro.png](http://en.wikipedia.org/wiki/File:Ph_locator_bangsamoro.png).

3 The Guardian, 'Philippines signs long-awaited peace deal with Muslim rebels', *The Guardian*, 27/03/14. [Accessed 26/05/15] <http://www.theguardian.com/world/2014/mar/27/philippines-muslim-rebel-peace-deal-aquino-milf>.

Under the 2014 Agreement, autonomy was redesigned from the unpopular Autonomous Region in Muslim Mindanao (ARMM), described by President Benigno Aquino III as ‘a failed experiment’,<sup>4</sup> to a more autonomous Bangsamoro region. The new Agreement provides that the region will have a ministerial form of government, with voters directly electing parties.<sup>5</sup> This directly elected government will have revenue raising powers such as the exploitation of natural resources.<sup>6</sup> The framework lists 81 powers that are to be devolved, centralised or shared; of these, nine are still under the control of the government, 14 have been shared and 58 have been devolved, including financial powers, such as the creation of sources of revenue and budgeting.

## **Security Promises**

The Agreement looks to provide security for the Bangsamoro region. Under the Agreement MILF is to decommission its 10,000-15,000 strong armed wing, the Bangsamoro Islamic Armed Forces (BIAF), and turn over its firearms to a third party, to be agreed upon by both the government and the rebels.

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4 Benigno S. Aquino III, ‘Speech of President Aquino on the Framework Agreement with the MILF (in English)’, *Philippines Government*, 07/10/12. [Accessed 26/05/15] <http://www.gov.ph/2012/10/07/speech-of-president-aquino-the-framework-agreement-with-the-milf-october-7-2012-full-english/>.

5 Ana Marie Pamintuan, ‘A new deal’, *The Philippine Daily Star*, 03/02/14. [Accessed 26/05/15] <http://www.philstar.com/opinion/2014/02/03/1285987/new-deal>.

6 Ana Marie Pamintuan, ‘A new deal’, *The Philippine Daily Star*, 03/02/14. [Accessed 26/05/15] <http://www.philstar.com/opinion/2014/02/03/1285987/new-deal>.

This, however, will only happen once all the other groups in the area have been disarmed.<sup>7</sup> This may well prove to be the greatest challenge for both parties due to the number of different groups operating in the area, from Communist guerrillas such as the New People's Army (NPA) to splinter MILF factions such as Bangsamoro Islamic Freedom Fighters (BIFF).

In return for disarmament, the government has agreed to grant an amnesty to MILF fighters facing charges and has agreed to reduce the number of government troops present in Bangsamoro, while a new police force under the authority of the new regional government is to be established.

## **Legal Complications**

Diplomacy has largely carried the peace process forward, yet legal challenges remain. A draft of Bangsamoro Basic Law (BBL) was passed the Filipino House ad hoc committee on 20<sup>th</sup> May 2015 and took an unprecedented 50 hearings and the participation of hundreds of lawmakers to get the draft through.<sup>8</sup> Although it has passed through the drafting process, it has yet to pass the upper and lower house. This process will take time due to the need to debate the bill and discuss any amendments put forward. Although both

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7 Economist, 'The biggest fighter among many', *Economist*, 27/01/2014. [Accessed 26/05/15] <http://www.economist.com/blogs/banyan/2014/01/peace-southern-philippines>.

8 Louie U. Navarro, 'House panel approves Basic Law for the Bangsamoro Autonomous Region', *CCN Philippines*, 21/05/15. [Accessed 26/05/15] <http://cnnphilippines.com/news/2015/05/20/BBL-draft-approved.html>.

House and Senate leaders had agreed to approve the bill by the end of the second regular session of the Filipino legislature, House Majority Leader Neptali Gonzales II said it was ‘wishful thinking’ to believe that it could pass before adjournment on 11<sup>th</sup> June 2015. At the time of writing, it remains to be seen whether the legislation will be passed in time before the upper and lower house adjourns for elections for 2016.

One of the main concerns is that the establishment of the new region could be challenged in court. There is a possibility that those who stand to lose in the peace process could seek legal avenues to see the BBL dropped, if it were to go against the Filipino constitution. This was the case in 2008, when the peace deal between the government and MILF was dismantled by the Filipino Supreme Court for being unconstitutional.<sup>9</sup>

## **Zamboanga City Crisis**

Despite the fact the Agreement in 2012 has provided a step forward towards peace, it has seen a number of setbacks. One of the largest unintentional consequences of the Agreement in 2012 has been anger felt by another group operating in the area, the Moro National Liberation Front (MNLF). MNLF are a secessionist group founded in 1969, which seek independence from the Philippines.

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9 GMA News, ‘Supreme Court rules domain agreement ‘unconstitutional’, *GMA News*, 14/10/08. [Accessed 26/05/15] <http://www.gmanetwork.com/news/story/126956/news/nation/supreme-court-rules-domain-agreement-unconstitutional>.

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MNLF signed a peace Agreement with the Filipino government in 1996, but the new peace Agreement with MILF looked to supplant that Agreement and the MNLF-supported ARMM. This angered the MNLF, and resulted in the group attempting to file a petition with the Supreme Court to question the constitutionality of the Agreement. When this failed, Nur Misuari, the leader of MNLF, proclaimed the independent state of Bangsamoro Republic on the 12<sup>th</sup> August 2013. This proclamation was widely unrecognised both internationally and by the Filipino government.

On September 9<sup>th</sup> 2013 MNLF entered the city of Zamboanga, located on the south-western side of Mindanao, captured hostages and attempted to raise the flag of Bangsamoro Republic at the city hall. Referred to as the Zamboanga crisis, for the next 20 days, violent clashes occurred around the city between MNLF and government forces, causing the displacement of 100,000 people and the occupation of several villages by MNLF forces. While all of the hostages were recovered and the self-proclaimed Bangsamoro Republic ceased to exist, the fighting caused economic damage as well as the deaths of 12 civilians.

Amid this new rise in tensions, President Aquino stated that he remained willing to discuss the peace Agreement with MNLF. MNLF leaders have since endorsed the BBL,<sup>10</sup> seeing it as the

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10 GMA News, 'MNLF chairman asks Congress: Pass BBL now', *GMA News*, 18/05/15. [Accessed 26/10/15] <http://www.gmanetwork.com/news/story/488994/news/nation/mnlf-chairman-asks-congress-pass-bbl-now>.

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best current option for a peaceful transition,<sup>11</sup> while still seeking non-violent ways to obtain independence.<sup>12</sup> This incident has not distracted from the peace process with MILF. However, it does highlight that MILF is not the only group operating in the area, and there are others that may see the derailment of the peace process as beneficial to their own ambitions.

## **Rebel Groups**

Despite the signing of the peace Agreement, events on the ground have demonstrated the difficulties faced in achieving and more importantly, maintaining, long lasting peace in the Philippines. While MILF is still the largest rebel group operating in Bangsamoro, it is not the only group and at least four rebel groups are viewed actively by some as potential ‘spoilers’.

Other smaller criminal gangs are also invested in derailing the stability and order in the region to hinder the peace process. While the clashes between the police and MILF rebels have slowed the political pace of the process, the largest challenge to peace relates

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11 GMA News, ‘Leader of MNLF faction reiterates support for Bangsamoro Basic Law’, *GMA News*, 15/05/15. [Accessed 26/05/15] <http://www.gmanetwork.com/news/story/487974/news/nation/leader-of-mnlf-faction-reiterates-support-for-bangsamoro-basic-law>.

12 Philippine Daily Enquirer, ‘MNLF proposes three options for Bangsamoro independence’, *Philippine Daily Enquirer*, 18/05/15. [Accessed 26/05/15] <http://newsinfo.inquirer.net/692009/mnlf-proposes-3-options-for-bangsamoro-independence>.

to the disarmament of other rebel groups; Bangsamoro Islamic Freedom Fighters, a splinter group from MILF, for example, opposes the peace process and plans to keep on fighting in the name of independence from the Philippines. Additionally, the Maoist NPA has operated in the area for a generation and shows no signs of dissipating. Furthermore, the MNLF, which concluded its own peace deal for autonomy in 1996, is angered by the new Bangsamoro Agreement and has looked to supplant the ARMM, as seen during the Zamboanga City crisis in September 2013. Along with the larger groups are kidnappers and extortionists, and extremists; all of which threaten to complicate the disarmament process.

## **The Mamasapano Incident**

Despite the 2014 declaration being signed, clashes between MILF and the government have occurred. On 25<sup>th</sup> January 2015, 44 Filipino police officers were killed in Mamasapano, Mindanao, in pursuit of a member of the BIFF, a MILF splinter group not involved in the peace process. This created difficulties of trust for both sides; on the government side, there was a sense of distrust and anger over the death of 44 police officers. MILF, on the other hand, were angered at the government presence in Mamasapano, as under the Agreement, government forces should coordinate with MILF fighters when entering rebel territory.

There was general anxiety on both sides over how this incident might affect the peace process. In the end both sides concluded that

this incident was an accident and reconfirmed their commitment to the 2014 Agreement, with MILF offering to help find Zulkifli Abdir and Abdul Basit Usman, the two targets of the operation that the government forces were looking to capture. One of the largest repercussions of the Mamasapano incident has been the suspension of the work needed to create a Bangsamoro Basic Law in the Filipino Senate. The Mamasapano incident is arguably the biggest obstacle in the Senate in passing the Bill, something which is essential if the peace process is to move forward. Nonetheless, as mentioned before, the legislation has still not passed and there are now doubts that an autonomous region will be created by the desired deadline of 2016.

## **Conclusion**

Overall, maintaining lasting peace in the Philippines is likely to continue to be challenging. The Framework Agreement on the Bangsamoro in 2012 has set the outline for peace talks which have been adhered to, and has culminated in the Comprehensive Agreement on the Bangsamoro in 2014. However, long term and short term challenges remain. Perhaps the largest long-term challenge to the peace process is the disarmament of rebel groups there; this will prove to be immensely difficult due to the high numbers of armed groups operating in the area and will rely on close communication between government forces and MILF. At the time of writing the short term challenge will be the question of whether the BBL will be passed by the House and the Senate

before adjournment. Recent incidents between government forces and MNLF and MILF demonstrate how events on the ground can hinder the progression of a peace process. However the leaders of these groups have shown commitment to the process, indicating that it has now gone too far to reverse.

While implementing the Agreement has and will remain challenging, ramifications will be felt beyond the Philippines; it has acted as an inspiration for conflict resolution elsewhere in South-East Asia. Thailand has started talking with its own Muslim rebels while armed groups in Myanmar have visited Bangsamoro to learn from the experiences of MILF, and the Philippines continues to be a rich example of a difficult but ultimately continuing peace process that could be studied by governments of South East Asia and beyond.

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## DPI Board Members

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**Kerim Yildiz (Director)**, Kerim Yildiz is Director of DPI. He is an expert in International Human Rights Law and minority rights, and has written extensively on international Human Rights mechanisms and International Humanitarian Law. Kerim is the recipient of a number of awards, including from the Lawyers Committee for Human Rights for his services to protect human rights and promote the rule of law in 1996, the Sigrid Rausing Trust's Human Rights award for Leadership in Indigenous and Minority Rights in 2005, and the Gruber Prize for Justice in 2011.



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## DPI Council of Experts

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### **Dermot Ahern**

Dermot Ahern is a Former Irish Member of Parliament and Government Minister and was a key figure for more than 20 years in the Irish peace process, including in negotiations for the Good Friday Agreement and the St Andrews Agreement. He also has extensive experience at EU Council level including being a key negotiator and signatory to the Constitutional and Lisbon Treaties. In 2005, he was appointed by the then UN Secretary General Kofi Annan to be a Special Envoy on his behalf on the issue of UN Reform. Previous roles include that of Government Chief Whip, Minister for Social, Community and Family Affairs, Minister for Communications, Marine and Natural Resources, Minister for Foreign Affairs and Minister for Justice and Law Reform. Dermot Ahern also served as Co-Chairman of the British Irish Inter Parliamentary Body 1993 – 1997.



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Dr Mehmet Asutay is a Reader in Middle Eastern and Islamic Political Economy and Finance at School of Government and International Affairs (SGIA), Durham University, UK. Areas of focus include Turkish and Kurdish political economies, and Islamic political economy. He is the Honorary Treasurer of BRISMES (British Society for Middle East Studies) and of the International Association for Islamic Economics. His research has been published in various journals, magazines and also in book format.



**Prof. Christine Bell:** Legal expert based in Northern Ireland; expert on transitional justice, peace negotiations, constitutional law and human rights law advice. Trainer for diplomats, mediators and lawyers.



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**Avila Kilmurray:** A founder member of the Northern Ireland Women's Coalition and was part of the Coalition's negotiating team for the Good Friday Agreement. She has written extensively on community action, the women's movement and conflict transformation. Serves on the Board of Conciliation Resources (UK); the Global Fund for Community Foundations; Conflict Resolution Services Ireland and the Institute for British Irish Studies. Avila was the first Women's Officer for the Transport & General Workers Union for Ireland (1990-1994) and became Director of the Community Foundation for Northern Ireland in 1994. Avila was awarded the Raymond Georis Prize for Innovative Philanthropy through the European Foundation Centre.



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**Bejan Matur:** Renowned Turkey based Author and Poet. She was a columnist for Zaman newspaper, focusing mainly on Kurdish politics, the Armenian issue, daily politics, minority problems, prison literature, and women's issues. Has won several literary prizes and her work has been translated into 17 languages. Former Director of the Diyarbakır Cultural Art Foundation (DKSV).



**Monica McWilliams:** Professor of Women's Studies, based in the Transitional Justice Institute at the University of Ulster. Was the Chief Commissioner of the Northern Ireland Human Rights Commission from 2005 2011 and responsible for delivering the advice on a Bill of Rights for Northern Ireland. Co-founder of the Northern Ireland Women's Coalition political party and was elected to a seat at the Multi-Party Peace Negotiations, which led to the Belfast (Good Friday) Peace Agreement in 1998. Served as a member of the Northern Ireland Legislative Assembly from 1998-2003 and the Northern Ireland Forum for Dialogue and Understanding from 1996-1998. Publications focus on domestic violence, human security and the role of women in peace processes.



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**Sir Kieran Prendergast:** Served in the British Foreign Office, including in Cyprus, Turkey, Israel, the Netherlands, Kenya and New York; later head of the Foreign and Commonwealth Office dealing with Apartheid and Namibia; former UN Under-Secretary-General for Political Affairs. Convenor of the SG's Executive Committee on Peace and Security and engaged in peacemaking efforts in Afghanistan, Burundi, Cyprus, the DRC, East Timor, Guatemala, Iraq, the Middle East, Somalia and Sudan.



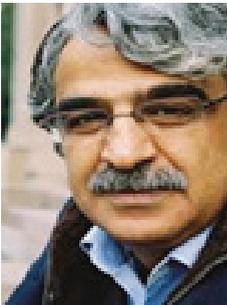
**Prof. Naomi Roht-Arriaza:** Professor at University of Berkeley, United States, expert and author on transitional justice, human rights violations, international criminal law and global environmental issues.



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