

'Breeding Ground for Terrorism:' Constitutional Aspects of the Northern Ireland Peace Process, 1993-8

DANIEL JAMES HAVERTY

Abstract: The Northern Ireland peace process is one of the few models for conflict resolution to have produced a demonstrable reduction in paramilitary activity by restructuring society to allow for genuine participation by their political associates. Several scholars have attempted to discern how the developments that occurred during this period convinced loyalist and republican paramilitaries to make previously unimaginable compromises and enter into nonviolent constitutional politics. This article is a departure from previous theories because it focuses on the activities of the Irish and British governments and their acceptance of the fundamental principles of unionist consent and national self-determination. They enshrined these principles into their respective constitutions, demonstrating to Northern Ireland's warring communities that they had effectively renounced their traditional positions in the conflict and indicated that the constitutional future of Northern Ireland would be determined by its people alone. It examines the interplay between the governments' activities and the loyalist and republican responses, and finally argues that it was these unique constitutional changes that occurred in the 1990s that enticed the republican and loyalist paramilitaries to end their armed campaigns and to support the political settlement enshrined within the Good Friday Agreement.

The 1990s Northern Ireland peace process is important to historians and scholars of international relations because it is one of the few conflict resolution models to have delivered a sustained and lasting peace. This phenomenon is usually explained within the context of the broader regional and international developments occurring within and without Northern Ireland. This article offers a new way to understand the peace process by explaining its relative success through the historical prisms that both paramilitaries used to conceptualise the conflict.¹ It concludes

¹ This article uses the terms 'unionist,' 'loyalist,' 'nationalist,' and 'republican' extensively. Unionism is one of two dominant traditions in Northern Ireland which is held mostly (though not exclusively) by the country's Protestant community and which strives to maintain Northern Ireland's status as a member of the United Kingdom. Nationalism is the other dominant tradition. It is held mostly (though not exclusively) by

that the Good Friday Agreement was ultimately acceptable to republicans and loyalists alike because it established a revolutionary constitutional relationship between Britain, Northern Ireland, and the Republic of Ireland. This newly crafted relationship was designed explicitly to alleviate the fundamental grievances that were rooted in their competing conceptions of history and practically eliminated the justification for their armed campaigns.

The theories that scholars have used to explain the Northern Ireland peace process generally fall under three broad categories. European integration redefined traditional conceptions of national identity and sovereignty which made republican and loyalist aspirations irrelevant.² The end of the Cold War indirectly altered the relationship between Britain and Northern Ireland which allowed for a sufficient degree of compromise.³ Changes that occurred within Northern Ireland in the 1980s allowed loyalist and (especially) republican political parties to emerge which necessarily made compromise more likely.⁴ While these theories do help to explain the changing social and political environment which created the conditions that were conducive to peace, they fail to fully explain the broader political transformation because they provide little insight into the internal processes that republicanism and loyalism underwent between 1993 and 1998 in order to end the violence.

The nexus of the peace process centred on three main issues: (1) executive power-sharing between nationalists and unionists; (2) "all-island" institutions in which both Northern Ireland and the Republic of

the Catholic community and seeks to unite Northern Ireland with the Republic of Ireland. Loyalism and republicanism are subsets of unionism and nationalism, respectively. Both are more closely associated with the working-classes and are characterized by a greater propensity for violence. For that reason, the use of the terms 'loyalist' and 'republican' will refer to the more radical tendencies of the broader traditions, while 'unionist' and 'nationalist' will refer to the traditions themselves.

² Jonathan Stevenson, "Peace in Northern Ireland: Why Now?" *Foreign Policy*, no. 112 (Autumn, 1998): 41-2; Clodagh Harris, "Anglo-Irish Elite Cooperation and the Peace Process: The Impact of the EEC/EU," *Irish Studies in International Affairs* 12 (2001): 209.

³ Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall, *Contemporary Conflict Resolution* (Cambridge: Polity Press, 2011), 178; Michael Cox, "Bringing in the 'International': The IRA Ceasefire and the End of the Cold War," *International Affairs (Royal Institute of International Affairs 1944-)* 73, no. 4 (1997): 676.

⁴ Eileen Connolly and John Doyle, "Ripe moments for Exiting Political Violence: an Analysis of the Northern Ireland Case," *Irish Studies in International Affairs* 26 (2015): 147-62; Jonathan Tonge, Peter Shirlow and James McAuley, "Why Did the Guns Fall Silent? How Interplay, Not Stalemate, Explains the Northern Ireland Peace Process," *Irish Political Studies* 26, no. 1 (2011): 8.

Ireland would participate; and (3) the relationship between the United Kingdom and the Republic of Ireland. These issues were negotiated to varying degrees throughout the twentieth century, but participation was always exclusive to the national governments and constitutional parties, meaning the particular viewpoints of loyalists and republicans were not permitted to affect any outcome. This was especially problematic during the conflict years when the constitutional actors attempted to forge peace settlements without the leaders of the armed campaigns, virtually ensuring their failure. By the early 1990s, however, several officials accepted that the success of the peace process depended upon meaningful participation from republicans and loyalists.

Paramilitary participation by itself, however, was insufficient to seal the agreement's success. It is critical to remember that the republican and loyalist leaderships justified their campaigns within the context of their respective notions of history, identity, and conflict, all of which were sustained and reinforced by the policy positions of both the Irish and British governments. This is one of the core assumptions of this article. The governments' constitutional positions *vis-à-vis* Northern Ireland were themselves rooted in the same nationalist and unionist conceptions of history which, consequently, caused the paramilitaries to deeply distrust and misconstrue their intentions, providing the primary justification for their armed campaigns. Unionists feared that the Republic of Ireland was bent on conquering Northern Ireland and forcing its Protestant community into a united Ireland unwillingly, whereas republicans believed that Britain would never willingly concede a united Ireland outside of military force. These two attitudes were mutually exclusive, but the constitutional changes that occurred between 1993 and 1998 redefined the broader framework in a way that challenged these traditional assumptions and effectively undermined the justifications for the armed campaigns. This allowed both republican and loyalist paramilitaries to accept a political settlement for the first time. The final peace agreement was therefore successful compared to prior attempts at peace because it was the first to meaningfully address the deeper concerns of the communities.

This article will begin with an historical overview of the nationalist and unionist conceptions of the conflict in order to isolate the principal grievances of each community and to construct a more holistic understanding of the motivations for the armed campaigns. It will then place these conceptions into the established historical narrative of the 1990s. It will explain that the paramilitaries' acceptance of key documents, namely, the 1993 Downing Street Declaration and the 1998

Good Friday Agreement, and the unprecedented compromises they made therein were possible only because the documents themselves radically reoriented the broader constitutional framework. This allowed them to pursue their objectives by nonviolent means. It will conclude with a short discussion of the agreement's inherent weaknesses. The shortcomings of the agreement stem from its inability to definitively resolve the fundamental disagreement between the two communities, thus ensuring the constitutional question will remain open to future generations.

Historical Conceptions of Conflict

Nationalist Conception

In the nationalist conception, the conflict was the latest iteration in a centuries-long series of armed insurrections by the oppressed Irish people against the tyrannical British Empire.⁵ While nationalists generally regard the Anglo-Norman invasion in the late 1160s as the date at which English rule in Ireland began, events that occurred in the late sixteenth and seventeenth centuries defined the fundamental principles of Irish nationalism to the present day. The political, religious, and social upheaval generated by the Reformation in the mid-sixteenth century helped prompt King Henry VIII to initiate a campaign to restore the Crown's eroded authority in Ireland. Foreign interventions from Catholic Spain and hostile papal decrees against Queen Elizabeth I⁶ in the latter half of the sixteenth century placed a series of relatively small-scale Irish insurrections into the context of the seismic Reformationist power struggle engulfing all of Europe during that period.⁷ The outcome was the promulgation of a series of strict measures designed to thwart and eliminate Catholicism from Ireland. These measures accelerated the final destruction of the Gaelic social order, replaced the native Catholic elite with a foreign Protestant one, and produced the images of the displaced,

⁵ See: Richard English, *Irish Freedom: The History of Nationalism in Ireland* (London: Macmillan Ltd., 2006).

⁶ In 1570, Pope Pius V issued Papal Bull *Regnans in Excelsis* which freed all Catholics in the British Isles from their obedience to Queen Elizabeth I, and threatened them with excommunication if they did not actively resist her rule. See: Pius V, "Regnans in Excelsis: Excommunicating Elizabeth I of England," February 25, 1570, Papal Encyclicals Online.

⁷ See: John McGurk, *The Elizabethan conquest of Ireland: the 1590s crisis* (Manchester: Manchester University Press, 1997).

oppressed, and persecuted Irish Catholic majority which pervaded nationalist ethos throughout the modern period.⁸

The principal objective of each of the uprisings after 1603 (including the conflict under review) was the restoration of the ascendancy of the Irish Catholic people and the removal of the English/British presence from Ireland. In most of these campaigns, however, liberal Protestants played leading roles, demonstrating that nationalism was never as rigidly sectarian as contemporary republicans often portrayed it. The partition of Ireland in the 1920s added a novel dimension to the conflict by creating new majorities and minorities inside two new nation-states, but it did little to change nationalism's fundamental understanding that the conflict was an anticolonial struggle between the Irish people and the British state. This rigid historical conception necessarily excluded any constructive role for unionists. Republicans routinely employed this interpretation to disregard unionists as minor pieces in Britain's broader imperial strategy. They argued that a complete British withdrawal would "free unionists from their historic laager mentality" and facilitate their assimilation into the wider Irish nation.⁹ Not only did this grossly disregard Protestant unionists' distinct but real historical experiences in Ireland, but it also ignored genuine contemporary concerns. The republican view was wholly unsupported by constitutional nationalists in both the Republic and in the rival Social Democratic and Labour Party (SDLP), but it formed the basis of Sinn Fein's argument that unionists could not be permitted to use consent to inhibit the right of the Irish people as a whole to national self-determination.

The principle of self-determination was popularised only in the early twentieth century, but its *theoretical* application to the Irish case is evident in all preceding political movements on the island. During the civil wars of the mid-seventeenth century, an alliance of Anglo-Norman and Irish Catholic nobles established a civil administration in an attempt to create a "united Ireland" free from English rule which would promote and serve Catholic interests.¹⁰ Jacobitism formed an integral part of Irish Catholic politics after 1688, and it was similarly premised on the belief that a Catholic monarch best represented the interests of a Catholic

⁸ See: Marianne Elliott, *The Catholics of Ulster: A History* (London: The Penguin Press, 2000).

⁹ "A Scenario for Peace," Sinn Fein, November 1989, <https://www.sinnfein.ie/contents/15210>.

¹⁰ Mark Kishlansky, *A Monarchy Transformed: Britain, 1603-1714* (London: The Penguin Press: 1996), 197.

people.¹¹ Daniel O'Connell's Repeal and Charles Stewart Parnell's Home Rule movements in the nineteenth century were both based on the belief that a national government in Ireland ought to serve the majority of the Irish people alone.¹² The means, principles, and even the objectives of each of the preceding movements differed widely, and modern republicanism likewise offered a dramatically different approach to the issue of Irish sovereignty. Nonetheless, the fundamental notion that the Irish Catholic people had to gain (some form of) independence from Britain, and that the majority of the people of the entire island of Ireland had a right to determine its political future are consistent themes linking each of these movements together. The right of self-determination subsequently formed the core of both Sinn Fein and the SDLP's political demands throughout the duration of the peace process.

Unionist Conception

The unionist conception of the conflict is based on a distinct understanding of the Protestant historical experience and its unique place inside modern Ireland. Unionists claim descent from the Scottish and English Protestant settlers who arrived in Ulster in the early seventeenth century. In their view, the plantations marked the arrival of civilisation, democracy, and enlightenment in an otherwise heathen and barbaric land.¹³ The relationship between settlers and natives during the first few decades after the plantations was mostly cooperative, and a degree of intermarriage and intercultural exchange did occur.¹⁴ These burgeoning intercommunal relationships, however, were unable to withstand the social and political upheaval caused by the English civil wars in the 1640s. Protestant settlers—whose pattern of settlement never stretched beyond a few medium-sized pockets in north-eastern Ireland—sustained a wave of concerted attacks against their communities from local Gaelic Catholics, many of them seeking to reclaim lost land and property. Conflict in seventeenth century Ireland was no doubt fuelled in part by the grisly religious wars occurring in Europe at the same time which provided a regular litany of stories of the atrocities committed by the other, all of which helped to entrench sectarian suspicions and hatreds.

¹¹ Jacqueline Riding, *Jacobites* (London: Bloomsbury, 2016), 106.

¹² See: *A New History of Ireland: Ireland Under the Union, 1801-70*, ed. W.E. Vaughan (Oxford: Clarendon Press, 1989); W.E. Vaughan, ed., *A New History of Ireland: Ireland Under the Union, 1870-1921* (Oxford: Clarendon Press, 1996).

¹³ See: Jonathan Bardon, *The Plantation of Ulster* (Dublin: Gill & Macmillan, 2011).

¹⁴ Elliott, *The Catholics of Ulster*, 100-1.

Marianne Elliot argues that the Protestant experience during the civil wars was the seminal moment in the formation of the modern unionist identity in Northern Ireland. “The events of 1641 firmly implanted this notion of Catholicism as a dangerous political system and as such underpinned [British] state policy for almost two centuries and Ulster Protestant perceptions for even longer.”¹⁵ It instilled the notions that Protestants constituted a small minority in a largely foreign and hostile land, that Irish Catholics posed an inherent threat to their security, and that their survival depended on constant organisation and defence. The modern unionist understanding of the conflict was based in this image of the embattled Protestant defending himself against a much larger enemy. It was born in the violent inception of Irish Protestantism in the seventeenth century and resuscitated in later centuries during periods of heightened sectarian tension. This happened especially in opposition to political movements and armed insurrections whose intended outcome was an independent Irish state in which Catholics would necessarily dominate. The great majority of Catholics during most of these events sought only structural reform and not social revolution, indicating that the perceived threat to Protestants was often overblown and needlessly sectarian. Nonetheless, unionist fears and suspicions persisted, and despite the establishment of a devolved local administration in Northern Ireland in which Protestants formed a majority, northern unionists remained insecure about the possibility of a future in which Northern Ireland was subsumed into the far larger Republic.

While the use of the term ‘consent’ to characterise unionist aspirations dates only to the middle of the twentieth century, it has been a *de facto* element in this community’s opposition to several Catholic-dominated social and political movements dating to at least the late eighteenth century.¹⁶ The Orange Order’s opposition to the United Irishmen in the 1790s, the campaigns against Home Rule in the late nineteenth and early twentieth centuries, and the organised opposition throughout the recent conflict were each underpinned by the notion that Protestant unionists did not consent to constitutional change that would

¹⁵ *Ibid.*, 105.

¹⁶ For a detailed analysis of loyalist activity in the decades pre- and post-1798 uprising, see: Allen Blackstock, *Loyalism in Ireland, 1789-1829* (Woodbridge, United Kingdom: The Boydell Press, 1988).

end with their absorption inside an independent Ireland.¹⁷ Like nationalism, the means, objectives, and motivations of these campaigns have changed considerably over time, but the fundamental concept that the consent of unionists was an essential condition for political change has remained the same. Unsurprisingly, the affirmation of the principle of consent by both the British and Irish governments was the central demand of all unionist parties and paramilitaries during the peace process.

Ceasefires

Although efforts towards ceasefire began in the early 1970s, the most decisive step forward was the landmark Downing Street Declaration (DSD) issued in December 1993. The DSD was a joint statement made by the Irish and British prime ministers that outlined the principles on which all-party negotiations would proceed. The main purpose of the document, however, was to provide guarantees to the paramilitaries (based on discussions between their representatives and the governments) that were designed to convince them that a nonviolent, constitutional path to their objectives existed.¹⁸ These directly addressed the issues described in the previous section; Irish Taoiseach (prime minister) Albert Reynolds explicitly and unequivocally committed Dublin to the principle of unionist consent, and British Prime Minister John Major affirmed London's acceptance of the Irish people's right to self-determination. In the long-term, the DSD set the foundation on which wide-scale constitutional change could be considered, negotiated, and ultimately implemented, paving the way for a lasting and durable peace settlement. In the short-term, the political terms outlined in the DSD offered a potentially revolutionary route to the realisation of the paramilitaries' political objectives by nonviolent means.

Republican Ceasefire

Republicans' initial reactions to the DSD were characteristically unenthusiastic. One republican veteran stated gloomily that "there is just nothing in the document that would allow [Sinn Fein president] Gerry Adams to go to the IRA and persuade them to lay down their arms or call

¹⁷ For a detailed analysis of the history of unionism since the 1798 rebellion, see: D. George Boyce and Alan O'Day, ed., *Defenders of the Union: A survey of British and Irish unionism since 1801* (London: Routledge, 2001).

¹⁸ "Joint Declaration on Peace: The Downing Street Declaration," December 15, 1993, CAIN Web Service.

a ceasefire.”¹⁹ Begoña Aretxaga touches on this broad sense of unease in her book *Shattering Silence: Women, Nationalism, and Political Subjectivity in Northern Ireland*. Living in Belfast at the time of the ceasefire, Aretxaga phoned a local republican feminist after the Irish Republican Army (IRA) announcement. “There is no peace yet,’ she said, ‘only deals being made by male politicians behind closed doors; it’s all very confusing.’ [She] was critical of the fact that a decision so profoundly affecting the lives of everybody in Northern Ireland had been made so unilaterally.”²⁰ The document was nonetheless significant because it was the first time the British government explicitly guaranteed the right to self-determination to the entire population of Ireland.²¹ This was the critical concession for the leadership, and despite some republicans’ unenthusiastic initial reactions, it chose to study the document at length before issuing an official response.²²

Sinn Fein stalled for several months after the publication of the DSD. It took until July 1994 for delegates to gather at a special party conference in Letterkenny, County Donegal, in order to debate the contents of the DSD in full and to produce an official statement. The IRA pre-empted the Letterkenny conference with its own statement, indicating that it had “adopted a positive and flexible attitude to developments in the peace process” and that “this remains our position.”²³ IRA statements on peace were often derided as contradictory, but this one was a positive contribution because it both foreshadowed and permitted a relatively open deliberation at Letterkenny. In the motion which contained Sinn Fein’s response, party delegates “willingly acknowledged” that “the British government for the first time in such direct terms addresses...the right of the people of the island of Ireland alone to exercise our right to self-determination.”²⁴ This statement was crucial because republicans traditionally justified the armed struggle partly on the basis that Britain would always deny the

¹⁹ “Peace blueprint challenge to IRA,” *Irish News*, December 16, 1993.

²⁰ Begoña Aretxaga, *Shattering Silence: Women, Nationalism, and Political Subjectivity in Northern Ireland* (Princeton: Princeton University Press, 1997), 3.

²¹ “Declaration Was Stage in the Process—Now Time to Advance,” *An Phoblacht*, July 28, 1994.

²² “Party members ‘disappointed’ over contents of document,” *Irish News*, December 16, 1993.

²³ “IRA comments on weekend conference,” *An Phoblacht*, July 21, 1994.

²⁴ “Declaration Was Stage in the Process,” *An Phoblacht*, July 28, 1994.

Irish people a political path to their objectives.²⁵ They argued that armed force was therefore the only available option because they could only hope to affect unification by dictating peace terms to a vanquished British state. But by stating explicitly that it would no longer block unification if that was the genuinely expressed wish of the whole Irish people, the British government effectively indicated that a nonviolent, political route to republican objectives was now open. This caused huge sections of both the leadership and grassroots levels of the republican movement to doubt whether armed struggle was still a necessary part of their strategy.

Debates surrounding the use of armed force versus political participation have had profound impacts on republicanism since its beginning. Provisional republicanism was similarly affected by this central dispute, though when the Provisional IRA emerged in 1969, political participation was practically non-existent next to the predominance of the armed struggle. Prior to the outbreak of violence, however, the leadership of the IRA was moving the organization into constitutional politics. Both Protestant and Catholic grassroots political energies were primarily directed into a nonviolent civil rights movement that sought to undo a series of deep social, political, and economic inequalities that barred Catholic nationalists from Northern Irish public life. The shift from constitutionalism to paramilitarism was due in large part to the combined British and loyalist backlash against the civil rights movement during the 1968-72 period which seemed to affirm the republican belief that Britain would never willingly concede social reform to Northern Ireland's Catholic community.²⁶ The movement was unshakeably committed to armed struggle for the first decade of the conflict, but as the campaign settled into a gruelling war of attrition by the end of the 1970s, a growing cohort of republicans became convinced that armed force alone was insufficient to achieve their objectives.²⁷ The energy and sympathy generated by the 1980-1 hunger strikes caused a substantial re-evaluation of the potential for electoral politics, providing the political wing with an opportunity to begin shifting the movement's

²⁵ See: "Towards A Lasting Peace in Ireland," Sinn Fein, October 1994 <https://www.sinnfein.ie/contents/15212>; "A Scenario for Peace," Sinn Fein, November 1989, <https://www.sinnfein.ie/contents/15210>.

²⁶ Although backlash against civil rights demonstrations was usually spearheaded by loyalist mobs, members of the security forces were often implicated in beatings, shootings, and killings.

²⁷ Malachi O'Doherty, *Gerry Adams* (London: Faber & Faber Ltd., 2017), 169-70.

emphasis away from armed struggle and towards political participation.²⁸ Despite the empowerment of Sinn Fein within the movement and the legitimisation of its political programme, the military wing remained committed to violence, permitting certain compromises only under the guarantee that armed struggle would remain an integral part of the republican strategy. In private, the political wing understood that the armed campaign would eventually have to end if Sinn Fein was to grow into a mass-based political movement, though it knew several rounds of introspection had to occur first in order to convince the wider movement that electoral politics was more likely to deliver Irish unity and that the armed struggle was no longer necessary.²⁹

It took well into the 1980s for mainstream politicians in Dublin and London to recognise that an opportunity for peace existed if they could empower the emergent Sinn Fein, marginalise the military wing, and ultimately force the IRA to end its campaign. Through secret back-channel discussions with Sinn Fein and more open discussions with the Irish government and the SDLP, the British government eventually accepted that the republican leadership could convince the rank-and-file to adopt a strictly political strategy if they had clear assurances that a nonviolent path to independence existed.³⁰ These changes are what ultimately caused John Major to commit the British government to the right to self-determination in the DSD.³¹

Official security assessments attained by journalist Brian Rowan provide insight into the internal debates surrounding these issues. He wrote that the grassroots were especially apprehensive about ending the armed campaign because they felt that “war was all Britain understood.” The leadership counteracted this view on two main points: more could be achieved through the unarmed approach, and that the IRA would remain intact, thus ensuring that the armed struggle would continue to form a central part of the broader campaign.³² Considering Rowan’s observations together with the outcome of the Letterkenny conference, it is argued here that the political wing effectively convinced the republican rank-and-file about the merits of a ceasefire based on the notion that the

²⁸ Brian Feeney, *Sinn Fein: A Hundred Turbulent Years* (Dublin: The O’Brien Press, 2002), 292-333.

²⁹ Tommy McKearney, *The Provisional IRA: From Insurrection to Parliament* (London: Pluto Press, 2011), 179.

³⁰ KP Bloomfield to Northern Ireland Office, “British ‘neutrality,’” October 7, 1988.

³¹ John Major, *The Autobiography* (London: HarperCollins Publishers, 1999), 441-2.

³² Brian Rowan, *Behind the Lines: The Story of the IRA and Loyalist Ceasefires* (Belfast: The Blackstaff Press, 1995), 85.

DSD's guarantee of self-determination provided a genuine political path wherein republicans could achieve their objectives through nonviolent means. Furthermore, the maintenance of the IRA's military capabilities was intended to appease the military wing and to demonstrate more broadly that the acceptance of political terms was not the end of the struggle, and that the leadership would continue to pursue unification beyond the peace settlement.

This final point is significant because the 'no surrender' mentality had always been a central plank of republicanism, and even when defeat was unavoidable after previous campaigns, the IRA had always rejected political terms, thus ensuring that the armed struggle could resume later.³³ It was crucial for the political wing to convince the republican base that the route down which it led them was not the end of the struggle but rather the beginning of a new phase. This meant reassuring them that the acceptance of political terms did not amount to defeat or surrender, and that the achievement of the right to self-determination was a means to their long-established ends, rather than an end in itself. Therefore, Rowan's conclusion that "republicans had not suddenly come to believe that violence was morally wrong but that the debate within the movement had been won on the argument that 'more could be gained along an unarmed path'" must be qualified.³⁴ It is certainly true that republicans had warmed to the idea of nonviolent politics considerably after the DSD. However, they were ultimately convinced of this strategy both on the basis that constitutionalism was more effective in the new political climate, *and* that the acceptance of peace terms simply marked the end of the armed struggle and the beginning of a political one whose goals were essentially the same. This was the substance of the argument the political wing employed to deliver the ceasefire in August 1994.

Loyalist Ceasefire

Loyalists held a joint conference in January 1994 shortly after the publication of the DSD in order to determine a unified response to its contents. Around twenty to thirty individuals representing the two dominant forces within loyalism—the Ulster Defence Association (UDA)/Ulster Democratic Party (UDP) and the Ulster Volunteer Force (UVF)/Progressive Unionist Party (PUP)—met privately at a hotel on

³³ Tim Pat Coogan, *The IRA* (Dublin: HarperCollins, 2000).

³⁴ Brian Rowan, *Behind the Lines: The Story of the IRA and Loyalist Ceasefires* (Belfast: The Blackstaff Press, 1995), 85.

Park Avenue in Belfast.³⁵ Despite some reservations from the paramilitary leaderships of both the UDA and UVF, loyalists collectively affirmed the DSD as a basis for further negotiation. David Ervine, a leading political figure in the PUP, noted the importance of this decision, saying, “that conference was a way of lifting a barrier that allowed the political process proper to take off. If we hadn’t got past that base, we were going nowhere.”³⁶ Shortly thereafter, the Combined Loyalist Military Command (CLMC)—an umbrella organisation consisting of the leaderships of the major paramilitaries—issued a statement indicating its willingness to consider a ceasefire and, perhaps more importantly, recognising the legitimacy of the pursuit of a united Ireland by peaceful and democratic means.³⁷ These developments were noted positively by officials in Dublin and London, and were a clear indication that loyalists were moving towards compromise.

Despite these positive signals, the CLMC officially declared that “we cannot have a definitive response to an indefinite document (sic)” and chose instead to adopt a “wait-and-see” approach.³⁸ The CLMC’s next public statement of significance came just over a week after the announcement of the IRA ceasefire in August 1994. Unconvinced by the sincerity of the ceasefire and fearful of British duplicity, it published a list of six immediate concerns that, if addressed satisfactorily, would allow it to “make a meaningful contribution towards peace”—a hint towards its own ceasefire.³⁹ Although the statement devoted a substantial degree of space to questioning the “bona fides” of the IRA ceasefire, its primary purpose was to articulate the suspicions inherent to the fundamental nature of loyalism itself.⁴⁰ It demanded explicit assurances from the Irish government that it would recognise the principle of consent as well as Northern Ireland’s right to exist, and that the British government would not strike a secret deal with the IRA to secure its ceasefire.

The fear of British duplicity is a core part of the loyalist psyche and has deep historical roots in the unionist experience. Although the term ‘loyalist’ presumes abject loyalty to the whole British state, they

³⁵ Henry Sinnerton, *David Ervine: Uncharted Waters* (Dingle: Brandon Press, 2002), 152-3.

³⁶ *Ibid.*, 155.

³⁷ *Ibid.*, 156.

³⁸ Suzanne Breen, “Loyalists adopt a wait-and-see attitude,” *The Irish Times*, January 26, 1994.

³⁹ “Loyalists outline ceasefire terms,” *Belfast Telegraph*, September 9, 1994.

⁴⁰ *Ibid.*

consider themselves loyal only to Crown and country. As such, they regard their allegiance to the government and its apparatus (including the security forces) as conditional. Indeed, as part of their oath to the staunchly loyalist and hugely influential Orange Order, members swear to defend “the King and his heirs *so long as he or they support the Protestant Ascendancy* [emphasis added].”⁴¹ This explicit statement of conditionality indicates that allegiance to the state is dependant solely upon its willingness to defend the unionist community. The gap between unionism and the state underlaid unionist-led opposition to several state-led proposals throughout the twentieth century. Unionist opposition to Home Rule (1913), the Sunningdale Agreement (1973), and the Anglo-Irish Agreement (1985) was motivated both by the fear that the Irish government was preparing for conquest *and* that the British government had abandoned northern Protestants. On at least one occasion, unionists in the British Army refused to follow orders if they would be forced to use arms to coerce Northern Ireland into a political settlement to which it did not consent.⁴² Loyalist paramilitaries also often fought British security forces as viciously as they did their republican enemies. Loyalists were nearly as concerned about British duplicity as they were Irish irredentism, meaning the principle of consent applied equally to the British government as it did the Irish.

The effort to address loyalist concerns was spearheaded by the British side and began only a day after the publication of the CLMC statement. Archbishop Robin Eames, a trusted figure in the northern Protestant community with close contacts in both governments, conducted a press conference at St. Anne’s Cathedral in Belfast. He told reporters that he had received personal guarantees from John Major that there was no secret agreement between London and the IRA, and urged loyalists that “there is more to be gained in the political sense through

⁴¹ “Supplement to the Evidence of Lieutenant Colonel Verner and Reverend Holt Waring,” in *Selection of Reports and Papers of the House of Commons: State of Ireland; Volume 7* (London: 1836), 344.

⁴² In late 1913, unionists based in what is now Northern Ireland formed the paramilitary Ulster Volunteers to prevent the British Parliament from establishing an independent parliament for Ireland (which would be dominated by Catholics). As their numbers and activity expanded, the British Cabinet contemplated using military force against them, but several junior-level officers (mostly with Irish Protestant leanings) stationed in Ireland threatened to resign their posts rather than use arms against their countrymen. The Home Rule Bill was later postponed, further antagonizing relations between nationalists and unionists. See: A.T.Q. Stewart, *The Ulster Crisis: Resistance to Home Rule, 1912-14* (London: Faber & Faber, 1969).

dialogue than will ever be gained through the barrel of a gun.”⁴³ In a subsequent interview with Rowan, Eames recalled that the main purpose of this press conference was to relay to loyalist leaders what he considered the real intentions of the British government. As a leading member of the Anglican Church and a highly trusted figure among Protestants, loyalists were more disposed to assurances from Eames than from government officials directly. By stating effectively that he could confirm London’s commitments in the DSD, the hard-line loyalist sense of mistrust and opposition began to soften. One loyalist recalled later that “we were of the view that John Major wouldn’t lie to him. We then had to make a decision, do we accept it or not? And in the end we accepted it.”⁴⁴

Of course, the ultimate decision to accept the British government’s guarantee of unionist consent lay with the leadership. In late September 1994, representatives of the government’s Northern Ireland Office (NIO) met secretly with UDP leader Gary McMichael, PUP Alderman Hugh Smyth, and leading members of the UDA (acting primarily on behalf of the CLMC) to discuss loyalist concerns at length.⁴⁵ These meetings were requested at the behest of the NIO in direct response to the 8 September statement and were geared specifically towards addressing the six points articulated in its text. The civil servants warned that they could not guarantee the “permanency of the IRA ceasefire,” but they did give an “iron-clad guarantee that only the people of Northern Ireland could change the constitutional position” of the country and, importantly, that “there had been no secret deals done between HMG [Her Majesty’s Government] and Sinn Fein/IRA.”⁴⁶ Whereas Eames’s public statement helped assuage the fears of the loyalist rank-and-file, these private discussions were meant to secure wavering opinion at leadership level. Understandably, the loyalist leadership was in no position to guarantee a ceasefire to British officials at that time, but they continued to reinforce these points through public statements and private meetings for the remainder of September and into early October.

In addition to the British government, the Republic’s role as IRA *provocateur* in the unionist conception meant that the Irish government had a clear responsibility to guarantee its own commitment to unionist

⁴³ Desmond McCartan and Mark Simpson, “Loyalists need time,” *Belfast Telegraph*, September 9, 1994.; Rowan, *Behind the Lines*, 117.

⁴⁴ Rowan, *Behind the Lines*, 137.

⁴⁵ *Ibid.*, 117-8.

⁴⁶ *Ibid.*

consent. Taoiseach Albert Reynolds met secretly with PUP leaders Gusty Spence and David Ervine in September 1994 in order to convince them of its commitment to the terms outlined in the DSD.⁴⁷ Although the specific details of this meeting are not known, contemporary evidence makes it clear that Reynolds based his plea on explicit assurances that it would not force Northern Ireland into unification without the consent of its population.⁴⁸ Ervine left convinced that the Irish government's position was sincere, and although Dublin's direct contact with loyalists was markedly less extensive than London's, this meeting combined with the British government's simultaneous efforts to ensure the loyalist leadership that, indeed, the terms outlined in the Downing Street Declaration were genuine. The Irish government would not coerce Northern Ireland into constitutional change without its consent, and the British government would continue to govern the country until it was no longer the will of the majority. The leadership worked to convince the loyalist base of these terms, leading ultimately to the CLMC's "universal" ceasefire on 13 October 1994.⁴⁹

Good Friday Agreement and Aftermath

The Good Friday Agreement (GFA) was the exhaustive peace settlement that established the new political arrangements, but in order for it to have any effect, the paramilitary parties demanded that the DSD's guarantees of consent and self-determination be enshrined into constitutional law. For nationalists, that meant the British government renouncing its right to rule Northern Ireland and providing a constitutionally-sanctioned path to Irish unification. When the GFA was finally signed on 10 April 1998, the British government agreed to repeal sections of the Government of Ireland Act 1920 entirely,⁵⁰ declaring that "this Act shall have effect notwithstanding any other previous enactment" and, importantly, that "if the wish expressed by a majority [of the population] is that Northern

⁴⁷ Albert Reynolds, *My Autobiography* (London: Transworld Ireland, 2009), 369-70.

⁴⁸ Sinnerton, *David Ervine*, 167.

⁴⁹ "Loyalist Statement," *The Irish Times*, October 14, 1994.

⁵⁰ The Government of Ireland Act 1920 was passed by the British Parliament during the Irish War of Independence as a compromise between nationalists and unionists. It created two new devolved administrations within the United Kingdom, Northern Ireland and Southern Ireland. Although Southern Ireland never functioned (and was formally abolished with the creation of the independent Irish Free State), the Act itself was viewed by nationalists throughout the twentieth century as the legal basis for partition and the British government's continued presence in Ireland. See: "Extracts from the Government of Ireland Act, 23 December 1920," *The Constitution of Northern Ireland* (Belfast: Her Majesty's Stationery Office, 1956), CAIN Web Service.

Ireland should cease to be part of the United Kingdom and form part of a united Ireland, the Secretary of State [of Northern Ireland] shall lay before Parliament such proposals to give effect to that wish.”⁵¹

Sinn Fein endorsed the GFA to its supporters based on its view that the British government’s commitments to constitutional change had the net effect of weakening the union between Britain and Northern Ireland.⁵² While addressing a special party conference in April 1998, Martin McGuinness declared that “the Union has undoubtedly been weakened” because “we...got the repeal of the Government of Ireland Act which underpinned [it].”⁵³ Perhaps more importantly, he also noted that “the life of the Union [is limited] to the will of a majority in the Northern state,” a fact which legitimised their aspirations in both fact and law.⁵⁴ Still, McGuinness was careful to remind the republican base that the island remained divided and that their struggle was only entering a new phase, paralleling the argument used in 1994 to deliver the ceasefire. From the leadership’s perspective, then, the fundamental nature of the conflict remained unchanged, but the relationship between Britain and Ireland had undergone a sufficient degree of modification to allow republicans to enter strictly into constitutional politics.

After it was signed, the agreement was put to a referendum before the populations of both parts of Ireland, separately. SDLP leader John Hume argued that this dual-referenda formula met republican demands that Irish sovereignty could only be exercised by the entirety of the island’s population.⁵⁵ Unsurprisingly, the republican leadership did not agree with Hume’s interpretation, insisting that only the Irish people *as a unit* could determine its future. The IRA warned in a statement preceding the vote that “the two imminent referenda do not constitute the exercise of national self-determination,”⁵⁶ and Sinn Fein followed shortly thereafter with a motion at a special party conference that was a restatement of the IRA position almost verbatim.⁵⁷ Although the republican leadership probably genuinely believed that these terms were inconsistent with the right to self-determination, its endorsement of the

⁵¹ “The Agreement: Agreement reached in the multi-party negotiations,” April 10, 1998, CAIN Web Service.

⁵² “‘Widespread Concern’ over Articles 2 and 3,” *An Phoblacht*, April 23, 1998.

⁵³ “Negotiating an agenda for change,” *An Phoblacht*, April 23, 1998.

⁵⁴ *Ibid.*

⁵⁵ John Hume, *John Hume: In His Own Words*, ed. Sean Farren (Dublin: Four Courts Press, 2018), 252.

⁵⁶ “The IRA’s response,” *An Phoblacht*, April 30, 1998.

⁵⁷ “Ard Comhairle paper to 1998 Sinn Fein Ard Fheis,” *An Phoblacht*, April 30, 1998.

GFA was a tacit indication that it agreed to accept the outcome of the votes. This did not, however, mean that its traditional view that unification was the ultimate expression of the will of the Irish people had changed, but rather that the removal of the Government of Ireland Act and the formation of a constitutional path to unification provided the means by which republicans could attain their version of self-determination politically and non-violently.

On the unionist side, the affirmation of the principle of consent required Dublin to remove its territorial claim to Northern Ireland contained in Articles 2 and 3 of its 1937 constitution.⁵⁸ Although this issue had been one of the most contentious between unionists and the Irish government for the duration of the peace process (dating to the 1970s), Dublin ultimately agreed to amend the offensive articles and remove completely the territorial claim from its constitution. Article 2, which originally declared that “the national territory consists of the whole island of Ireland,” was changed to read that “it is the entitlement and birthright of every person born in the island of Ireland...to be part of the Irish nation.”⁵⁹ Article 3, which had previously declared that the “government established by this constitution [is] to exercise jurisdiction over the whole territory [as defined by Article 2],” eliminated completely the jurisdictional claim and instead rearticulated the agreed commitments to consent and self-determination: “It is the firm wish of the Irish nation...to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people...in both jurisdictions in the island.”⁶⁰

The leaderships of both the PUP and UDP recommended the agreement to their supporters based on the absolute fact that Northern Ireland would remain a part of the United Kingdom and, crucially, that that status was now protected against the Republic by the Irish

⁵⁸ Articles 2 and 3 of the 1937 Irish Constitution established the government’s constitutional claim of right to rule the entire “national territory” of Ireland. When it was initially ratified, nationalists took issue with the articles because they saw them as a tacit recognition of Northern Ireland, though over time they came to regard them as the ultimate expression of their national aspirations. On the other side, unionists saw indisputable evidence that, at best, the Irish government shared the aspirations of the IRA, and, at worst, that it was actively working to support its campaign of violence. The removal of Articles 2 and 3 were a core demand of unionists throughout the conflict, and the Irish government’s refusal to even negotiate the text scuttled several peace initiatives.

⁵⁹ “The Agreement: Agreement reached in the multi-party negotiations.”

⁶⁰ *Ibid.*

government's official recognition. The right to self-determination was a concession to nationalists, but it was actually favourable to unionists in this context because they still comprised a clear majority of the population and a free vote on the country's future would almost certainly result in the maintenance of the union. So while nationalists might begrudgingly accept the agreement because it offered the hope that demographic change could deliver their intended outcome *in the future*, at present unionists could feel certain that their majority ensured that the constitutional status of Northern Ireland would not change. David Ervine reflected this view when he reminded the PUP base that "Northern Ireland shall remain part of the Union—as per the will of Northern Ireland" because "all of nationalism—including the Provos [Provisional IRA]—have accepted the constitutional reality of Northern Ireland within the United Kingdom."⁶¹

Gary McMichael emphasised the renunciation of the territorial claim as the main reason for his party's endorsement: "There will no longer be a constitutional imperative for a united Ireland and Articles 2 and 3 can no longer be construed by republicans as an excuse for their violence."⁶² This, he argued, "explicitly recognises Northern Ireland's status within the UK...[which] means that the Union is not only safe, but has, in fact, been strengthened."⁶³ McMichael rightly pointed out that, no matter what republicans said publicly, Sinn Féin's acceptance of the GFA meant it recognised the principle of consent and the existence of Northern Ireland itself. Although loyalists did permit several key concessions to nationalists, they did not necessarily believe this was tantamount to defeat because at the fundamental level they viewed the Irish government as their most severe threat. Indeed, several loyalists had accepted by the early 1990s that power-sharing was both necessary and desirable, but that it was unworkable if Dublin still intended to take control of Northern Ireland.⁶⁴ When the territorial claim was finally removed, loyalists felt sure not only that violence was no longer necessary, but that they could enter into a political relationship with nationalists because they now controlled the future of the country.

Conclusion

⁶¹ "The Loyalist Yes Men," *Belfast Telegraph*, May 12, 1998.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ "Common Sense: Northern Ireland – An Agreed Process," (Belfast: The Ulster Political Research Group, 1993) CAIN Web Service.

The constitutional changes undertaken by the British and Irish governments during the peace process were the defining elements that distinguished the Downing Street Declaration and the Good Friday Agreement from all previous attempts at peace. The governments' respective relationships to Northern Ireland were not only considered the source of the two communities' main grievances, but they served as the legitimating logic behind paramilitary violence. The republican campaign was premised on the notion that the British government would never willingly renounce control of Northern Ireland, and that only armed force could push it out of the country. On the other side, the loyalist campaign was premised on the notion that the Irish government aimed to subject the northern Protestant population to southern Irish Catholic rule, and that armed force was the only available means of protection. When the governments agreed to redefine their constitutional positions, they effectively renounced their claims to Northern Ireland and left its future exclusively in the hands of its communities, thereby removing themselves as directly-involved actors and undermining both paramilitaries' justifications for violence. It took a significant degree of persuasion and movement between 1993 and 1998 to convince the paramilitaries of the new realities, but both the republican and loyalist leaderships eventually accepted that they could now achieve their political objectives through nonviolent means. These changes underpinned the ceasefires in the aftermath of the Downing Street Declaration as well as the outright end of the armed campaigns after the Good Friday Agreement. Despite several setbacks since 1998, the Irish and British governments have largely accepted their new roles as facilitators of the agreement, and this has been the main factor underlying the current era of peace and reconciliation.

Although the Good Friday Agreement revolutionised the ways republicans, loyalists, and the British and Irish governments interact politically, it has failed to resolve the core disagreement because the communities remain in open competition over the constitutional status of Northern Ireland. While the *de jure* removal of the Irish and British governments as direct actors to the conflict has effectively transformed it into an internal political dispute, the essence of the conflict has remained unchanged and therefore there has been no substantive resolution of the differences between the communities. The nature of the conflict ensures that this will remain true until one community (or both) changes its aspirations, a prospect practically impossible to envision in the present political climate. The Good Friday Agreement is thus only a temporary settlement, itself containing explicit stipulations for future

constitutional change. Of course, it is possible that these changes will never occur, but that only means it will be a temporary settlement into perpetuity because the *possibility* of constitutional change is fixed. This leaves an inherent warning; although the agreement introduced a uniquely complex and accommodating political settlement which has largely been responsible for the end of wide-scale political violence, it is not a conclusive arrangement. Ultimately, it did nothing to remove the central dispute between nationalism and unionism, thereby leaving open the possibility of future conflict over the same issues, particularly if one government (or both) chooses to reclaim its traditional position *vis-à-vis* Northern Ireland and become a direct actor again.

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